

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

Joe Bishop-Henchman,	)	
Challenger	)	Administrative
	)	Order #26-062
	)	
v.	)	Re: Challenge to Nominating
	)	Petition Submitted for
	)	Chairman of the Council
Calvin Gurley,	)	
Candidate.	)	

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections ("the Board") on September 4, 2026. It is a challenge ("the Challenge") to the nominating petition submitted by Calvin Gurley ("the Candidate") to run for the office of Chairman of the Council in the November 3, 2026 General Election ("the General Election"). The Challenge was filed by Joe Bishop-Henchman ("the Challenger"), a registered voter in the District of Columbia, pursuant to D.C. Official Code § 1-1001.08(o)(1). Chairman Gregory McCarthy and Board Members Karyn Greenfield and Michael Wakefield presided over the hearing. Both parties appeared *pro se*.

Background

On August 5, 2026, the Candidate submitted a nominating petition to appear on the ballot as a candidate in the General Election contest for the office of Chairman of the Council ("the Petition"). The minimum number of signatures required to obtain ballot access for this office is 3,000 signatures from registered qualified electors. The Petition contained 3,069 signatures. Pursuant to Title 3, District of Columbia Municipal Regulations (D.C.M.R.) § 1603.3(a), the Board's Registrar of Voters accepted 3,069 signatures for review.

On August 8, 2026, the Board posted the Petition for public inspection for 10 days, as required by law. On August 15, 2026, the Challenger filed challenges to a total of 125 of the 3,069 signatures submitted, enumerated by line and page number on individual challenge sheets filed for each petition page. The signatures were challenged pursuant to Title 3 D.C.M.R. §§ 1603 and 1607.1 of the Board's regulations on the following grounds: the signer is not a registered voter in DC (§ 1603); the signer's voter registration was designated as inactive on the voter roll at the time the petition was signed (§ 1607.1(a)); 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 (§ 1607.1(b)); the signature is a duplicate of a valid signature (§ 1607.1(c)); the petition does not include the address of the signer (§ 1607.1(e)); and the petition does not include the name of the signer and the signature is not sufficiently legible for identification (§ 1607.1(f)).

Assistant Registrar's Preliminary Determination

The Assistant Registrar reviewed the challenged signatures and issued her report. The Assistant Registrar's review of the Challenge indicated that 104 of the 125 signature challenges were valid. The Assistant Registrar found that 47 challenges are valid because the signer is not registered to vote; 40 challenges are valid because the signer is not registered to vote at the address listed on the Petition at the time the Petition was signed; eight challenges are valid because the signer's voter registration was designated as inactive on the voter roll at the time the Petition was signed; one challenge is valid because the signature is a duplicate of a valid signature; two challenges are valid because the Petition does not include the address of the signer; and six challenges are valid because the Petition does not include the name of the signer where the signature is not sufficiently legible for identification.

Accordingly, the Assistant Registrar determined the Petition contained 2,965 valid signatures, which is 35 signatures below the 3,000 required for ballot access.

September 1, 2026 Pre-Hearing Conference

Pursuant to Title 3 D.C.M.R. § 415.1, the Office of the General Counsel convened a prehearing conference with the parties on September 1, 2026. Both parties appeared *pro se*. A representative of the Voter Services Division presented the Assistant Registrar's findings.

The Candidate raised many of the same issues he raised in the *Harnett v. Gurley* matter (Administrative Order No. 26-055, issued on September 4, 2026), all of which the Board rejected on August 31, 2026. The Candidate raised the following issues: that the Challenge lacked sufficient particularity and was not filed in good faith under 3 D.C.M.R. § 1606.2; that the Board exceeded the scope of its review by identifying defects beyond those alleged by the Challenger under § 1606.2(g); that the preliminary determination letter issued by the Board foreclosed the Challenge; that D.C. law does not make the candidate responsible for the 10-day address cure, citing D.C. Official Code § 1-1001.12 and the voter registration agency provisions of § 1-1001.07(d); that the filing of two simultaneous challenges by Mr. Harnett and the Challenger constituted a bad-faith "tag team" designed to deplete the Candidate's resources; and that five days of the petition circulation period overlapped with early voting and Primary Election Day, for which the Board should provide equitable relief. The Candidate identified one potential witness, Al Edmondson.

In response, the Challenger stated: that the issuance of preliminary determination letter is just that, preliminary, and it does not mean that a petition will not be subjected to the challenge process; that the Candidate's argument that D.C. Official Code § 1-1001.12 prohibits him from procuring change-of-address forms on behalf of petition signers, on the ground that doing so would constitute "interference with registration and voting," is contrary to the plain text of § 1-

1001.08(o)(3)(B) and has already been rejected by the Board; and that many of the Candidate's arguments were also contrary to law. The Challenger also noted a key distinction with the *Harnett* challenge: unlike Mr. Harnett, the Challenger expressly cited the individual regulatory section codes for each category of defect. For example, the Challenger cited § 1607.1(a) for inactive voters, § 1603 for unregistered voters, and § 1607.1(b) for address mismatches as separate grounds, and distinguished between those categories on the challenge forms.

The Candidate also submitted a written response and cure sheets, which he represented were evidence that the Assistant Registrar's findings were incorrect and that the listed signers were in fact registered voters at the addresses shown on the Petition. The cure sheets listed approximately 20 entries on the first page, consisting largely of handwritten assertions that the signers are "on the books" or "on the voter roll," without supporting documentation such as affidavits or voter registration records. Voter Services reviewed the Candidate's submissions and determined that they did not alter the Petition's standing.

As the parties were not able to resolve the matter, the case was set for a Board hearing on September 4, 2026. The Board notified the Candidate and Challenger of the hearing.

