

(25) signatures¹. The minimum number of signatures required for ballot access for this office is twenty-five (25) signatures of District voters who are duly registered in the same SMD as the candidate. Pursuant to Title 3 D.C.M.R. § 1603.7, the Board accepted 25 signatures for review.

Challenger Trupti Patel filed a challenge to one signature, enumerated by line and page number on an individual “challenge sheet” filed for each petition page. The petition signature was challenged pursuant to 3 D.C.M.R. §1607.1 of the Board’s regulations on the following grounds: the signer is not a registered voter in the ward or Single-Member District from which the candidate seeks nomination at the time the petition was signed. The Registrar’s review of the challenges indicates that five of the challenge is valid. This leaves the candidate’s nominating petition with 24 signatures, 1 signature below the number required for ballot access.

Prior to the hearing, Mr. Didiuk submitted a motion by electronic mail requesting the addition of two signatories to his nominating petition to be used to meet the minimum number required for ballot access.

DISCUSSION

As a preliminary matter, the Board must address Mr. Didiuk’s motion to add signatures to his nominating petition after the period for circulation and challenge has lapsed. The Board has no authority to add signatures to a nominating petition after the circulation period has ended. This request is summarily rejected.

The United States Supreme Court has long recognized that states and localities have a responsibility to protect the integrity and reliability of the election process, and has generally accorded them latitude in establishing rules and procedures toward that end. “[T]here must be a

¹ Mr. Didiuk insists he submitted an additional undated signature with no address and an illegible name that appears to be a scratch out with a caption stating the signatory is moving to Ward 3 in the space for an address.

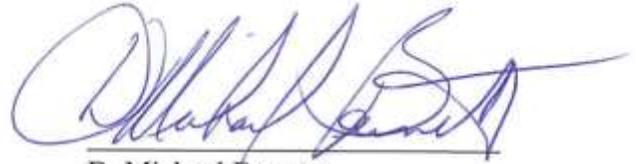
substantial regulation of elections if they are to be fair and honest and if some sort of order is to accompany the democratic process.” *Buckley v. American Constitutional Law Foundation, Inc.*, 525 U.S. 182, 187 (1999). Accordingly, the District of Columbia has established a nominating petition process that requires prospective candidates to demonstrate a modicum of support from a specific number of qualified electors as a condition precedent for ballot access. The rules and regulations promulgated by the Board require each signatory to list their name, their address, and date their signature so that the Board can ensure the signature is that of a registered voter and that the signature was collected during the nominating petition circulation period. Mr. Didiuk acknowledged in his motion that he was unable to locate the registered voter whose final signature was not accepted by the Board. Line 4 on page 2 of 2 exhibits a scratch-out in the space provided for the name and address of the signatory. Moreover, the signatory wrote, “moving to ward 3” in the space provided for their address. Finally, the section for providing the date of signature is crossed out with an “x” and contains no date. The Board cannot reasonably find this signatory on the registry, and Mr. Didiuk cannot confirm the identity of the signatory. Ms. Patel was ready willing and able to challenge this signature, but she was informed by the Registrar’s Office, that the specific line was not counted towards Mr. Didiuk’s total signature count.

CONCLUSION

Mr. Didiuk secured 24 valid signatures, which is one signature below the 25 signatures required for ballot access. It is hereby:

ORDERED that candidate John Didiuk is denied ballot access for the office of Advisory Neighborhood Commissioner, Single Member District 2A03.

August 31, 2018
Date

A handwritten signature in blue ink, appearing to read "D. Michael Bennett", written over a horizontal line.

D. Michael Bennett
Chairman,
Board of Elections