

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS**

James Harnett,	)	
Challenger	)	Administrative
	)	Order #24-020
	)	
v.	)	Re: Challenge to Nominating
	)	Petition Submitted for
	)	Advisory Neighborhood Commissioner
Chrysanthe Courniotes,	)	Single Member District 4D04
Candidate.	)	

**MEMORANDUM OPINION AND ORDER**

This matter came before the District of Columbia Board of Elections (“the Board”) on September 3, 2024. It is a challenge to the nominating petition submitted by Chrysanthe Courniotes (“Candidate”) in support of her bid for the office of Advisory Neighborhood Commissioner (“ANC”) for Single Member District (“SMD”) 4D04 in the November 5, 2024 General Election (“the General Election”). The challenge was filed by James Harnett (“the Challenger”) pursuant to D.C. Official Code § 1-1001.08(o)(1). Chairman Gary Thompson and Board members Karyn Greenfield and J.C. Boggs presided over the hearing. All parties appeared *pro se*. The Board’s Registrar of Voters (“Registrar”) and General Counsel was also present.

**BACKGROUND**

**Proceedings prior to Board hearing**

On August 7, 2024, the Candidate submitted a nominating petition to appear on the ballot in the 2024 General Election for the office of ANC in SMD 4D04 (“the Petition”). The minimum number of signatures required to obtain ballot access for this office is twenty-five (25) signatures of District of Columbia voters who are duly registered in the same SMD as the Candidate. The

Petition contained thirty (30) signatures. Pursuant to Title 3, District of Columbia Municipal Regulations (D.C.M.R.) § 1605.3, Marissa Corrente, the Board's Registrar, preliminarily accepted the Petition, subject to any valid challenge.

On August 10, 2024, the Petition was posted for public inspection for ten (10) days, as required by law.

On August 12, 2024, the Challenger, a registered voter in the District of Columbia, filed challenges to a total of fourteen (14) signatures the Petition ("the Challenge"). Specifically, the signatures were challenged pursuant to Board regulations at 3 D.C.M.R. § 1607.1 on the following grounds: the signer is not a registered voter, the signer is not an active voter, the signer's address on the petition does not match the address in the Board's files, the signature is not for the voter that it purports to be for, and the signer is not registered to vote in the same SMD as the Candidate.

The Candidate was promptly notified of the Challenge by email from the Board's Office of General Counsel ("OGC"). The notice also apprised the parties that a prehearing conference would be convened in the challenge matter on August 28, 2024. The notice stated that the Registrar's findings with respect to the challenged signatures would be discussed at the prehearing conference. The notice also advised that, pursuant to D.C. Official Code § 1-1001.08(o)(3), the Candidate had an opportunity to cure signatures that were otherwise invalid for the reason that the address on the Petition was different than the address appearing on the signer's registration record. The deadline identified in the notice for filing any change of address forms was August 26, 2024.

On August 16, 2024, the Candidate emailed the OGC attorney assigned to the matter, the Challenger, and the Board's Registrar claiming that the Challenge was unfounded and unnecessary and, while noting that she planned to attend the prehearing conference, asking what she could do

to address the Challenge. The assigned OGC attorney responded by resending the information in the notice of the challenge regarding the process and deadlines for updating addresses.

On August 18, 2024, the Registrar sent a report of her findings with respect to the Challenge to the parties. The Registrar's report showed that she agreed that thirteen (13) of the fourteen (14) signatures challenged were indeed invalid. Specifically, she found that four (4) of the challenged signatures were invalid because the signer's address on the Petition did not match the signer's address in the Board's records; six (6) of the challenged signatures were invalid because the signers were not registered voters; and three (3) of the challenged signatures were invalid because the signer did not reside in the same SMD as the Candidate. Based on the Registrar's report, the Petition was eight (8) valid signatures short of the required twenty-five (25) signatures.

On August 27, 2024, the OGC attorney assigned to the matter reached out to the Candidate via email and requested that she provide the names of any signers who she believed might have submitted address updates by the August 26, 2024 deadline. The email explained the objective of determining the status of any such updates before the prehearing conference. The Candidate did not respond.

On August 28, 2024, the prehearing conference before OGC was convened.<sup>1</sup> Both parties appeared. The Registrar presented her findings and, notably, her conclusion that the Petition was eight (8) signatures short of the number needed for ballot access. The OGC attorney then noted that, while the Candidate could potentially cure some invalid signatures where there was an address mismatch defect, such cures, assuming they were even made, would not close the gap. The OGC attorney then asked the Candidate to address why she believed she should be granted ballot access. In response, the Candidate focused on several signature invalidity findings associated with one

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<sup>1</sup> 3 D.C.M.R. § 415.1 (General Counsel's conference authority).

particular address. She explained that she collected many signatures from a multi-unit building at that address and, in doing so, diligently checked those signers against the list of voters that had been provided to her by the Board's Voter Services division. She identified eight (8) Petition signers at that address who she insisted should have been qualified signers based on that list of voters.