September 4, 2026 Board Hearing

A representative of the Voter Services Division was present at the hearing and presented the Assistant Registrar's findings. He confirmed that 104 of the 125 challenges were valid and the Petition contained 2,965 valid signatures, 35 below the 3,000 required for ballot access.

The staff attorney from the Office of the General Counsel summarized the procedural history and what transpired at the prehearing conference. He confirmed that the Candidate raised substantially the same arguments the Board rejected in *Harnett v. Gurley*. He further noted that even under the most favorable scenario for the Candidate, in which the Board waived all six

illegible-signature defects, the Petition would stand at 2,971 valid signatures, which is still 29 below the 3,000-signature threshold. The remaining 98 sustained challenges are grounded in non-waivable statutory requirements.

The Candidate reiterated his arguments regarding good faith, the burden on the challenger, the address cure responsibility, and the early voting overlap. The Chairman asked the Candidate to focus his remarks on the arithmetic of valid signatures and the specific challenges before the Board. The Candidate did not present evidence that any additional signatures beyond the 2,965 identified by the Registrar were valid.

The Challenger appeared and urged the Board to accept the findings of the Registrar and deny ballot access. The Challenger noted that the Candidate's two central claims, that the Board should perform address cures on his behalf and that the early voting overlap was harmful, are both wrong as a matter of law.

The General Counsel read into the record the text of D.C. Official Code § 1-1001.08(o)(3)(B), confirming that the statute places the obligation to file a change-of-address form on "the signer," and that the purpose of the cure is to assist the candidate in obtaining ballot access. The General Counsel noted that the same Petition had already been found deficient by 197 signatures in the *Harnett v. Gurley* matter and recommended that the Board deny ballot access. Chairman McCarthy moved to deny the Candidate ballot access. The motion was seconded and passed unanimously.

Discussion

The Candidate needed to obtain 3,000 valid signatures from registered qualified electors. The Petition contained 3,069 signatures. The Challenger filed challenges to 125 signatures. The

Registrar determined that 104 of those challenges were valid, reducing the valid signatures to 2,965. The Board has reviewed the record and upholds the findings of the Registrar.

The Candidate raised many of the same arguments in this matter that the Board considered and rejected in *Harnett v. Gurley*, Administrative Order No. 26-055, issued on September 4, 2026. The Board incorporates by reference its analysis and holdings in that order.

The Challenge was filed in good faith and with sufficient particularity under 3 D.C.M.R. § 1606.2. Indeed, the Challenger's challenge forms in this matter are more detailed than those at issue in *Harnett v. Gurley*, as the Challenger expressly cited the individual regulatory provisions for each category of defect, distinguishing between unregistered voters (§ 1603), inactive voters (§ 1607.1(a)), and address mismatches (§ 1607.1(b)) on the face of his challenge sheets. The Assistant Registrar was able to identify and evaluate each challenged signature without difficulty. Of the 125 challenges filed, 104, or approximately 83%, were sustained. The Candidate's argument that the Challenge lacked good faith is therefore even less persuasive in this matter than it was in the *Harnett* challenge, where the Board rejected the same argument.

For the reasons stated in *Harnett v. Gurley*, the Board rejects the Candidate's argument that the Assistant Registrar improperly assumed the burden of investigating signatures. Where a challenge properly identifies a signature and alleges a defect, the Registrar verifies that allegation against her records. If, in the course of verification, the Registrar discovers an additional or different basis for invalidity, the Board is not required to ignore it. *See* 3 D.C.M.R. § 1606.4.

The Candidate argues that the filing of two simultaneous challenges by Mr. Harnett and the Challenger constitutes bad faith. There is no provision in D.C. law or the Board's regulations that limits the number of challenges that may be filed against a single petition or that requires

challengers to coordinate. Each challenge is adjudicated independently on its merits. The Board rejects this argument.

The preliminary determination letter the Candidate received from the Board informed him that "the Board of Elections has preliminarily determined that [he has] met the qualifications to appear on the ballot[.]"However, the same letter, also expressly states that "all nominating petitions that have been filed for this election were posted for a 10-day public inspection and challenge period[.]"The letter the Candidate received made clear that ballot access was not assured. The Board rejects the Candidate's argument to the contrary.

Voter Services reviewed the Candidate's cure sheets and determined that they did not identify any signer who was, in fact, a registered active voter at the address listed on the Petition at the time of signing. The entries consisted largely of handwritten assertions without supporting documentation. The Registrar's determination accordingly remained unchanged.

Even under the most favorable scenario for the Candidate, in which the Board waives all six illegible-signature defects under 3 D.C.M.R. § 1607.2, the Petition would stand at 2,971 valid signatures, which is still 29 below the 3,000-signature threshold. The remaining 98 sustained challenges are grounded in non-waivable statutory requirements: 47 unregistered voters, eight inactive voters, 40 address mismatches (for which the statutory cure window expired without any filings), one duplicate, and two missing addresses. The Board accordingly concludes that the Petition contains 2,965 valid signatures, which is 35 signatures below the statutory minimum of 3,000 required for ballot access.

Conclusion

As a result of this challenge, the Board finds that the Petition contains 2,965 valid signatures – 35 signatures below the number required for ballot access. It is hereby:

ORDERED that the challenge to the nominating petition of Calvin Gurley for the office of Chairman of the Council in the General Election is hereby **UPHELD** and ballot access is **DENIED**.

The Board issues this written order today, which memorializes its oral ruling rendered on September 4, 2026.

Date: September 9, 2026

A handwritten signature in black ink, appearing to read "G. McCarthy", written above a horizontal line.

Gregory McCarthy
Chairman