

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS**

Jillian Wolons,	)	
Challenger	)	Administrative
	)	Order #20-016
	)	
v.	)	Re: Challenge to Nominating
	)	Petition Submitted for the
	)	Office of Ward 2 Member
Brandon Frye,	)	of the State Board of
Candidate.	)	Education

**MEMORANDUM OPINION AND ORDER**

**Introduction**

This matter came before the District of Columbia Board of Elections (“the Board”) on September 2, 2020. It is a challenge to the nominating petition submitted by Brandon Frye (“Mr. Frye”) in support of his candidacy for the office of Ward 2 Member of the State Board of Education filed by Jillian Wolons (“Ms. Wolons”) pursuant to D.C. Code § 1-1001.08 (o)(1) (2001 Ed.). The parties did not appear. Chairman D. Michael Bennett and Board members Michael Gill and Karyn Greenfield presided over the hearing.

**Background**

On August 5, 2020, Mr. Frye submitted a nominating petition to appear on the ballot as a candidate in the November 3, 2020 General Election contest for the office of Ward 2 Member of the State Board of Education (“the Petition”). The minimum requirement to obtain ballot access for this office is fifty signatures of District voters who are duly registered in the same ward as the candidate. The Petition contained 55 signatures. Pursuant to title 3, District of Columbia

Municipal Regulations (D.C.M.R.) § 1603.1, Karen F. Brooks, the Board of Elections' Registrar of Voters ("the Registrar"), accepted all signatures for review.

On August 8, 2020, the Petition was posted for public inspection for 10 days, as required by law. On August 17, 2020, Ms. Wolons, a registered voter in the District of Columbia, filed a challenge to the Petition.

Ms. Wolons filed challenges to twelve signatures pursuant to title 3 D.C.M.R. § 1607.1 of the Board's regulations. She asserted the following grounds: the signer is not registered; the signer, according to the Board's records, is not registered to vote at the address listed on the petition at the time the petition was signed; the petition does not include the address of the signer; the signature was not dated; the circulator of the petition failed to complete all required information in the circulator's affidavit; and the signer is not a registered voter in the ward from which the candidate seeks nomination at the time the petition was signed.

#### **Registrar's Preliminary Determination**

The Registrar reviewed the challenge to determine the validity of the challenged signatures. The Registrar's review indicated that all 38 of 38 challenges were valid. The Registrar determined two challenges are valid because the signer was not registered to vote at the address listed on the petition at the time the petition was signed. The Registrar determined 25 challenges are valid because the circulator's affidavit pre-dated the petition signature. The Registrar determined five challenges are valid because the circulator of the petition failed to complete all required information in the circulator affidavit. The Registrar determined two challenges are valid because the signer was not a registered voter in the ward from which the candidate seeks nomination at the time the petition was signed. The Registrar determined that this left the candidate's Petition with 17 valid signatures, 33 signatures below the number required for ballot access.

### **September 1, 2020 Pre-Hearing Conference**

Pursuant to title 3 D.C.M.R. § 415.1, the Office of the General Counsel (“OGC”) convened a prehearing conference with on Tuesday, September 1, 2020. Ms. Wolons appeared *pro se*. Mr. Frye did not appear. Mr. Frye had been provided with notice of the pre-hearing conference on August 18, 2020, and so the Office of the General Counsel proceeded without him. Ms. Wolons confirmed that he had received the Registrar’s preliminary report, which an attorney with OGC briefly summarized. Ms. Wolons said she did not have any questions for the Registrar about the report and that she fully supported it.

Following the pre-hearing conference, the Office of the General Counsel attempted to contact Mr. Frye numerous times by email and by phone. Mr. Frye did not respond to Board staff at any stage of this challenge.

### **September 2, 2020 Board Hearing**

On September 2, 2020, the Board included this matter on its agenda for public hearing. The parties did not appear. The parties had been properly notified of the Board hearing. The Board voted to proceed *ex parte*. The Registrar presented the Board with her preliminary determination of the challenges.

### **Discussion**

Title 3 D.C.M.R. § 1606.4 states that, after the receipt of a properly filed challenge, the Board’s staff shall search the Board’s registration records to prepare a recommendation to the Board as to the validity of the challenge. Title 3 D.C.M.R. § 1606.5 states that the Board shall consider any evidence submitted, including but not limited to, documentary evidence, affidavits, and oral testimony. In this case, the Registrar provided documentary evidence to support her

findings. Mr. Frye has not responded to the challenge or offered any evidence regarding the validity of the challenged signatures.

Title 3 D.C.M.R. § 1606.3 requires that the Board's Office of the General Counsel serve a copy of the challenge upon the candidate in-person, by first-class mail, or email. Mr. Frye was served a copy of the challenge by email on August 18, 2020.

Given the evidence on the record, and the fact that proper notice has been provided to Mr. Frye regarding this challenge, the Board accepts the Registrar's report as the basis for its determination regarding Ms. Williams' challenge.

**Conclusion**

As a result of this challenge, the Board finds that the Petition contains 17 valid signatures, which does not meet the requirements for ballot access. It is hereby:

**ORDERED** that candidate Brandon Frye is denied ballot access in the contest for the office of Ward 2 Member of the State Board of Education in the November 3, 2020 General Election.

Date: 9/4/2020



D. Michael Bennett  
Chairman  
Board of Elections