

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

Shaquan Hudson,)	Administrative Order
Challenger)	#22-023
)	
)	Re: Challenge to Nominating
v.)	Petition Submitted for the
)	Office of the Advisory
)	Neighborhood Commissioner
Kendall Simmons,)	for Single Member District 8E04
Candidate.)	

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on September 9, 2022. It is a challenge to the nominating petition submitted by Kendall Simmons in support of their candidacy for the office of Advisory Neighborhood Commissioner for Single Member District (SMD) 8E04 in the November 8, 2022 General Election (“the General Election”). The challenge was filed by Shaquan Hudson pursuant to D.C. Official Code § 1-1001.08 (o)(1) (2001 Ed.). Board Chairman Gary Thompson and Board members Michael Gill and Karyn Greenfield presided over the hearing. Neither party appeared at the hearing. Accordingly, the Board proceeded with the hearing *ex parte*.¹

Background

On August 10, 2022, Candidate Simmons submitted a nominating petition to appear on the General Election ballot as a candidate for the office of Advisory Neighborhood Commissioner for

¹ Pursuant to Section 403.4 of Title 3 of the D.C. Municipal Regulations, “[i]f any person or party waives the right to be present at the hearing or fails to appear at the hearing, the Board may proceed *ex parte*[.]”

SMD 8E04 in the General Election (“the Petition”). The Petition contained a total of 49 signatures. The minimum number of signatures required to obtain ballot access for this office is 25 signatures of registered qualified electors in the District of Columbia who reside in the same single member district as the candidate.

On August 13, 2022, the Petition was posted for public inspection for 10 days as required by law. On August 22, 2022, the Petition was challenged by Ms. Hudson, a registered voter in the District of Columbia.

Ms. Hudson filed challenges to a total of 27 signatures pursuant to Title 3 D.C.M.R. § 1607.1 of the Board’s regulations on the following grounds:

- 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, was not registered to vote at the address listed on the petition at the time the petition was signed;
- The petition does not include the name of the signer where the signature is not sufficiently legible for identification; and
- The signer was not a registered voter in the ward or Single-Member District from which the candidate seeks nomination at the time the petition is signed.

Registrar’s Preliminary Determination

The Registrar of Voters’ (“the Registrar”) initial review of the challenge indicated that a total of 23 of the 27 signature challenges were valid. Specifically, the Registrar found that:

- Two are valid because the signer is not registered to vote;
- Six are valid because the signer’s voter registration was designated as inactive on the voter roll at the time the petition was signed;
- Four are valid because the signer was not registered to vote at the address listed on the petition at the time the petition was signed;
- One is valid because the signature appears not to be made by the person whose signature it purports to be; and

- Eight are valid because the signer was not a registered voter in the Single-Member District from which the candidate seeks nomination at the time the petition was signed.

Accordingly, the Registrar preliminarily determined that the Petition contained 26 valid signatures, one signature above the number required for ballot access.

The Registrar's preliminary determination was provided to the parties via email on Friday, September 2, 2022, along with a Nominating Petition Challenge Information Sheet that outlined the Registrar's determinations with respect to the validity of each signature challenged, as well as a document titled "Signature Key Codes for Nominating Petitions" that explained the notations used to indicate the basis for upholding or denying each challenge.

September 7, 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 Wednesday, September 7, 2022. Ms. Hudson was present at the conference, but Candidate Simmons did not participate, despite being provided with notice thereof on Monday, August 22, 2022.

In response to the Registrar's findings, Ms. Hudson simply asked that the Board's Registrar, Ms. Marissa Corrente, confirm the tally of valid challenges. The Registrar complied with this request. Thereafter, Ms. Hudson indicated that, in light of the Registrar's findings, she would file a challenge withdrawal form ahead of the time at which the Board was scheduled to hear the matter, September 9, 2022.

September 9, 2022 Board Hearing

Despite expressing an intent to withdraw her challenge to the Petition, Ms. Hudson did not submit a signed challenge withdrawal form ahead of the time at which the Board was scheduled

to hear the matter, September 9, 2022. Accordingly, the Board proceeded with the hearing as planned.

The Registrar read her preliminary determination report into the record. Based upon the report, and because Ms. Hudson had indicated that she would withdraw the challenge and did not present any evidence at any time that disputed the Registrar's findings, the Board's General Counsel, Ms. Terri Stroud, recommended that the Board accept the Registrar's findings. The Board adopts this recommendation, as well as the Registrar's findings. Accordingly, it is hereby

ORDERED that the challenge to the nominating petition submitted by Candidate Simmons in support of their candidacy for the office of Advisory Neighborhood Commissioner for Single Member District (SMD) 8E04 in the General Election is **DENIED**, and that Candidate Simmons is granted ballot access.

Date: September 9, 2022



Gary Thompson
Chair
Board of Elections