

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS**

Cheryl Moore,	)	
Challenger	)	Administrative
	)	Order #20-018
	)	
v.	)	Re: Challenge to Nominating
	)	Petition Submitted for the
	)	Office of Advisory
Anthony Muhammad,	)	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 Anthony Muhammad (“Mr. Muhammad”) 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 16, 2020, Mr. Muhammad 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 a total of 19 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 19 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 twelve signatures pursuant to title 3 D.C.M.R. § 1607.1 of the Board's regulations. She asserted five grounds for rendering these twelve 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 four of the challenges were valid. The Registrar found that two challenges were valid because the signer was not registered to vote at the address listed on the Petition at the time the Petition was signed. Two challenges were valid because the signers were not registered to vote. Accordingly, the Registrar preliminarily determined the Petition contained fifteen presumptively valid signatures, which meets the minimum requirement for ballot access.<sup>1</sup>

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<sup>1</sup> The Registrar circulated a preliminary report on August 24, 2020 that stating her finding that the Petition contained 14 presumptively valid signatures. She stated during the August 28, 2020 pre-hearing conference that she had made a counting error. Because Mr. Muhammad submitted 19 signatures and the Registrar had only determined 4 signatures to be invalid, this actually left Mr. Muhammad with 15 signatures. The Registrar circulated an updated preliminary report reflecting this on September 1, 2020.

### **August 28, 2020 Pre-Hearing Conference**

Pursuant to title 3 D.C.M.R. § 415.1, the Office of the General Counsel convened a prehearing conference with on Friday, August 28, 2020. The parties appeared *pro se*. An attorney with the Office of General Counsel summarized the Registrar's preliminary report and presented via screen-sharing in the video conference the Registrar's "Nominating Petition Challenge Information."

Ms. Moore raised several issues at the pre-hearing conference. First, she stated that Mr. Muhammad had been distributing campaign literature that said "re-elect" Mr. Muhammad, which Ms. Moore felt was inappropriate because he was not already in the seat. Ms. Moore asked why the Board was still holding a hearing after the Registrar had determined Mr. Muhammad enough signatures to satisfy the ballot access requirements. Ms. Moore stated that Mr. Muhammad had offered one correction for his signatures, but that she had not received any information concerning her other challenges.<sup>2</sup> The attorney with the Office of General Counsel screen-shared the Registrar's preliminary report and explained the use of the Registrar's notations on the Petition Challenge Form, and how this reflected the Registrar's findings for each challenged signature. Ms. Moore mistakenly believed that she was looking at the actual Petition, and questioned how the Registrar could have made a determination based on the information on the Petition Challenge Form.

Mr. Muhammad responded. He specified that the parties were viewing the Petition Challenge Form, and not his actual Petition. Mr. Muhammad explained why the Registrar's findings were correct with respect to several signatures that the Registrar had deemed to be valid

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<sup>2</sup> After the hearing, the Registrar reviewed the file, and she could not discern what correction Ms. Moore might have been referencing.

signatures. He summarized matters by stating he had at least the ten signatures required to obtain ballot access.

The attorney with the Office of the General Counsel asked the parties whether they had any questions for the Registrar. They did have any questions, and they each indicated their intention to move forward to the Board hearing on September 2, 2020.

### **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 a number of signatures, and that she had not received any information confirming the signatures in question were legitimate. She also raised her concern about Mr. Muhammad's campaign literature. Mr. Muhammad responded and said that he accepted the Registrar's report and requested that the Board grant him ballot access.

### **Discussion**

Ms. Moore challenged Mr. Muhammad's Petition signatures 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 were invalid.

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 that eight of the twelve challenged signatures were valid signatures. The Board accepts the Registrar's findings.

**Conclusion**

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

**ORDERED** that candidate Anthony Muhammad 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 "Anthony Muhammad", is written over a horizontal line. The signature is stylized and cursive.