

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

Cheryl Moore,)	
Challenger)	Administrative
)	Order #20-019
)	
v.)	Re: Challenge to Nominating
)	Petition Submitted for the
)	Office of Advisory
Bruce Jones,)	Neighborhood Commissioner
Candidate.)	for Single Member District
)	8E02

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 Bruce Jones (“Mr. Jones”) in support of his candidacy for the office of Advisory Neighborhood Commissioner for Single Member District 8E02 filed by Cheryl Moore (“Ms. Moore”) pursuant to D.C. Code § 1-1001.08 (o)(1) (2001 Ed.). The parties appeared *pro se*. Chairman D. Michael Bennett and Board members Michael Gill and Karyn Greenfield presided over the hearing.

Background

On July 15, 2020, Mr. Jones submitted a nominating petition to appear on the ballot as a candidate in the November 3, 2020 General Election contest for the office of Advisory Neighborhood Commissioner (ANC) for Single Member District (SMD) 8E02 (“the Petition”). The minimum requirement to obtain ballot access for this office is ten signatures of District voters who are duly registered in the same SMD. The Petition contained ten 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 ten 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. Moore, a registered voter in the District of Columbia, filed a challenge to the Petition.

Ms. Moore filed challenges to three signatures pursuant to title 3 D.C.M.R. § 1607.1 of the Board's regulations. She asserted five grounds for rendering each of these three signatures invalid: 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 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 a registered voter in the ward or SMD 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 none of the challenges were valid. Accordingly, the Registrar preliminarily determined the Petition contained ten presumptively valid signatures, which meets the minimum requirement for ballot access.

August 28, 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 Friday, August 28, 2020. Ms. Moore appeared *pro se*. Mr. Jones did not appear. Mr. Jones had been provided with notice of the pre-hearing conference on August

20.¹ So, the attorney with OGC facilitating the prehearing conference proceeded without him present. An attorney for the Office of the General Counsel summarized the Registrar's report.

Ms. Moore asked how Mr. Jones could obtain ballot access despite not appearing for the pre-hearing conference. The attorney with OGC responded that Mr. Jones did not automatically lose the challenge due to his failure to appear that day. Ms. Moore stated that her only basis for challenging the Petition was her belief that the three signatures she challenged are illegible. She questioned how the Board can determine that the signatures she challenged match the signatures on file for the individuals in question, because people's signatures often don't look the same every time they sign something. She said that if she had thought the signatures matched the voting registration records, she would not have filed the challenge.

The Registrar responded to this. She noted that Ms. Moore as the challenger has the burden of proof, and that she had not provided any information to the Registrar to support the assertion that the signatures did not match, or that they were forged. The Registrar did compare the challenge signatures to the voter registration records, and found the signatures matched.

September 2, 2020 Board Hearing

On September 2, 2020, the Registrar presented the Board with her preliminary determination of the challenges. The parties appeared *pro se*. Ms. Moore stated that she challenged three signatures, and that she had not received any information confirming the signatures in question were legitimate. Mr. Jones spoke briefly and stated that the challenge was frivolous.

¹ Mr. Jones later wrote to the OGC and stated he received this notice, but he had mistakenly believed that the matter was resolved when he later received the Registrar's preliminary report.

Discussion

Ms. Moore challenged three signatures to Mr. Jones's Petition by simply citing to certain provisions of D.C. Municipal Regulations stating requirements for valid signatures. She did not provide an explanation in her written challenge, in her pre-hearing conference, or in the Board hearing about what led her to believe the signatures in question did not match the signatures on file for these voters.

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, Ms. Moore provided limited documentary evidence or oral testimony to support her challenge. The Registrar provided documentary evidence to support her finding the challenged signatures matched the voter registration record. The Board therefore determined that the three signatures in question are valid.

Conclusion

As a result of this challenge, the Board finds that the Petition contains ten valid signatures, which meets the requirements for ballot access. It is hereby:

ORDERED that candidate Bruce Jones is granted ballot access in the contest for the office of Advisory Neighborhood Commissioner for Single Member District 8E02 in the November 3, 2020 General Election.

Date: 9/4/2020

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

D. Michael Bennett
Chairman
Board of Elections