

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

H. J. Amons, Sr.,)	
)	
Complainant,)	
)	Administrative Hearing
)	No. 02-018
)	
DeLeon Ware,)	Re: Challenge to Nomination Petition
)	
Respondent.)	
)	

MEMORANDUM OPINION AND ORDER

This matter came before the Board of Elections and Ethics on September 24, 2002, and involved a challenge to the candidacy of DeLeon Ware, candidate for the office of Advisory Neighborhood Commissioner in Single-Member District 6A06. The challenge was brought by H. J. Amons, Sr. The Board was represented by Chairman Benjamin F. Wilson and Members Stephen Callas and Jonda McFarlane. Both the Challenger and the Candidate indicated prior to the hearing that they would be unable to attend.

According to the evidence presented to the Board, Mr. Amons challenged Mr. Ware's nominating petition on the ground that Mr. Ware was not a registered qualified elector, and that this meant that Candidate Ware did not meet the qualifications to serve as an Advisory Neighborhood Commissioner.¹ However, the Registrar of Voters preliminarily determined that Mr. Amons' challenge failed to present any evidence to substantiate his allegation that Mr. Ware does not, in fact, reside at the address listed both on the voter registry and on his Declaration of Candidacy filed with the Board.

In light of Mr. Amons' failure to provide the Board with any concrete evidence upon

¹ D.C. Code § 1-309.05(a)(1) provides, *inter alia*, that "[n]o person shall be a member of an Advisory Neighborhood Commissioner unless he is a *registered qualified elector* residing in the single-member district from which he was elected[,] and [h]as been residing in such district continuously for the 60 days immediately preceding the day on which he files the nominating petitions as a candidate as such a member[.]"

which to deny Mr. Ware access to the November 5, 2002 General Election ballot as a candidate for Advisory Neighborhood Commissioner in Single-Member District 6A06, the Board has no basis under law upon which to do so. Therefore, the Board denies the challenge as specified herein and in accordance with the preliminary determination of the Registrar of Voters. Accordingly, it is hereby

ORDERED that Candidate DeLeon Ware be granted access to the ballot in the November 5, 2002 General Election as a candidate for Advisory Neighborhood Commissioner in Single-Member District 6A06.

September 26, 2002
Date


Benjamin F. Wilson, Chairman

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing order was hand-delivered this September 26, 2002 to DeLeon Ware, 605 14th Street, NE, Washington, DC 20002 and H. J. Amons, Sr., 1418 G Street, NE, Washington, DC 20002.

Terri D. Stroud