

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS**

Sandra Seegars,
Complainant,

v.

Chanda McMahan
Respondent.

Administrative Hearing
No. 08-06

Re: Challenge to Nominating
Petition of Chanda McMahan
Ward 8 Member of the
District of Columbia Council

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the Board of Elections and Ethics on July 28, 2008. It is a challenge to the Nominating Petition of Chanda McMahan ("The Respondent") as a candidate for the office of Ward 8 Member of the District of Columbia Council filed by Sandra Seegars ("The Complainant") pursuant to D.C. CODE § 1-1001.08(o)(1) (2006). Chairman Errol R. Arthur and Board member Dr. Lenora Cole presided over the hearing. The Complainant appeared *pro se*, and the Respondent did not appear. Pursuant to 3 D.C.M.R. § 403.4,¹ the Board proceeded *ex parte*.

Background

On June 9, 2008, the Respondent submitted a Nominating Petition for the office of Ward Eight Member of the District of Columbia Council containing nineteen (19) petition sheets. The nominating petition contained a total of 348 signatures. On July 5,

¹ 3 D.C.M.R. § 403.4 states: "If any person or party waives the right to be present at the hearing or fails to appear at the hearing, the Board may proceed *ex parte*, unless the Board extends the time of the hearing or unless their appearance is required by statute."

2008, the petition was posted for inspection, pursuant to D.C. CODE § 1-1001.08(o)(1) (2006), for a 10-day challenge period.²

On July 13, 2008, the Complainant filed a challenge to the petition in which she challenged 209 of the 348 signatures. Each signature was challenged on a specific ground or grounds as required by the Board's regulations. Specifically, the Complainant challenged signatures on the following bases: 1) 3 D.C.M.R. § 1704.7(c) Signers of the petition were not registered to vote; 2) 3 D.C.M.R. § 1704.7(d) The signature is not dated; 3) 3 D.C.M.R. § 1704.7(g) Signers of the petition did not list their full address; and 4) 3 D.C.M.R. § 1704.7(h) Signatures and printed names appearing on the petition sheets were illegible.

The Registrar of Voters' ("Registrar") review of these challenges concluded that one hundred, fifty-three (153) of the challenges to the Candidate's nominating petition were valid while fifty-six (56) were invalid—leaving the Candidate with one hundred, ninety-five (195) signatures. The minimum requirement of signatures for this office is two hundred, fifty (250) pursuant to D.C. CODE § 1-1001.08(i)(2) (2006). Accordingly, the Registrar concluded that the Candidate did not secure enough signatures on the nominating petition for ballot access.

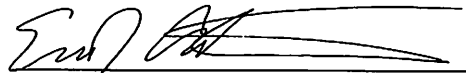
² D.C. CODE § 1-1001.08(o)(1) (2006) states in relevant part:

The Board is authorized to accept any nominating petition for a candidate for any office as bona fide with respect to the qualifications of the signatures thereto if the original or facsimile thereof has been posted in a suitable public place for a 10-day period beginning on the third day after the filing deadline for nominating petitions for the office. Any registered qualified elector may within the 10-day period challenge the validity of any petition by written statement signed by the challenger and filed with the Board and specifying concisely the alleged defects in the petition.

The Respondent did not appear at her initial pre-hearing conference scheduled July 22, 2008, and she asserted by phone and electronic facsimile that she received no notice in connection with this matter. The Board decided to grant the Respondent a continuance, and they re-scheduled a second pre-hearing conference for Friday July 25, 2008. The Respondent responded to a notice left at her door again by electronic facsimile stating that she would not attend the pre-hearing conference. The Respondent was again informed of the scheduled hearing before the Board held on Monday July 28, 2008 by letter delivered to her door on Friday July 25, 2008. The Respondent's willful absence from these proceedings has compelled the Board to resolve this matter in her absence within the statutorily prescribed fifteen (15) day time limit pursuant to D.C. CODE § 1-1001.08(o)(2) (2006).³

In ~~sum~~ the Board affirmed the decision of the Registrar of Voters. Based on the Board's findings and conclusions, it is hereby **ORDERED** that the challenge to the Nominating Petition of Chanda McMahan, candidate for the office of Ward 8 Member of the District of Columbia Council, is upheld. It is **FURTHER ORDERED** that Chanda McMahan be denied ballot access in the September 9, 2008 Congressional and Council Primary Election as a Democratic candidate for that office.

July 28, 2008



Errol R Arthur
Chairman, Board of Elections and Ethics

Dr. Lenora Cole
Member, Board of Elections and Ethics

³ D.C. CODE § 1-1001.08(o)(2) states in relevant part: "The Board shall receive evidence in support of and in opposition to the challenge and shall determine the validity of the challenged nominating petition not more than 15 days after the challenge has been filed. . ."