The OGC attorney assigned to the matter noted that, if the invalidity findings contested by the Candidate were overturned, the Petition would have the number of valid signatures needed. Given that Candidate contested enough signature invalidity findings for the Petition to meet the twenty-five (25) numerical sufficiency requirement and the Candidate's suggestion that there was a discrepancy between the list of voters that she received from the Board's Voter Services division and the list used by the Registrar to check the validity of the Petition's signatures, the Registrar agreed to check the eight (8) signatures at issue and get back to the parties.

The parties were informed that if the matter was not resolved based on any further findings by the Registrar, the case would be set for a Board hearing on September 3, 2024.

### **Prehearing Conference Follow-Up**

As indicated above, the Registrar compared the eight (8) Petition signatures at issue to the voter list that had been provided to the Candidate. The Registrar found that the list provided to the Candidate was consistent with the list she used to evaluate the Petition's signatures and that her original findings as to those eight (8) invalid signatures were correct. The Registrar issued an updated report that, although it did not alter her ultimate original findings, described her prehearing conference follow-up efforts.

Both parties were duly notified of the hearing.

### **September 3, 2024 Board Hearing**

The Registrar attended the hearing and presented her findings that the Petition was eight (8) signatures short of the number needed. The Candidate was then offered an opportunity to rebut the Registrar's findings. She explained that, due to the limited amount of time to arrange to file potentially curative address updates and her personal commitments, she was unable to pursue getting any address updates between the time she was alerted to the challenge and the deadline for securing such updates, and she asked if she could be provided with more time to do so.<sup>2</sup> The Board's General Counsel explained, however, that the deadline for the submission of address updates was mandated by statute and thus could not be waived by the Board. The Challenger urged that the Board accept the findings of the Registrar and deny ballot access.

After hearing from the Registrar and the parties, the Board Chair made a motion that the Candidate be denied ballot access. The motion was duly seconded and passed unanimously.

### **DISCUSSION**

The minimum number of signatures required to obtain ballot access for this office is twenty-five (25) signatures of active District voters who are duly registered in the same SMD as the Candidate. The Candidate challenged fourteen (14) of the Petition's thirty (30) signatures and the Registrar concurred as to thirteen (13) of the signatures challenged by Mr. Harnett. In other words, the Candidate's Petition was eight (8) signatures short. While the Candidate suggested during the prehearing conference, and to some extent at the Board hearing, that the Petition's insufficiency was due to Board voter files that were not kept up to date, she offered no evidence

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<sup>2</sup> She also insisted that the signature of one individual in particular that the Registrar had found invalid for address mismatch reasons had to be registered at the address on the Petition because he had voted in the recent primary based on the address on the Petition. That individual, however, voted on election day and so would have voted in person and did not submit a registration address update at that time.

to support her position. Nevertheless, the Registrar followed up on the Candidate's allegations and found no evidence to support them.

With regard to the Candidate's claims that she lacked sufficient time to cure address defects, we have noted in response to similar claims:

[the candidate] has always had access to the voter records and could verify signatories' addresses as far in advance as prior to submission of [her] nominating petition. Candidates are vested with the singular responsibility to submit the statutory minimum of valid signatures of duly registered voters for ballot access.

*Tracelosky v. Settles*, BOE Case No. 13-03 at p. 8 (issued February 25, 2013). While the deadline for submitting address updates is determined based on the date that the Candidate receives notice of the challenge, there is no requirement that she wait to attempt address mismatch cures until she receives such notice and the clock begins to run. Candidates for ANC offices have well over a month to collect twenty-five (25) valid signatures and they can work to secure address updates throughout that signature gathering period as well as during the ten-day challenge and ten-day cure periods that follow. In any event, as noted by the General Counsel, the period for securing address updates to cure signatures found invalid for address mismatch reasons is statutory. Hence, we do not have the authority to grant time to cure such signatures beyond the period provided by law.

Accordingly, the Candidate's position is without merit and we cannot find that there are a sufficient number of valid signatures on the Candidate's Petition to grant ballot access.

### **CONCLUSION**

The Registrar correctly found that the Candidate's Petition contains seventeen (17) valid signatures – eight (8) signatures below the number required for ballot access. Accordingly, it is hereby:

**ORDERED** that Chrysanthe Courniotes shall be **DENIED** ballot access for the office of Advisory Neighborhood Commissioner for Single Member District 4D04 in the 2024 General Election.

The Board issues this written order today, which is consistent with our oral ruling rendered on September 3, 2024.

Date: September 4, 2024



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Gary Thompson  
Chairman  
Board of Elections