

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS**

_____)	
Beverlye Neal,)	
)	
Challenger,)	
)	Administrative Hearing
v.)	No. 00-024
)	
Gail Davis,)	Re: Challenge to Nomination Petition
)	
Candidate.)	
_____)	

MEMORANDUM OPINION AND ORDER

This matter came before the Board of Elections and Ethics on Monday, March 20, 2000 and involved a challenge to the candidacy of Gail Davis, candidate for the office of Ward Four Member of the Democratic State Committee. The challenge was brought by Beverlye Neal. The Board was represented by members Dr. Lenora Cole Alexander and Stephen Callas. The Challenger failed to appear at the hearing. The challenged Candidate appeared at the hearing pro se.¹

According to the evidence presented to the Board, Candidate Davis submitted a nominating petition containing a total of 105 signatures. The minimum signature requirement to qualify for the ballot for this office is 100 signatures of persons who are duly registered Democratic voters in Ward Four.

Challenger Neal filed a total of 17 challenges to signatures on the nominating petition. As required by the Board's regulations, Challenger Neal specified the alleged defects pursuant to

¹ Notwithstanding the fact that one of the parties to the proceeding failed to appear, the Board is granted the authority to proceed with the hearing *ex parte*, pursuant to 3 D.C.M.R. § 403.4.

3 D.C.M.R. § 1706.2. Challenger Neal alleged that Candidate Davis had failed to file the minimum 100 valid signatures of duly registered Democratic voters in Ward Four for the following reason(s):

- 1) The signer is not registered to vote at the address listed on the petition at the time the petition is signed (3 D.C.M.R. § 1704.7(b));
- 2) the signer is not a duly registered voter (3 D.C.M.R. § 1704.7(c));
- 3) the signature is not dated (3 D.C.M.R. § 1704.7(d));
- 4) the signer is not registered to vote in the same party as the candidate at the time the petition is signed (3 D.C.M.R. § 1704.7(e)), and;
- 5) the signer is not duly registered in the ward from which the candidate seeks election at the time the petition is signed (3 D.C.M.R. § 1704.7(f)).

The review of the challenge conducted by the Registrar of Voters indicated that 15 of the challenges were found to be valid. This decreased the number of valid signatures obtained by Candidate Davis to 90 registered qualified electors, which is below the minimum number required for ballot access.

Accordingly, the challenge succeeds in providing an adequate legal basis upon which to reduce the number of valid signatures obtained by Candidate Davis below the legal minimum requirement. Consequently, the candidate does not possess an adequate number of signatures to remain eligible for ballot access.

In view of the evidence presented, the Board finds that the challenge is sufficient to remove the candidate's name from the ballot. Therefore, the Board sustains the challenge as specified herein and in accordance with the report of the Registrar of Voters. Accordingly, it is

hereby

ORDERED, that Ms. Davis be denied access to the ballot in the May 2, 2000

Presidential Preference Primary as a candidate for Ward Four Member of the Democratic State
Committee.

March 23, 2000

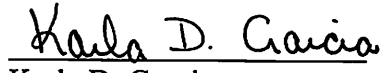
Date



Dr. Lenora Cole Alexander
D.C. Board of Elections and Ethics

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing order was mailed this 23rd day of March, 2000 to the following parties: Beverlye Neal, 6600 Luzon Avenue, NW #513, Washington, DC 20012, and; Gail Davis, 800 Fern Place, NW, Washington, DC 20012.



Karla D. Garcia