DISTRICT OF COLUMBIA
BOARD OF ELECTIONS

Heather Edelman,	)		
Challenger	)	Administrative	
	)	Order #16-014	
	)		
v.	)	Re:	Nominating Petition
	)		Challenge for the Office
	)		Advisory Neighborhood
Graham Smith,	)		Commissioner Single Member
Candidate.	)		District 6C06

MEMORANDUM OPINION AND ORDER

INTRODUCTION

This matter came before the District of Columbia Board of Elections ("the Board") on September 7, 2016. It is a challenge to the nominating petition of Graham Smith ("Mr. Smith") for the office of Advisory Neighborhood Commissioner, Single Member District 6C06 filed by Heather Edelman ("Ms. Edelman") pursuant to D.C. Code § 1-1001.08 (o)(1) (2001 Ed.). The Challenger appeared *pro se*, and the Candidate did not appear. Accordingly, the hearing proceeded ex-parte pursuant to Title 3 of the District of Columbia Municipal Regulations ("DCMR") §403.4. Chairman Michael Bennett and Board members Dionna Lewis and Michael Gill presided over the hearing.

BACKGROUND

On August 10, 2016, Graham Smith submitted a nominating petition to appear on the ballot as a candidate in the November 8, 2016 General Election contest for the office of Advisory Neighborhood Commissioner (ANC) for Single Member District (SMD) 6C06. That petition was posted for public inspection for 10 days, as required by law, and challenged on August 21,

2016 by Heather Edelman, a registered voter in the District of Columbia. Mr. Smith submitted a total of twenty-seven (27) signatures. The minimum requirement for this office is twenty-five (25) signatures of District voters who are duly registered in the same SMD as the candidate. Challenger Heather Edelman filed challenges to a total of eight (8) signatures, enumerated by line and page number on individual "challenge sheets" filed for each 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, 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; and 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. The Registrar's review of the challenges indicates that a total of 8 of the 8 challenges are valid. This leaves the candidate's nominating petition with 19 signatures, 6 signatures below the number required for ballot access.

<div align="center">DISCUSSION</div>

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.

Mr. Smith did not attend the hearing and did not submit any evidence to the Board taking issue with the Registrar's findings.

<u>CONCLUSION</u>

Mr. Smith secured 19 valid signatures, which is 6 signatures below the 25 signatures required for ballot access. It is hereby:

ORDERED that candidate Graham Smith is denied ballot access for the office of Advisory Neighborhood Commissioner, Single Member District 6C06.

September 12, 2016
Date

_____
D. Michael Bennett
Chairman,
Board of Elections