

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

David Meadows,)	
Challenger)	Administrative
)	Order #22-008
)	
v.)	Re: Challenge to Nominating
)	Petition Submitted for a
)	Slate for the Offices
Anthony Muhammad,)	of Ward 8 Committeepersons
Joseph Johnson, Sandra)	Democratic State Committee
Williams, Candidates.)	

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on April 22, 2022. It is a challenge to the nominating petition submitted by Anthony Muhammad, Joseph Johnson, and Sandra Williams (collectively, “the “Fight the Power 8 Slate” or “the Slate”) to run as a slate for candidates for the offices of Ward 8 Committeepersons of the Democratic State Committee in the June 21, 2022 Democratic Primary Election (“the Primary Election”). The challenge was filed by David Meadows (“Mr. Meadows”) pursuant to D.C. Official Code § 1-1001.08 (o)(1) (2001 Ed.). Chairman Gary Thompson and Board members Michael Gill and Karyn Greenfield presided over the hearing. All parties appeared *pro se*.

Background

On March 7, 2022, the Fight the Power 8 Slate submitted a nominating petition to appear on the ballot as candidates in the Primary Election contest for the nomination for the offices of Ward 8 Committeepersons of the Democratic State Committee (“the Petition”). The minimum number of signatures required to obtain ballot access for these offices is 100 signatures of District

of Columbia voters who are duly registered in the same ward and party as the candidate. The Petition contained 158 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 158 signatures for review.

On March 26, 2022, the Petition was posted for public inspection for 10 days, as required by law. On April 4, 2022, the Petition was challenged by Mr. Meadows, a registered voter in the District of Columbia.

Mr. Meadows filed challenges to a total of 79 signatures. Specifically, the signatures and affidavits were challenged pursuant to Title 3 D.C.M.R. § 1607.1 of the Board's regulations on the following grounds: the signer is not registered, the signer's voter registration was designated as inactive on the voter roll at the time the petition was signed, 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 petition does not include the name of the signer where the signature is not sufficiently legible for identification, the signature is not made by the person whose signature it purports to be, and the signer is not registered to vote in the same party as the candidate at the time the petition is signed.

Registrar's Preliminary Determination

The Registrar's review of the challenge indicated that a total of 65 of the 79 signature challenges were valid. The Registrar found that 29 challenges are valid because the signer is not registered to vote at the address listed on the petition at the time the petition was signed; 18 challenges are valid because the signers were not registered at the time the petition was signed; two challenges are valid because the petition does not include the address of the signer; five challenges are valid because the petition does not include the name of the signer where the

signature is not sufficiently legible for identification; two challenges are valid because the signer's voter registration was designated as inactive on the voter roll at the time the petition was signed; two challenges are valid because the signature is not made by the person whose signature it purports to be; and seven challenges are valid because the signer is not registered to vote in the same party as the candidate at the time the petition was signed.

Accordingly, the Registrar preliminarily determined the Petition contained 93 presumptively valid signatures, which is seven signatures below the number required for ballot access.

April 18, 2022 Pre-Hearing Conference

Pursuant to title 3 D.C.M.R. § 415.1, the Office of the General Counsel convened a pre-hearing conference with both parties on Monday, April 18, 2022. In her findings report issued prior to the pre-hearing conference, the Registrar outlined her determinations with respect to the validity of each signature challenged and provided a key code explaining the notations she used to indicate the basis for upholding or denying each challenge.

Mr. Johnson, one of the slate members present,¹ argued that the Registrar should not have validated a signature challenge on grounds other than the ground noted in the challenge.² He also maintained that the process is flawed and complained that the Board records used to validate signature challenges were out-of-date.

¹ Mr. Muhammad was also present at the pre-hearing conference. While Ms. Williams did not appear, the other Slate candidates indicated that they were representing the Slate.

²Mr. Johnson was advised that the Board's regulations allow the Registrar to declare a signature invalid even if the defect was not alleged in the challenge (*see* 3 D.C.M.R. §1606.4), and that, in the course of reviewing challenges made, the Registrar noticed other defects which she could not ignore.

At the pre-hearing conference, Mr. Meadows requested that the Registrar of Voters review several challenges that had been initially been determined to be invalid. The Registrar indicated that she was considering the information presented by Mr. Meadows about those challenges.

Prehearing Conference Follow-Up

After another review by the Registrar of Voters, she determined that nine of the signature challenges that were initially determined to be invalid were actually valid. Two are valid because the signer is not a registered voter in the ward from which the candidate seeks nomination at the time the petition was signed and seven are valid because the date on the petition was after the nominating petition was filed with the Board. This leaves the Slate's nominating petition with 84 signatures, 16 signatures below the number required for ballot access.

April 22, 2020 Board Hearing

During the Board hearing, Mr. Meadows urged that the Board accept the findings of the Registrar and deny ballot access.

Mr. Johnson spoke for the Slate. He argued that there was not sufficient time to address the challenges that the Registrar had accepted. He also noted that the pandemic was still an issue warranting relaxation of petition requirements. In addition, he alleged that his objections to challenges had not been addressed.

Discussion

The minimum number of signatures of required to obtain ballot access for this office is 100 signatures of District voters who are duly registered Ward 8 Democrats. The Petition contained a total of 158 presumptively valid signatures. While Mr. Meadows filed challenges to a total of 79 signatures, only 74 of those challenges were valid. The Board upholds the finding of the Registrar that the petition contains 84 presumptively valid signatures. Given that the Slate did not produce

evidence to rebut the reasons for invalidating at least 16 of the 74 valid challenges, we cannot find that there are sufficient signatures for ballot access.

Conclusion

As a result of this challenge, the Board finds that the Petition contains 84 valid signatures – 16 signatures below the number required for ballot access. It is hereby:

ORDERED that challenge to the nominating petition of Fight the Power 8 Slate for the offices of Ward 8 Committeepersons of the Democratic State Committee in the Primary Election is hereby **UPHELD**, and that the Slate is therefore denied ballot access in the Primary Election.

Date: April 22, 2022



Gary Thompson
Chairman
Board of Elections