

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

Heath Worthington,	)	
Challenger,	)	Administrative
	)	Order #26-063
	)	
v.	)	Re: Challenge to Nominating
	)	Petition Submitted for
	)	ANC SMD 5D01
Austin Bowen,	)	
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 to the nominating petition submitted by Austin Bowen (“the Candidate”) to run for the office of Advisory Neighborhood Commissioner in Single Member District (“SMD”) 5D01 in the November 3, 2026 General Election (“the General Election”). The challenge was filed by Heath Worthington (“the Challenger”) pursuant to D.C. Official Code § 1-1001.08(o)(1). Board Chair Gregory McCarthy and members Karyn Greenfield and Michael Wakefield presided over the hearing. The Candidate’s counsel, Joseph Bishop-Henchman, appeared at the hearing and the Board’s General Counsel, Terri Stroud, was also present.

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 Advisory Neighborhood Commissioner in SMD 5D01. The Candidate needed to submit at least twenty-five valid voter signatures to obtain ballot access for this office. The petition contained thirty-three signatures.

Pursuant to Title 3, District of Columbia Municipal Regulations (D.C.M.R.) § 1603.1, the Board of Elections' Registrar of Voters accepted thirty-three signatures for review.

On August 8, 2026, the Board posted the petition for public inspection for ten days, as required by law. On August 17, 2026, the Challenger, a registered voter in the District of Columbia, challenged the petition.

The Challenger filed challenges to a total of eighteen petition signatures. Specifically, the signatures were challenged pursuant to Title 3 D.C.M.R. § 1607.1 of the Board's regulations on the following grounds: the signer is not a registered voter; the signer is not registered to vote at the address listed on the petition at the time it was signed; the petition does not include the address of the signer; the name of the signer was not included and the signature is not sufficiently legible; and the signature is not made by the person whose signature it purports to be.

Assistant Registrar's Determination

The Assistant Registrar's review of the challenge indicated that six of the eighteen signature challenges were valid. The Registrar found that one challenge is valid because the signer is not a registered voter; one challenge was valid because the signer was not registered to vote at the address listed on the petition at the time the petition was signed; one challenge is valid because no address information for the signer was entered on the petition; and three challenges are valid because the signer is not a registered voter in the SMD from which the candidate seeks nomination. Accordingly, the Assistant Registrar preliminarily determined the Petition contained twenty-seven valid signatures, which is two signatures above the number required for ballot access.

September 2, 2026 Pre-Hearing Conference

Pursuant to title 3 D.C.M.R. § 415.1, the Office of the General Counsel ("OGC") notified the parties that a prehearing conference would be convened on September 2, 2026. Prior to the

pre-hearing conference, the Candidate identified counsel Bishop-Henchmen as his representative. Mr. Bishop-Henchman sent an email to OGC and the Challenger in which he argued that the challenge was defective and that challenges should not have been accepted.

At the prehearing conference, a representative of the Registrar's office went over the Assistant Registrar's findings with the parties. Given that those findings supported granting ballot access to the Candidate, the OGC attorney assigned to the matter asked the Challenger about his position. The Challenger stated that he had no objection to the Assistant Registrar's report, and indicated that he would withdraw his challenge.

Following the prehearing conference, the parties were duly notified that the Board would hear the matter on September 4, 2026 absent a withdrawal.

September 4, 2026 Board Hearing

A representative of the Registrar's Office was present at the hearing and entered the Office's findings into the record. The OGC attorney assigned to the matter explained that the Challenger had not offered any reason to dispute those findings and that, indeed, he had indicated that he intended to withdraw his challenge and had unsuccessfully attempted to do so just prior to the Board hearing.¹ However, because the Challenger had not perfected his withdrawal, the Board was required by law to resolve the challenge.

The General Counsel then made her recommendations that the Candidate be granted ballot access. A motion to adopt the General Counsel's recommendation was duly seconded and passed unanimously.

¹ Mr. Worthington emailed a withdrawal form with his name typed in the signature line. To be effective, a withdrawal form must be signed.

Discussion

It is undisputed that the petition in this matter has more than the requisite twenty-five valid signatures. Instead of addressing the numerical sufficiency of the Petition, the Challenger indicated at the prehearing conference in this matter that he intended to withdraw his challenge. Because no withdrawal has been effectuated by the Challenger, we must resolve the matter by the statutory deadline and mitigate any uncertainty as to the names that will be printed on the ballot. We therefore grant ballot access to the Candidate.

Conclusion

Upon consideration of the challenge filed in this matter, the Board finds that the Petition contains twenty-seven valid signatures – two signatures above the number required for ballot access. It is hereby:

ORDERED that challenge to the nominating petition of Austin Bowen for the office of Advisory Neighborhood Commissioner in SMD 5D01 in the General Election is hereby **DENIED**.

The Board issues this written order today, which memorializes its oral ruling rendered today.

Date: September 4, 2026



Gregory McCarthy
Chair