

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

Marvin Fields,	)	
	)	
Challenger,	)	
	)	Administrative Hearing
v.	)	No. 00-040
	)	
Earle Rands,	)	Re: Challenge to Nomination Petition
	)	
Candidate.	)	
	)	

**MEMORANDUM OPINION AND ORDER**

This matter came before the Board of Elections and Ethics on Wednesday, October 04, 2000 and involved a challenge to the candidacy of Earle Rands, candidate for the office of Advisory Neighborhood Commissioner for Single Member District 6A07. The challenge was brought by Marvin Fields, a registered voter in the District of Columbia. Members Stephen Callas and Chairman Benjamin Wilson represented the Board. Neither the Challenger nor the candidate appeared at the hearing; accordingly, the Board proceeded ex-parte pursuant to D.C. Mun. Regs. tit. 3 §403.4.

According to the evidence presented to the Board, Candidate Rands submitted a nominating petition containing a total of 40 signatures. The minimum signature requirement to qualify for the ballot for this office is 25 signatures of persons who are duly registered voters of the Single Member District.

Challenger Fields filed a total of 26 challenges to signatures on the nominating petition. As required by the Board's regulations, Challenger Fields specified the alleged defects pursuant to 3 D.C.M.R. § 1607. Challenger Fields alleged that Candidate Rands had failed to file the minimum 25 valid signatures of duly registered voters for the following reason(s):

- 1) Forgeries (3 D.C.M.R. § 1607.2)
- 2) signer not registered to vote at address listed on petition at time signed (3 D.C.M.R. § 1607.5(b));
- 3) the petition does not include the printed or typed name of the signer where the signature is not sufficiently legible for identification (3 D.C.M.R. § 1607.5 (h));

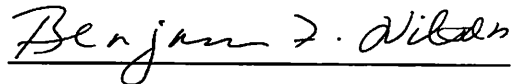
The review of the challenge conducted by the Registrar of Voters indicated that 7 of the challenges were found to be valid.. This decreased the number of valid signatures obtained by Candidate Rands to 33 registered qualified electors, which is eight (8) more than the minimum number required for ballot access.

Accordingly, the challenge fails to provide an adequate legal basis upon which to reduce the number of valid signatures obtained by Candidate Rands below the legal minimum requirement. Consequently, the candidate possesses an adequate number of signatures to remain eligible for ballot access.

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

**ORDERED**, that Earle Rands be granted access to the ballot in the November 7<sup>th</sup> General Election as a candidate for the office of Advisory Neighborhood Commissioner for Single Member District 6A07.

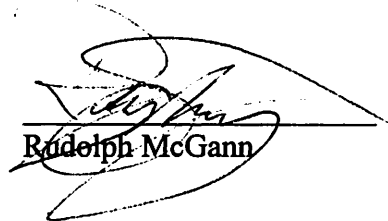
October 4, 2000



Benjamin Wilson  
Chairman,  
D.C. Board of Elections and Ethics

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing order was hand delivered this 4<sup>th</sup> of October, 2000 to the following parties: Marvin Fields Jr. 604 12<sup>th</sup> Street NE #7 Washington DC 20002; Earle Rands 709 11<sup>th</sup> Street NE Washington D.C. 20002



Rudolph McGann