



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

In re


Advisory Neighborhood
Commission, Single
Member District 1C07

Administrative Hearing

No. 04-025


Re: Recount Election Results

MEMORANDUM OPINION AND ORDER



This matter came before the Board of Elections and Ethics (“the Board”) on Tuesday December 14, 2004 for certification of new election results pursuant to a recount of votes cast during the November 2, 2004 General Election for Advisory Neighborhood Commission (ANC), Single Member District (SMD) 1C07. Chairman Wilma A. Lewis and board members Dr. Lenora Cole and Charles R. Lowery, Jr. presided over the matter.

On November 2, 2004, the Board of Elections conducted the 2004 General Election which included the SMD 1C07 contest. On November 18, 2004, the Board certified the results of the contest. The certification cited Josh Gibson as the winner with three hundred fifty-six (356) votes, and Eleanor Johnson as the second-place finisher with two hundred forty-nine (249) votes. On November 26, 2004, Eleanor Johnson filed a petition with the Board of Elections and Ethics requesting a recount of the SMD 1C07 contest. The Board conducted a recount on December 1, 2004. Ms. Johnson was present during the recount proceedings, but Mr. Gibson did not attend.



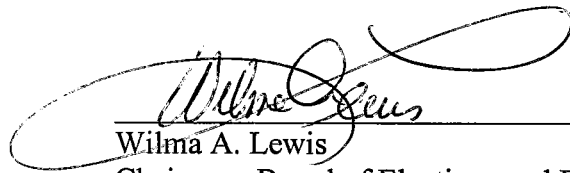
The recount result did not change the candidate certified by the Board as the winner. Pursuant to D.C. Mun. Regs. Tit. 3, §816.5, “[i]f all candidates certified by the Board as winners appear to be winners in the recount, the preliminary determination of

the Board shall become final.” The Board determined that Josh Gibson received three hundred fifty-eight (358) votes, and Eleanor Johnson received two hundred fifty-one (251) votes. Therefore, no new certification of the results of the election is required. D.C. Mun. Regs. Tit. 3, §816.6.

In view of the recount results as stated by the Board’s Executive Director, Alice Miller, Josh Gibson is the winner of the SMD 1C07 contest, and the vote totals shall be changed to reflect the results of the recount as specified herein. Accordingly, it is hereby:

ORDERED that Candidate Gibson is the winner of the SMD 1C07 contest by a margin of one hundred seven (107) votes.

December 21, 2004

A handwritten signature in black ink, appearing to read "Wilma A. Lewis", is written over a horizontal line. The signature is fluid and cursive.

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