

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

Mary Farmer,
Challenger,

v.

Barbara Lett Simmons,
Candidate.

Administrative Hearing
No. 04-022

Re: Nominating Petition
Challenge

MEMORANDUM OPINION AND ORDER

This matter came before the Board of Elections and Ethics (“Board”) on Monday August 2, 2004, and involved a challenge to the candidacy of Barbara Lett Simmons, candidate for the Office of Democratic National Committeewoman. The challenge was brought by Mary L. Farmer, a registered voter in the District of Columbia. Chairman Wilma A. Lewis and Board members Dr. Lenora Cole and Charles R. Lowery, Jr. presided over the matter. Mr. David C. Simmons served as counsel for Candidate Simmons, and Challenger Farmer appeared *pro se* at the hearing.

According to the evidence presented to the Board, Candidate Heinemann submitted a nominating petition containing a total of 703 signatures. The minimum signature requirement to qualify for the ballot for this office is 500 signatures of duly registered voters in the District of Columbia who are members of the Democratic Party. Challenger Farmer filed a total of 234 challenges to signatures on the nominating petition. As required by the Board’s regulations, Challenger Farmer identified the alleged defects pursuant to D.C. Mun. Regs. Tit. 3, § 1609.2 (2003). Specifically, the Challenger alleged that signatories were not registered to vote at the address listed on the

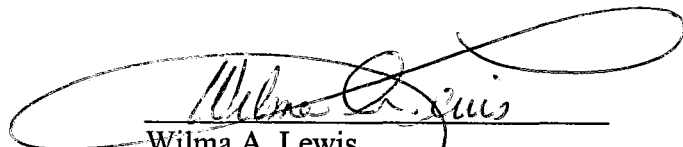
petition pursuant to D.C. Mun. Regs. Tit. 3, § 1607.5(b); that signatures were not dated pursuant to D.C. Mun. Regs. Tit. 3, § 1607.5(d); that petition sheets did not include the printed or typed address of signatories pursuant to D.C. Mun. Regs. Tit. 3, § 1607.5(g); and that the circulator of a petition sheet was not a registered qualified elector of the District of Columbia at the time the petition was signed pursuant to D.C. Mun. Regs. Tit. 3, § 1607.5(i).

The review of the challenge conducted by the Registrar of Voters indicated that 154 of the challenges were valid. This decreased the number of valid signatures obtained by Candidate Simmons to 549 registered qualified electors, which exceeds the minimum number required for ballot access.

In view of the evidence presented, the Board finds that the challenge is insufficient to remove the Candidate's name from the ballot. Therefore, in accordance with the preliminary determination of the Registrar of Voters, the Board denies the challenge as specified herein. Accordingly it is hereby

ORDERED that Candidate Simmons be granted access to the ballot in the September 14, 2004 Primary Election as a candidate for Democratic National Committeewoman.

August 19, 2004



Wilma A. Lewis
Chairman, Board of Elections and Ethics

Dr. Lenora Cole
Member, Board of Elections and Ethics

Charles R. Lowery, Jr.
Member, Board of Elections and Ethics

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing order was hand-delivered this 19th day of August, 2004 to Mary Farmer 119 Rhode Island Avenue, NE, Washington , DC 20002 and Barbara Lett Simmons, 7244 15th Place, NW Washington, DC 20012


Rudolph McGann