

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

Sydelle Moore

Petitioner

v.

Kathy Henderson

Respondent

Administrative Hearing

Order No. 21-004

Re: Challenge to Recall Petition

Filed Against Sydelle Moore

MEMORANDUM OPINION AND ORDER

Introduction and Background

This matter came before the Board pursuant to D.C. Official Code § 1-1001.17(k)(2) on November 24, 2021. It involves a challenge filed by Sydelle Moore to the petition submitted by Kathy Henderson (“the Petition”) in support of her effort to recall Sydelle Moore, Advisory Neighborhood Commissioner Single Member District (SMD) 5D05. Board member Karyn

Greenfield presided over the hearing.¹ Both Ms. Moore and Ms. Henderson appeared at the hearing.

Discussion

On October 25, 2021, Ms. Henderson submitted the Petition to the Board. It contained 10 pages and 199 signatures. Based upon the latest official count of the registered voters in SMD 5D05 issued at least 30 days before the Petition was submitted on October 25, 2021², the Petition was required to contain the valid signatures of at least 161 of the registered voters in SMD 5D05 in order for the recall measure to qualify for ballot access.³

On October 28, 2021, the Petition was posted for public inspection and a 10-day challenge period, as required by law. On November 4, 2021, Ms. Moore filed a challenge to 109 signatures on the following grounds: the signer is not a duly registered voter; 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

¹ Pursuant to D.C. Official Code § 1-1001.05(g)

Notwithstanding provisions of the District of Columbia Administrative Procedure Act ([§ 2-501](#) et seq.), the Board may hear any case brought before it under [this subchapter](#) by 1 member panels. An appeal from a decision of any such 1 member panel may be taken to either the full Board or to the District of Columbia Court of Appeals, at the option of any adversely affected party. If appeal is taken directly to the District of Columbia Court of Appeals, the decision of a 1 member panel shall be, for purposes of such appeal, considered to be a final decision of the Board. If an appeal is taken from a decision of a 1 member panel to the full Board, the decision of the 1 member panel shall be stayed pending a final decision of the Board. The Board may, upon a vote of the majority of its members, hear de novo all issues of fact or law relating to an appeal of a decision of a 1 member panel, except the Board may decide to consider only the record made before such 1 member panel. A final decision of the full Board, relating to an appeal brought to it from a 1 member panel, shall be appealable to the District of Columbia Court of Appeals in the same manner and to the same extent as all other final decisions of the Board.

² As of August 31, 2021, the latest official count of the registered voters in SMD 5D05 issued at least 30 days before the Petition was submitted, there were 1,612 registered voters in SMD 5D05.

³ D.C. Official Code § 1-1001.17(h)(3) provides that “[a] recall petition for an elected officer from a single-member district shall include the valid signatures of 10% of the registered qualified electors of the single-member district from which the officer was elected[.] ... The ... 10% shall be computed from the total number of registered qualified electors from the single-member district in accordance with the same procedures established in paragraph (1) of this subsection.”

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 signer was also the circulator of the same petition sheet where the signature appears; the signature is not made by the person whose signature it purports to be; and the signer is not a registered voter in the single member district of the elected official sought to be recalled.

The Registrar of Voters, Karen F. Brooks (“the Registrar”), reviewed the challenges, and preliminarily determined that 76 of the 109 signatures challenged were invalid based upon the following grounds:

Grounds for Disqualification	Number Disqualified
Signer Not a Registered Voter	32
Signer Inactive	4
Signer is Registered at Different Address in Same Jurisdiction	26
Address Missing	1
Forgery/Mark	3
Signer Not Registered in the Electoral Jurisdiction	10
Total Number of Challenged Signatures Determined to be Invalid	76

Accordingly, the Registrar determined that the challenge left the Petition with 103 signatures that were determined to be valid - 58 signatures below the number required for ballot access.⁴

During the hearing on November 24, 2021, the Registrar presented to the Board her report regarding the challenge, which set forth the above-referenced findings. While Ms. Henderson objected to the Registrar’s findings on several grounds, she submitted no evidence

⁴ Id.

that the Petition actually contains a sufficient number of signatures for the Petition to achieve ballot access.

Based upon the findings contained in the Registrar's report, the Board adopts the Registrar's report. Accordingly, it is hereby

ORDERED that the recall measure be denied ballot access due to the numerical insufficiency of the supporting petition.

Date: November 24, 2021



Karyn Greenfield
Member