

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

_____)	Administrative Hearing
Joseph Johnson)	Docket No. 18-032
Challenger)	
)	
v.)	Challenge to the Nominating Petition
)	of Shekita McBroom, Candidate for
Shekita McBroom,)	Office of the Advisory
Candidate.)	Neighborhood Commissioner for
_____)	Single Member District 8E01

MEMORANDUM OPINION AND ORDER

This matter came before the District of Columbia Board of Elections (hereinafter referred to as “the Board”) on September 5, 2018. The issue involves a challenge to the nominating petition of Shekita McBroom (“Ms. McBroom” or “Candidate”) as a candidate for Office of the Advisory Neighborhood Commissioner for Single Member District 8E01. The challenge was filed by Joseph Johnson (“Mr. Johnson” or “the Challenger”). Mr. Johnson asserted that his challenges, if valid, would leave Ms. McBroom’s nominating petition below the statutory minimum of 25 signatures of registered voters, thereby disqualifying Ms. McBroom from ballot access in the November 8, 2018 General Election.

Chairman D. Michael Bennett and Board members Mike Gill and Dionna Lewis presided over the hearing. Sandra S. Seegars appeared on behalf of the Challenger. The Candidate did not appear. Accordingly, the hearing proceeded ex-parte pursuant to Title 3 of the District of Columbia Municipal Regulations (“DCMR”) §403.4.

This Memorandum Opinion constitutes the Board’s findings of fact and conclusions of law.

I. FINDINGS OF FACT

1. On August 8, 2018 Shekita McBroom submitted a nominating petition containing 39 signatures to appear on the ballot in the November 6, 2018 General Election as a nominee for the office of the Advisory Neighborhood Commissioner for Single Member District 8E01.
2. The minimum petition requirement for ballot access for the office of the Advisory Neighborhood Commissioner for Single Member District 8E01 is 25 signatures of qualified electors registered in the same Single Member District as the candidate. D.C. Official Code § 1-309.05(a)(1)(B).
3. Ms. McBroom's petition was posted for public inspection for 10 days as required by law. D.C. Official Code § 1-1001.08 (o)(1).
4. On August 20, 2018, Joseph Johnson, a registered voter in the District of Columbia, filed a challenge to Ms. McBroom's nominating petition. Mr. Johnson challenged 31 individual signatures, challenged pursuant to the Board's regulations at 3 DCMR § 1607.1, citing the specific ground or grounds for challenge.
5. On August 22, 2018, both the Candidate and the Challenger were sent notice by email confirming receipt of the Challenge, providing a copy of the Challenge and notice of the time period to cure signature defects by change of address. The same email provided notice of the date and time of a scheduled prehearing conference concerning the Challenge.
6. A prehearing conference was held at 4:00 PM on Tuesday, August 28 at the Board's offices at 1015 Half Street SE Suite 750. The Challenger attended with his representative while the Candidate attended via telephone.

7. At the prehearing conference, the Assistant Registrar of Voters (“the Registrar”) gave her preliminary report concerning the challenge. The Registrar’s review of the challenges concluded that 18 challenges were valid. The Registrar further concluded that as a result of the valid challenges, the Candidate’s nominating petition contained 21 signatures, 4 signatures below the requirement for ballot access.
8. The Candidate elected to review the findings after the prehearing conference. Ms. McBroom later stated her intention to go before the Board for a formal hearing. Despite attempts by the Office of the General Counsel to reach Ms. McBroom, she did not respond to requests to confirm she received correspondence regarding the scheduled hearing. Both Ms. McBroom and Mr. Johnson were advised of the hearing date and time via telephone and email on Friday, August 31, 2018.
9. The hearing on this matter occurred as scheduled on Wednesday, September 5, 2018. Sandra S. Seegars appeared on behalf of the Challenger. The Candidate did not appear. Accordingly, the hearing proceeded ex-parte pursuant to Title 3 of the District of Columbia Municipal Regulations (“DCMR”) §403.4.
10. At the hearing, the Registrar provided the Board with her preliminary report of the challenge. The preliminary report was identical to the report read at the prehearing conference.

II. CONCLUSIONS OF LAW

11. The District of Columbia Election Code provides, in relevant part, that nominating petition challenges shall occur in the following manner:

Any registered qualified elector may within the 10-day period challenge the validity of any petition by written statement signed by the challenger and filed with the Board and specifying concisely the alleged defects in the petition. A copy of the challenge shall be sent by the Board promptly to the person designated for the

purpose in the nominating petition... The Board shall receive evidence in support of and in opposition to the challenge and shall determine the validity of the challenged nominating petition not more than 20 days after the challenge has been filed. D.C. Official Code § 1-1001.08 (o)(1)-(2).

12. For the purpose of verifying a signature on a petition, if the address of a petition signer is different than the signer's voter registration record, the address shall be deemed valid if the signer's current address is within the same Single-Member District as the candidate and the signer files a change of address form with the Board within 10 days of the date that a petition challenge was filed. D.C. Official Code § 1-1001.08 (o)(3).
13. District law prohibits the counting of signatures of inactive voters as valid in the verification of signatures on nominating petitions. D.C. Official Code § 1-1001.07 (j)(5)(B).
14. The Board accepts the Registrar's report and review of the challenged signatures. The Board also accepts the Registrar's conclusion that after the valid challenges of 18 signatures, the Candidate's nominating petition contains 21 signatures, 4 signatures below the statutory requirement for ballot access.
15. Because the Candidate's nominating petition does not contain the valid signatures of at least 25 qualified electors registered within the same Single-Member District as the candidate, the Board concludes that the Candidate does not qualify for ballot access in the November 6, 2018 General Election.

ORDER

Based on the findings of fact and conclusions of law contained in the Board's Memorandum Opinion, it is hereby **ORDERED** that Ms. Shekita McBroom, the Candidate, be denied ballot access in the November 6 General Election.

September 10, 2018

A handwritten signature in blue ink, appearing to read "D. Michael Bennett". The signature is stylized and cursive.

D. Michael Bennett
Chairman, Board of Elections

