DISTRICT OF COLUMBIA
BOARD OF ELECTIONS

Robert Brannum   )
      Challenger   )   Administrative Hearing
)   No. 16-002
)
      v.   )   Re:
)   Challenge for the Office of
)   President of the United States
Bernard Sanders,   )
      Candidate.   )

This matter came before the District of Columbia Board of Elections (hereinafter referred to as "the Board") on Wednesday, April 6, 2016. It is a challenge to the candidate qualification of Bernard Sanders (hereinafter referred to as "Sanders" or "Candidate") for the office of President of the United States for the June 14 Presidential Preference Primary Election. The challenge was filed by Robert Brannum (hereinafter referred to as "Brannum" or "Challenger"). On March 24, 2016, Brannum, a registered qualified elector in the District of Columbia, filed a challenge to the candidacy certification of Sanders as being untimely filed.

Pursuant to the "Presidential Primary Ballot Access Emergency Amendment Act of 2016," Sanders complied with the District of Columbia Democratic State Committee (hereinafter referred to as "DCDSC") party rules by filing a Statement of Candidacy and filing fee of $2,500 with the DCDSC on March 16, 2016 in lieu of collecting 1,000 signatures pursuant to D.C. CODE §1-1001.05(b)(2). The DCDSC subsequently certified Sanders' candidacy to the Board the following day on March 17, 2016 via electronic mail. However, the "Presidential Primary Ballot Access Emergency Amendment Act of 2016" unequivocally states: "the political party shall certify to the Board no later than March 16 of each presidential election year the names of

candidates for nomination who have qualified by such means." Accordingly under the then-existing statutory framework, the Board was unauthorized to accept the names of candidates where a political party did not certify their names to the Board by the March 16th deadline.[1]

On April 4, 2016, Council Member McDuffie introduced the "Presidential Primary Ballot Access Clarification Emergency Amendment Act of 2016," B21-0675 (hereinafter referred to as "the Act"). The amended language reads as follows:

> [T]*he political party shall certify to the Board no later than 24 hours after March 16* of each presidential election year the names of candidates for nomination who have qualified by such means.

On April 5, 2016, the measure was approved by the Council. The enrolled bill was transmitted to Mayor Bowser on April 12, 2016 and enacted by the Mayor's signature on April 19, 2016. Accordingly, upon the passage of the emergency legislation, the DCDSC transmission of the certification on April 17, 2016 is deemed timely pursuant to the statute because they submitted the certification within 24 hours of the April 16, 2016 deadline.
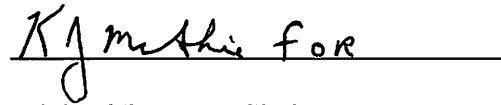
CONCLUSION

The Challenger's complaint raised a single salient issue that was addressed retroactively by emergency legislation duly enacted by the Council and signed by the Mayor. Sanders' candidate certification was received by the Board on April 17, 2016—less than 24 hours after the stipulated deadline for candidates to comply with party rules for ballot access. In light of the "Presidential Primary Ballot Access Clarification Emergency Amendment Act of 2016" which

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[1] The "Presidential Primary Ballot Access Emergency Amendment Act of 2016" does not specify a method nor time of certification to the Board; accordingly, the DCDSC would have been within the parameters of the law if the certification were transmitted to the Board via electronic mail at any time prior to midnight on April 17, 2016.

clarified that political parties may transmit candidate certifications to the Board within 24 hours, the Brannum challenge to the Sanders candidacy is deemed moot.

Accordingly, it is hereby **ORDERED** that the Brannum challenge is denied.

April 21, 2016

Kathie for

Michael Bennett, Chairman
District of Columbia Board of Elections