

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

_____)	
Beverlye Neal,)	
)	
Challenger,)	
)	Administrative Hearing
v.)	No. 00-023
)	
Janie Boyd, Laurie Collins &)	Re: Challenge to Nomination Petition
Tony DePass)	
Candidates.)	
_____)	

MEMORANDUM OPINION AND ORDER

This matter came before the Board of Elections and Ethics on Monday, March 20, 2000 and involved a challenge to the candidacies of Janie Boyd, Laurie Collins, and Tony DePass, candidate for the offices of Ward One Members of the Democratic State Committee. The challenge was brought by Beverlye Neal.¹ The Board was represented by members Dr. Lenora Cole Alexander and Stephen Callas. The Challenger failed to appear at the hearing.² Candidate DePass appeared pro se and on behalf of the other members of his slate.

According to the evidence presented to the Board, Candidates Boyd, Collins, and DePass submitted a nominating petition containing a total of 128 signatures. The minimum signature

¹ During the course of the hearing, Candidate DePass expressed concern that because the Challenger does not reside in Ward One, she should not have standing to challenge the nominating petition of candidates seeking election in that ward. However, D.C. Code § 1-1312(o)(1) provides that, “[a]ny registered qualified elector may ... challenge the validity of any petition.” Accordingly, the Challenger does, in fact, have standing to challenge this nominating petition.

² Notwithstanding the fact that one of the parties to the proceeding failed to appear, and contrary to Candidate DePass’ assertion that both parties to a matter must be present in order for the Board to proceed with a hearing, the Board is granted the authority to proceed with the hearing *ex parte*, pursuant to 3 D.C.M.R. § 403.4.

requirement to qualify for the ballot for this office is 100 signatures of persons who are duly registered Democratic voters in Ward One.

Challenger Neal filed a total of 59 challenges to signatures on the nominating petition. As required by the Board's regulations, Challenger Neal specified the alleged defects pursuant to 3 D.C.M.R. § 1706.2. Challenger Neal alleged that Candidates Boyd, Collins, and DePass had failed to file the minimum 100 valid signatures of duly registered Democratic voters in Ward One for the following reason(s):

- 1) 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. § 1704.7(b));
- 2) the signer is not a duly registered voter (3 D.C.M.R. § 1704.7(c));
- 3) the signature is not dated (3 D.C.M.R. § 1704.7(d));
- 4) the signer is not registered to vote in the same party as the candidate at the time the petition is signed (3 D.C.M.R. § 1704.7(e));
- 5) the signer is not duly registered in the ward from which the candidate seeks election at the time the petition is signed (3 D.C.M.R. § 1704.7(f)), and;
- 6) the circulator of the petition sheet was not a registered qualified elector of the District of Columbia at the time the petition was signed (3 D.C.M.R. § 1704.7(i)).

The review of the challenge conducted by the Registrar of Voters indicated that 52 of the challenges were found to be valid. This decreased the number of valid signatures obtained by Candidates Boyd, Collins, and DePass to 76 registered qualified electors, which is below the minimum number required for ballot access.

Accordingly, the challenge succeeds in providing an adequate legal basis upon which to

reduce the number of valid signatures obtained by Candidates Boyd, Collins, and DePass below the legal minimum requirement. Consequently, the candidates do 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 candidates' names 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 Ms. Boyd, Ms. Collins, and Ms. DePass be denied access to the ballot in the May 2, 2000 Presidential Preference Primary as candidates for Ward One Members of the Democratic State Committee.

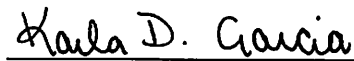
March 23, 2000
Date



Dr. Lenora Cole Alexander
D.C. Board of Elections and Ethics

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing order was mailed this 23rd day of March, 2000 to the following parties: Beverlye Neal, 6600 Luzon Avenue, NW #513, Washington, DC 20012; Janie Boyd, 3331 11th Street, NW, Washington, DC 20010; Laurie Collins, 3166 17th Street, NW Washington, DC 20010, and; Tony DePass, 1620 Fuller Street, NW, Washington, DC 20009.


Karla D. Garcia