

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

Virginia Major,)	
)	
Challenger,)	
)	Administrative Hearing
v.)	No. 00-037
)	
John L. Davis,)	Re: Challenge to Nomination Petition
)	
Candidate.)	
)	

MEMORANDUM OPINION AND ORDER

This matter came before the Board of Elections and Ethics on Wednesday, October 4, 2000 and involved a challenge to the candidacy of John Davis, candidate for the office of Advisory Neighborhood Commissioner in Single Member District ("SMD") 8C07. The challenge was brought by Virginia Major. The Board was represented by Chairman Benjamin F. Wilson, and member Stephen Callas. Both the Challenger and the Candidate appeared at the hearing pro se.

According to the evidence presented to the Board, Candidate Davis submitted a nominating petition containing a total of 27 signatures. The minimum signature requirement to qualify for the ballot for this office is 25 signatures of persons who are duly qualified electors in SMD 8C07.

Challenger Major filed a total of 11 challenges to signatures on the nominating petition. As required by the Board's regulations, Challenger Major specified the alleged defects pursuant to 3 D.C.M.R. § 1609.2. Challenger Major alleged that Candidate Davis had failed to file the minimum 25 valid signatures of duly registered voters in SMD 8C07 for the following reason(s):

- 1) The signature on the petition was not made by the person whose signature it

- purports to be (3 D.C.M.R. § 1607.2);
- 2) either the registered voter's signature or current residence address, or the date on which the registered voter signed the petition, is missing from the petition (3 D.C.M.R. § 1607.4);
- 3) the signer's voter registration was designated as inactive on the voter roll under D.C. Code § 1-1311(j)(2) at the time the petition was signed 3 D.C.M.R. § 1607.5(a);
- 4) the signer is not registered to vote at the address listed on the petition at the time the petition is signed (3 D.C.M.R. § 1607.5(b)), and;
- 5) the signer is not a duly registered voter (3 D.C.M.R. § 1607.5(c)).

The review of the challenge conducted by the Registrar of Voters indicated that 6 of the challenges were valid. This decreased the number of valid signatures obtained by Candidate Davis to 21 registered qualified electors, which is below the minimum number required for ballot access. Candidate Davis has failed to produce any evidence which refutes the Registrar of Voters' findings.

Accordingly, the challenge succeeds in providing an adequate legal basis upon which to reduce the number of valid signatures obtained by Candidate Davis below the legal minimum requirement. Consequently, the candidate does not possess an adequate number of signatures to remain eligible for ballot access.

In view of the evidence presented, the Board finds that the challenge is sufficient to remove the candidate's name from the ballot. Therefore, the Board sustains the challenge as specified herein and in accordance with the report of the Registrar of Voters. Accordingly, it is hereby

ORDERED that Candidate Davis be denied access to the ballot in the November 7, 2000

Presidential General Election as a candidate for Advisory Neighborhood Commissioner in SMD
8C07.

October 4, 2000
Date

Benjamin F. Wilson
Benjamin F. Wilson
Board Chairman