

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

James Butler,)	Administrative Hearing
Challenger)	Docket No. 18-024
)	
v.)	Challenge to the Nominating Petition
)	of Dustin Canter, Candidate for
Dustin Canter,)	Mayor of the District of Columbia
Candidate.)	
)	

ORDER

On August 8, 2018 Dustin “DC” Canter, candidate for Mayor of the District of Columbia, filed a nominating petition containing 3,630 signatures on 190 individual petition sheets. Petition pages 1 through 103 reflect signatures gathered using the Board’s eSign petition application (“eSign petition pages”). Petition pages 104 through 190 reflect signatures gathered using a traditional paper petition (“paper petition pages). The minimum signature requirement to obtain ballot access for the office of Mayor of the District of Columbia is 3,000 signatures of duly registered voters.

On August 20, 2018 James Q. Butler, a registered qualified elector, filed a challenge to Mr. Canter’s nominating petition (hereinafter, “the Challenge”). The Challenge consisted of 73 individual challenge sheets, containing a total of 1,325 challenges to individual signatories. Of the 73 challenge sheets, 68 sheets were used to challenge 1,243 signatures gathered on eSign petition pages and 5 sheets were used to challenge 82 signatures gathered on paper petition pages. All of the challenged signatures were challenged on the basis that the signatory is not a registered voter. No other reasons to support the basis for challenge were provided on the Challenge.

The Board has an interest in preserving its resources to adjudicate only those petition challenges that are properly filed. To that end, the Board has issued some rules concerning the minimum requirements for a properly filed challenge (see, e.g., 3 DCMR § 1606.2) and from time to time, has dismissed petition challenges when they do not meet these requirements or when they appear to not be made in good faith. In this particular instance, the Challenge at issue does not meet the requirements for a properly filed challenge.

When a signature is gathered using the eSign petition application, a petition signatory is unable to sign the petition until he or she first locates his or her voter registration record. Put another way, it is impossible for an individual who is not a registered voter to sign an eSign petition page. To confirm this impossibility, our review of each of the signatories on the first page of Mr. Canter's petition (and the first page of the Challenge at issue here) confirmed that each of the signatories is indeed a registered voter. Because the 1,243 challenges to the signatures gathered on the eSign petition pages on the basis that the signatory is not a registered voter are impossible to sustain, the Board summarily rejects these 68 pages of the Challenge.

Assuming the remaining 82 remaining challenges to the signatures gathered on paper petition pages are valid, the Challenge fails to meet the requirements of a properly filed challenge. Pursuant to 3 DCMR § 1606.2, a challenge is properly filed if it, *inter alia*, alleges the minimum number of signature defects which, if valid, would render the prospective candidate ineligible for ballot access. In this case, if the remaining 82 challenges were upheld, that would leave Mr. Canter's nominating petition with 3,548 signatures, 548 signatures above the requirement for ballot access. Because the Challenge does not allege a sufficient number of signature defects, it is not properly filed for adjudication before the Board.

In addition to the requirements of a properly filed challenge prescribed in the Board's regulations, all challenges must be made with the challenger's personal knowledge that the basis for the challenge is in good faith. In the Board's experience, challenges made in good faith typically allege a variety of signature defects. When a variety of defects are listed, it generally demonstrates that the challenger researched the Board's records to inform whether and on what basis an individual signature should be challenged. When every signature is challenged on the same basis, as is the case in this Challenge, it appears as though the challenger lacks the personal knowledge necessary for a good faith challenge. This Challenge on its face appears to have not been made in good faith and accordingly should be dismissed.

Based on the above facts, the challenger has not met the requirements to support his challenge. Therefore, it is hereby **ORDERED** that the Challenge filed by Mr. Butler is dismissed.

August 24, 2018



D. Michael Bennett
Chairman, Board of Elections