

Each petition sheet provided to Mr. Diggs consisted of a Board-issued form that had on the top half fields for the names, addresses, and signatures of ten petition signers and for the date of the signatures to be entered. The lower half of the petition forms had instructions for, and an

affidavit to be completed by, the individual (the “circulator”) who gathered the signatures. The circulator instructions on those forms stated, “You must personally witness the signing of each signature that appears on this petition[.]” The affidavit portion required the circulator to “swear or affirm” that the circulator “personally witnessed the signing of each signature hereon; and ... personally inquired of each signer whether the signer is a duly registered voter in the District of Columbia.” In addition, the instructions on circulating and filing petitions that were provided to Mr. Diggs stated that circulators must “[p]ersonally witness the signing of each signature on each petition sheet for which they sign a circulator’s affidavit [and] [i]nquire whether each signer is a registered voter in the District of Columbia and, if applicable, whether each signer is a registered voter in the same ward or single-member district as the candidate[.]” The instructions also advised that signatures would not be accepted if they were forgeries. They also cautioned that knowingly and willingly violating the petition circulation requirements is a criminal offense.

The regulations provided to Mr. Diggs stated:

The petition shall contain the following information: ...

A circulator’s affidavit, providing space for the circulator of a nominating petition to record their name and address. By signing the affidavit, the circulator swears under oath or affirms that they:

- (1) Are a qualified petition circulator;
- (2) Personally circulated the petition sheet;
- (3) Personally witnessed the signing of each signature on the petition sheet; and
- (4) Inquired whether each signer is a registered voter in the District of Columbia, and where applicable, that the signer is a registered voter in the same political party and/or ward or single-member district as the candidate seeking nomination.

3 DCMR 1602.2.

On April 17, 2025, Mr. Diggs submitted his Petition. After the Petition was accepted by the Board's staff and posted as required by law, a D.C. voter submitted a timely challenge to the Petition's signatures. As a result, the Board's Registrar of Voters reviewed the challenged signatures and issued a report of her findings. In that report, the Registrar found, among other things, that Petition sheet number 64 (dated April 17, 2025) contained two signatures that were made in the same hand.

The Registrar's report was emailed to Mr. Diggs on May 1, 2025. In light of that report's findings with respect to sheet 64, the Office of General Counsel ("OGC") attorney assigned to the challenge matter sent an email to Mr. Diggs that, *inter alia*, reminded him of the requirement that circulators "[p]ersonally witness[] each person sign the petition" (D.C. Official Code § 1-1001.08(b)(3)) and, with respect to possible false circulator affidavits, of the prohibition against making false statements to D.C. government entities (D.C. Official Code § 22-2405(b)) and of the criminal penalties for violating these requirements. Following issuance of the Registrar's report and the subsequent OGC communication, Mr. Diggs withdrew his candidacy for the Ward 8 Councilmember seat.

After the conclusion of the 2025 special election, OGC launched an investigation into the suspect signatures. On November 17, 2025, a prehearing conference was conducted before OGC. Mr. Diggs was present as well as the individuals having the names of the voters with the suspect signatures. During the prehearing conference, Mr. Diggs denied knowingly participating any forgery on sheet 64, but acknowledged that he was not paying attention to the entry of each signature and could be distracted when a signer entered a signature. As a result of information

obtained at the prehearing conference and its investigation, OGC determined that Samante Baldwin had signed Mr. Diggs' Petition for himself and for another resident of his household.¹

Following the prehearing conference, Mr. Diggs was duly notified that this matter would be presented to the Board at its December 3, 2025 meeting. In anticipation of the Board hearing in his case, Mr. Diggs provided a written statement to the Board in which he re-iterated that he did not engage in any forgery.

During the December 3, 2025 regular meeting of the Board, the OGC attorney assigned to the matter presented the procedural background and facts of this matter to the Board. Mr. Diggs was present and provided with an opportunity to speak to the Board. He again emphasized that he did not participate in any forgery of signatures on his Petition. He described the substantial effort he made to gather hundreds of signatures on his nominating petition in just sixty days, how he was sometimes harassed while gathering signatures, and other distractions that occurred during his efforts to gather signatures.

After hearing from the parties, the Board Chair asked the General Counsel for her recommendation. The General Counsel recommended that the Board impose a civil fine of \$50 on Mr. Diggs. The Board Chair, however, commented that this matter should serve as a warning to Mr. Diggs and made a motion to reject the General Counsel's recommendation. The motion was duly seconded and passed unanimously.

Discussion

As noted above, the law requires that circulators personally witness each person signing the petition sheet that they are circulating. D.C. Official Code § 1-1001.08(b)(3). We have

¹ A civil fine has been imposed on Mr. Baldwin in a concurrently issued order.

previously explained the importance of the circulator affidavit in connection with protecting the integrity of the ballot access process.² Both a circulator's failure to witness personally each signature being entered on a petition and falsely attesting to doing so in the circulator affidavit at the bottom of a petition sheet exposes the circulator to criminal penalties.

Where signatures on a petition are written in the same hand, there are only two likely explanations: (1) the circulator personally witnessed the signing of the petition but not "each" signer signing (*i.e.*, the circulator personally witnessed one signer sign more than one signature) or (2) the circulator failed to "personally" witness the entry of every signature on the petition. In either case, the circulator law has been violated, and the completion of the circulator's attestation at the bottom of a form with such signatures violates the law against making false statements to government officials. We are authorized, upon recommendation of the General Counsel, to take enforcement action for election law violations. D.C. Official Code § 1-1001.18(a). Our enforcement authority includes referring violators to prosecutorial authorities and/or imposing civil fines of not more than \$2,000 for each violation. D.C. Official Code § 1-1001.18(b).

The issue is whether Mr. Diggs complied with the circulator requirement that he personally witness signatures being entered by each signer of his Petition. Clearly, he did not.

This record is sufficient for imposition of a fine on Mr. Diggs for circulator misconduct with respect to Samante Brown's signing Petition sheet 64 for another voter. That said, this is not a case of pervasive circulator misconduct. Only one isolated case in over five hundred signatures of a signature written in the same hand was identified through the challenge process. Under these circumstances, we decline to impose a fine on Mr. Diggs but do admonish him for his failure to witness a signature that he gathered on a petition.

² See, e.g., *In the Matter of Sherice Muhammad*, BOE Case No. 25-002 (issued March 7, 2025) at pp. 6-7.

Conclusion

Given the limited extent of the violation
in this matter, it is hereby:

ORDERED that the General Counsel's recommendation is **REJECTED** and Mr. Diggs is instead admonished for his failure to personally witness one of the signatures that he gathered on his nominating petition. The Board issues this written order today, which is consistent with its oral ruling rendered on December 3, 2025.

Date: December 4, 2025



Gary Thompson
Chairman
Board of Elections