

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS**

Anthony Muhammad,	)	
Challenger	)	Administrative
	)	Order #16-013
	)	
v.	)	Re: Nominating Petition
	)	Challenge for the Office
	)	Advisory Neighborhood
Karlene Armstead,	)	Commissioner Single Member
Candidate.	)	District 8E06

**MEMORANDUM OPINION AND ORDER**

**INTRODUCTION**

This matter came before the District of Columbia Board of Elections (“the Board”) on September 7, 2016. It is a challenge to the nominating petition of Karlene Armstead (“Ms. Armstead”) for the office of Advisory Neighborhood Commissioner, Single Member District 8E06 filed by Anthony Muhammad (“Mr. Muhammad”) pursuant to D.C. Code § 1-1001.08 (o)(1) (2001 Ed.). The Challenger appeared *pro se*, and the Candidate made an appearance, but could not attend the hearing due to work constraints that could not accommodate the delayed start of the hearing. Accordingly, the hearing proceeded ex-parte pursuant to Title 3 of the District of Columbia Municipal Regulations (“DCMR”) §403.4. Chairman Michael Bennett and Board members Dionna Lewis and Michael Gill presided over the hearing.

**BACKGROUND**

On August 10, 2016, Karlene Armstead submitted a nominating petition to appear on the ballot as a candidate in the November 8, 2016 General Election contest for the office of Advisory Neighborhood Commissioner (ANC) for Single Member District (SMD) 8E06. That petition

was posted for public inspection for 10 days, as required by law, and challenged on August 22, 2016 by Anthony Muhammad, a registered voter in the District of Columbia. Ms. Armstead submitted a total of twenty-nine (29) signatures. The minimum requirement for this office is twenty-five (25) signatures of District voters who are duly registered in the same SMD as the candidate.

Challenger Anthony Muhammad filed challenges to a total of twenty-nine (29) signatures, enumerated by line and page number on individual “challenge sheets” filed for each petition page. Petition signatures were challenged pursuant to 3 D.C.M.R. §1607.1 of the Board’s regulations on the following grounds: 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 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; the petition does not include the name of the signer where the signature is not sufficiently legible for identification; the circulator of the petition failed to complete all required information in the circulator’s affidavit; the signature is not made by the person whose signature it purports to be; and the signer is not a registered voter in the ward or Single-Member District from which the candidate seeks nomination at the time the petition was signed..

The Registrar’s review of the challenges indicates that a total of 29 of the 29 challenges are valid. This leaves the candidate’s nominating petition with 0 signatures, 25 signatures below the number required for ballot access. Additionally, Challenger Anthony Muhammad filed

challenges to a total of twenty (20) signatures, enumerated by line and page number on individual “challenge sheets” filed for each petition page for the aforementioned reasons. The Registrar’s review of the challenges indicates that a total of 4 of the 20 challenges are valid. This leaves the candidate’s nominating petition with 25 otherwise valid signatures, the number required for ballot access. The Registrar of Voters received one (1) change of address from Ms. Armstead. The Registrar presented the one change of address to Mr. Muhammad during the hearing and he objected to not receiving the card prior to the hearing. He did have an opportunity to examine the address change card during the hearing. By virtue of D.C. Code §1-1001.08(o)(3), Ms. Armstead was able to cure the address change within the first ten days of the challenge and she submitted the change of address on the tenth day of the challenge. Accordingly, this leaves the candidate’s nominating petition with 26 otherwise valid signatures, 1 signature over the number required for ballot access.

### **DISCUSSION**

The United States Supreme Court has long recognized that states and localities have a responsibility to protect the integrity and reliability of the election process, and has generally accorded them latitude in establishing rules and procedures toward that end. “[T]here must be a substantial regulation of elections if they are to be fair and honest and if some sort of order is to accompany the democratic process.” *Buckley v. American Constitutional Law Foundation, Inc.*, 525 U.S. 182, 187 (1999). Accordingly, the District of Columbia has established a nominating petition process that require prospective candidates to demonstrate a modicum of support from a specific number of qualified electors as a condition precedent for ballot access.

Ms. Armstead omitted her printed name and address for her circulator affidavits on each of her petition sheets as the circulator. While this is a valid challenge, Ms. Armstead’s omission

of her printed name and address is considered a formal error on her part because she secured the requisite number of otherwise valid signatures. The omission did not frustrate the petition process because the Board was able to readily identify her as the circulator by cross-referencing her signature on the petition sheet with the signature on the voter registry. At the pre-hearing conference for this matter, Ms. Armstead explained that it was merely an error on her part. Mr. Muhammad maintained that circulators must adhere to the rules and should not be rewarded with ballot access if the Board's guidelines are not followed. During the hearing before the Board, Mr. Muhammad took objection to Ms. Armstead signatures on the nominating petition as circulator and intimated that she did not actually circulate the petitions, but the Board's examination of the signatures instilled confidence and certainty that she in fact circulated the petitions. Ms. Armstead had 26 otherwise valid signatures disallowed due to her formal error. The Board concluded that the omission of printed name and address on the circulator affidavits was a formal error pursuant to 3 DCMR §1606.4, which states, "the board may in its discretion waive any formal error."

**CONCLUSION**

Ms. Armstead secured 26 valid signatures, which is 1 signature above the 25 signatures required for ballot access. It is hereby:

**ORDERED** that candidate Karlene Armstead is granted ballot access for the office of Advisory Neighborhood Commissioner, Single Member District 8E06.

September 12, 2016  
Date



D. Michael Bennett  
Chairman,  
Board of Elections