DISTRICT OF COLUMBIA
BOARD OF ELECTIONS

Lanet Scott,)
    Challenger)
)
)
    v.)
)
)
Mikelle Bassett,)
    Candidate.)

Administrative
Order #16-007

Re: Nominating Petition
        Challenge for the Office
        Advisory Neighborhood
        Commissioner Single Member
        District 8B04

MEMORANDUM OPINION AND ORDER

INTRODUCTION

This matter came before the District of Columbia Board of Elections ("the Board") on September 1, 2016. It is a challenge to the nominating petition of Mikelle Bassett ("Ms. Bassett") for the office of Advisory Neighborhood Commissioner, Single Member District 8B04 filed by Lanet Scott ("Ms. Scott") pursuant to D.C. Code § 1-1001.08 (o)(1) (2001 Ed.). The Challenger was represented by Ms. Karen Scott, and the Candidate appeared pro se accompanied by one signatory Ms. Marilyn Smith. Chairman Michael Bennett and Board members Dionna Lewis and Michael Gill presided over the hearing.

BACKGROUND

Ms. Bassett submitted a nominating petition for the office of Advisory Neighborhood Commissioner, Single Member District 8B04 on August 10, 2016. The nominating petition was posted for a 10-day challenge period on August 13, 2016, pursuant to D.C. CODE § 1-1001.08(o)(1); 3 D.C.M.R. § 1606.1. Ms. Scott, a duly registered voter in the District of Columbia, challenged Ms. Bassett's nominating petition on August 19, 2016. Ms. Bassett

submitted a total of 29 signatures. The minimum signature requirement is 25 registered qualified electors who are residents of the single-member district from which she seeks election pursuant to D.C. CODE § 1-309.05(b)(1)(B). Ms. Scott filed challenges to a total of 10 signatures enumerated by line and page number on individual challenge sheets for each nominating petition page.

Petition signatures were challenged pursuant to 3 D.C.M.R. §1607.1 of the Board's regulations on the following grounds: the signer is not a duly registered voter; the signer, according to the Board's records, is not registered to vote at the address listed on the petition at the time the petition was signed, provided that an address on a petition which is different than the address which appears on the Board's records shall be deemed valid if the signer's current address is within boundary from which the candidate seeks nomination, and the signer files a change of address form with the Board during the first 10 days following the date on which a challenge to the nominating petition is filed; the signature is not dated; the signer is not a registered voter in the ward or Single-Member District from which the candidate seeks nomination at the time the petition was signed; and the signer is not registered to vote in the same party as the candidate at the time the petition is signed.

The Registrar determined that 7 of the 10 challenges were valid leaving Ms Bassett with 22 signatures, which is 3 under the amount required for ballot access.

Both parties received the Registrar's preliminary determination with respect to the challenge. Ms. Bassett submitted one change of address form to bring her total to 23 signatures. She also had signed statements from signatories regarding the omission of the date they signed the nominating petition.

The Challenger accepted the Registrar's finding regarding the valid challenges; however, she wanted an opportunity to examine the signatories or notarized statements attesting to the circumstances of the omission of dates

CANDIDATE'S ISSUES FOR REVIEW

Ms. Bassett provided evidence in the form of signed statements of the signatories and maintains the signatures were collected during the circulation period.

DISCUSSION

The United States Supreme Court has long recognized that states and localities have a responsibility to protect the integrity and reliability of the election process, and has generally accorded them latitude in establishing rules and procedures toward that end. "[T]here must be a substantial regulation of elections if they are to be fair and honest and if some sort of order is to accompany the democratic process." Buckley v. American Constitutional Law Foundation, Inc., 525 U.S. 182, 187 (1999). Accordingly, the District of Columbia has established a nominating petition process that require prospective candidates to demonstrate a modicum of support from a specific number of qualified electors as a condition precedent for ballot access.

Ms. Bassett secured 23 valid signatures with the addition of her address change, and she had three signatories who were qualified electors who omitted the date of when they signed the nominating petition. Ms. Bassett produced notarized affidavits of two signatories, Ms. Latoya Starks, and Ms. Raynard Bradshaw that attested to the signatories signing the nominating petition on August 10, 2016. Moreover, Ms. Bassett presented Ms. Marilyn Smith for cross examination as to the circumstances why she omitted the date on the nominating petition. The Board's date requirement is specifically utilized to ensure that candidates circulate their petitions
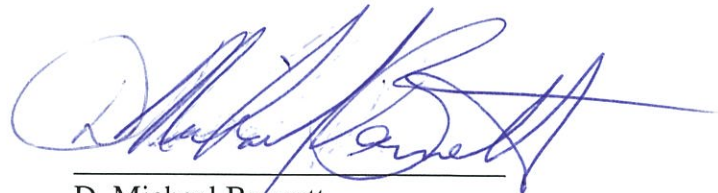
during the allotted time to do so. If a candidate were to circulate nominating petitions for a longer period then stipulated, that candidate would have an unfair advantage over candidates who followed the regulations and adhered to the prescribed time limit. Ms. Bassett did not circulate petitions outside of the circulation period, because she picked up her petitions and resubmitted them during the circulation period. The Board concluded that the lack of a date on the signatures was a formal error pursuant to 3 DCMR §1606.4, which states, "the board may in its discretion waive any formal error." Adding the three signatories in addition to the 1 valid change of address would bring Ms. Bassett's total signature count to 26 valid signatures.

CONCLUSION

Ms. Bassett secured 26 valid signatures, which is 1 signatures above the 25 signatures required for ballot access. It is herby:

ORDERED that candidate Mikelle Bassett is granted ballot access for the office of Advisory Neighborhood Commissioner, Single Member District 8B04.

September 6, 2016
Date

D. Michael Bennett
Chairman,
Board of Elections