

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS**

Victoria Clark,	)	
Challenger	)	Administrative
	)	Order #20-021
	)	
v.	)	Re: Challenge to Nominating
	)	Petition Submitted for the
	)	Office of Advisory
Rhonda Edwards-Hines,	)	Neighborhood Commissioner
Candidate.	)	for Single Member District
	)	8C06

**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 Rhonda Edwards-Hines (“Ms. Edwards-Hines”) in support of her candidacy for the office of Advisory Neighborhood Commissioner for Single Member District 8C06 filed by Victoria Clark (“Ms. Clark”) 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 August 5, 2020, Ms. Edwards-Hines 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 the Single Member District (SMD) 8C06 (“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 twenty 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 twenty 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. Clark, a registered voter in the District of Columbia, filed a challenge to the Petition.

Ms. Clark filed challenges to fifteen signatures pursuant to title 3 D.C.M.R. § 1607.1 of the Board's regulations. She asserted that each of these fifteen signatures that "Signer does not reside at address. The location is demolished."

#### **Registrar's Preliminary Determination**

The Registrar reviewed the challenge to determine the validity of the challenged signatures. The Registrar's review indicated that a total of 14 of the 15 signature challenges were valid. Accordingly, the Registrar preliminarily determined the Petition contained six presumptively valid signatures, which does not meet the minimum requirement for ballot access.

The Registrar's preliminary determination was based on public records made available by the Office of the Chief Technology Officer, known as a "MAR Location Detail" report. The report indicates that the address 1351 Stevens Road SE had a status of "Active." The Registrar pulled the MAR Location Detail report for every address listed in the Petition for a challenged signature. For all addresses other than 1351 Stevens Road SE, the report listed the address status as "Retire." The Registrar included copies of the MAR Location Detail reports with her preliminary determination.

## **September 1, 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 both parties on Tuesday, September 1, 2020. The parties appeared *pro se*. The Registrar attended and presented her report. She stated that, in each case where a signatory to the Petition had listed an address with “Retire” status on the MAR Location Detail report, she had determined the signer was not registered to vote.

Ms. Edwards-Hines described the facts and circumstances under which she collected a Petition signatures. She stated that, prior to collecting signatures for her Petition, she had obtained a list of all registered voters in the SMD for which she was seeking to hold the ANC office. She stated she had been told by DCBOE staff that the signatories to her Petition needed to list an address that matched DCBOE’s current voter registration records. Therefore, when Ms. Edwards-Hines presented her Petition to individuals whom she believed to be registered voters in the SMD, she instructed them to write down an address that matched the voter registration records she had obtained. Ms. Edwards-Hines acknowledged that she had provided this instruction to signatories and she believed this was the correct thing to do even if the signatory no longer resided at that address.

Ms. Edwards-Hines further stated that she had been told by DCBOE staff that she would have a period of ten days “after the hearing” to address any issues with her Petition and the addresses.<sup>1</sup> She requested that the Board provide her with ten days after the scheduled September 2, 2020 Board hearing to submitted updated information to the Registrar. An attorney from the

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<sup>1</sup> Ms. Edwards-Hines was referencing title 3 D.C.M.R. § 1607.1(b), which states the signature shall not be counted as valid in the following circumstance: “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; provided that an address on a petition which is different than the address which appears on the Board’s records shall be deemed valid if the signer’s current address is within boundary from which the candidate seeks nomination, and the signer files a change of address form with the Board during the first 10 days following the date on which a challenge to the nominating petition is filed.”

DCBOE Office of the General Counsel informed Ms. Edwards-Hines that the provision she was referring to allowed for updates within ten days of a challenge to her Petition being filed, not within 10 days of the Board hearing on the challenge.

Ms. Clark did not contest the Registrar's findings and did not present any factual information at the pre-hearing conference. She stated that DCBOE provides appropriate and accurate written instructions for obtaining ballot access to all candidates for public office.

### **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. Edwards-Hines requested that the Board find the signatures on her Petition valid because the addresses were consistent with the voter registration records that Ms. Edwards-Hines had obtained from DCBOE staff. She also raised the same points she had offered in the pre-hearing conference regarding guidance she had received from DCBOE staff, and asked that her error be waived because she had received incorrect guidance.

The Registrar testified regarding the MAR Location Detail reports, and the evidence she found that multiple addresses were on a "Retired" status. She stated that, because it is not possible to be properly registered to vote at an address that no longer exists, she had found 14 signatories who had listed "Retired" addresses on the Petition to be "not registered." When the Registrar mentioned Ms. Clark's assertion that the residences at these addresses had been demolished, Ms. Edwards-Hines stated this was the first she had heard of these residences being demolished.

### **Discussion**

Ms. Edwards-Hines acknowledges that she asked signatories to her Petition to use addresses that matched the voter registration records she had obtained. This fact, coupled with the

Registrar's finding that multiple addresses listed on the Petition have a "Retired" status, strongly suggests that the signatories to the Petition did not write down the address where they actually reside, and thus are not duly registered voters.

**Conclusion**

As a result of this challenge, the Board finds that the Petition contains six valid signatures - four signatures below the number required for ballot access. It is hereby:

**ORDERED** that candidate Rhonda Edwards-Hines is denied ballot access in the contest for the office of Advisory Neighborhood Commissioner for the Single Member District 8C06 in the November 3, 2020 General Election.

Date: 9/4/2020



D. Michael Bennett  
Chairman  
Board of Elections