

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

Joseph Bishop-Henchman,	)	
Challenger	)	Administrative
	)	Order #26-058
	)	
v.	)	Re: Challenge to Nominating
	)	Petition Submitted for
	)	Sheena Berry
Sheena Berry,	)	
Candidate.	)	

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on September 3, 2026. It is a challenge to the nominating petition submitted by Sheena Berry (“the Candidate”) to run for the office of Advisory Neighborhood Commissioner (“Commissioner”) for Single-Member District (“SMD”) 2G05 in the November 3, 2026 General Election (“the General Election”). The challenge was filed by Joseph Bishop-Henchman (“the Challenger”) pursuant to D.C. Official Code § 1-1001.08(o)(1). Board Members Karyn Greenfield and Mike Wakefield attended the hearing. The Challenger appeared *pro se* and the Board’s General Counsel also appeared. The Candidate did not appear.¹

¹ The Board conducted the proceeding in the Candidate’s absence, as permitted by 3 D.C.M.R. 403.4 (“If any person or party waives the right to be present at the hearing or fails to appear at the hearing, the Board may proceed ex parte, unless the Board extends the time of the hearing or unless their appearance is required by statute.”).

Background

On August 3, 2026, the Candidate submitted a nominating petition (“the Petition”) to appear on the ballot as a candidate in the General Election. A candidate in a Commissioner race must collect at least 25 signatures from registered District of Columbia voters who are residents of the SMD in which the candidate seeks election. The Petition contained 28 signatures. Pursuant to Title 3, District of Columbia Municipal Regulations § 1603.7, Millicent Green Wright, the Board of Elections’ Assistant Registrar of Voters (“the Registrar”), accepted 28 signatures for review.

On August 8, 2026, the Petition was posted for public inspection for 10 days, as required by law. On August 15, 2026, the Challenger, a registered voter in the District of Columbia, filed a challenge alleging that 20 signatures on the Petition were invalid. Specifically, the Challenger challenged the signatures pursuant to Title 3 D.C.M.R. §§ 1603 and 1607.1 of the Board’s regulations on the following grounds:

- the signer, according to the Board’s records, was not registered to vote at the address listed on the petition at the time the petition was signed;
- the signature is not dated;
- the signer is not a registered voter;
- the signer is not a registered voter in the ward or SMD from which the candidate seeks nomination at the time the petition was signed;

Registrar’s Preliminary Determination

The Registrar’s ultimate review of the challenge found that nine of the 20 signature challenges were valid.² Subtracting the nine valid challenges from the 28 signatures accepted, the Registrar’s preliminary determination was that the Petition contained 19 valid signatures.

² Between acceptance of the Petition containing 28 signatures and the issuance of the Registrar’s initial preliminary determination on August 28, 2026, the Registrar’s Office received an affidavit from an individual, Vernon Marlow, who had printed his name on the Petition but failed to sign and date it. Mr. Marlow’s signature was challenged on the basis that it was not dated. In his affidavit, Mr. Marlow indicated that he printed his name on the Petition on a date within the permitted circulation period. The Registrar subsequently added Mr. Marlow to the total number of

September 1, 2026 Prehearing Conference

Pursuant to Title 3 D.C.M.R. § 415.1, the Office of General Counsel's ("OGC") assigned counsel notified the Candidate and Challenger on August 17, 2026 that the Board would conduct a prehearing conference concerning the matter on September 1, 2026 at 8:15 am. The Challenger was present at the prehearing conference as was a representative from the Board's Voter Services Division.³ Assigned counsel explained to the Challenger the purposes of the prehearing conference as provided for in § 415.1. The Voter Services Division representative then presented the Registrar's findings in the matter. The Challenger accepted the Registrar's ultimate findings.

Because the parties did not resolve the matter, the case was set for a Board hearing on September 3, 2026. Both parties received electronic notice of the hearing.

September 3, 2026 Board Hearing

The Voter Services Division representative was present at the hearing and presented the Registrar's findings. Assigned counsel then described the case's procedural history. As mentioned previously, the Candidate did not attend the hearing. The Challenger attended but elected not to add anything after the presentations from Board staff. The General Counsel recommended that the

Petition signatories in the initial preliminary determination, bringing the overall amount to 29. However, upon reconsideration at the prehearing conference, the Registrar concluded that Mr. Marlow's signature could not, in fact, be counted, because he failed to sign the Petition. Accordingly, the Registrar subsequently modified her report to indicate that the total number of signatures she accepted was 28 and that the total number of valid signatures was 19. The Registrar shared the updated report with the parties on September 2, 2026.

³ The Candidate elected to submit a written statement in lieu of attending the prehearing conference. The written statement questioned the wisdom of the statutorily-required 10-day address update period generally, and further objected that, in this instance, it landed in August, when people travel and signatures can accordingly be harder to obtain. The statement further challenged the finding that a signatory, George Hurdle, does not reside in the Candidate's SMD. The statement also objected to the findings that the addresses in the voter registration records for two signatories, Elhaji Sesay and Clarence Roberts, did not match the addresses they provided in the Petition. This objection was made solely on the basis of the Candidate's alleged personal knowledge that Mr. Sesay and Mr. Roberts reside at the addresses they provided in the Petition.

Board deny the Candidate ballot access. Member Greenfield then moved to deny the Candidate ballot access. The motion was seconded and passed unanimously.

Discussion

To obtain ballot access, a candidate for the office of Commissioner needs to submit at least 25 valid signatures from District-registered voters who are residents of the SMD from which the candidate seeks election. This is a statutory requirement. *See* D.C. Official Code 1-§309.05(b)(1)(B). The Petition contained 28 signatures. The Challenger timely challenged 20 signatures and the Registrar found that nine of the challenges were valid, leaving the Petition with 19 valid signatures. The Candidate failed to present evidence sufficient to rebut the Registrar’s findings.⁴ The Board accordingly upholds the finding of the Registrar that the Petition contains only 19 valid signatures — six signatures less than the number required for ballot access. The Candidate has thus failed to submit a sufficient number of valid signatures for ballot access.

Conclusion

As a result of this challenge, the Board finds that the Petition contains 19 valid signatures — six signatures below the minimum number required for ballot access. It is hereby:

ORDERED that the challenge to the nominating petition of Sheena Berry for the office of Advisory Neighborhood Commissioner for SMD 2G05 in the General Election is hereby **UPHELD**.

⁴ The objections in the written statement submitted by the Candidate do not rebut the Registrar’s ultimate findings. The 10-day address update period and the calendaring of Advisory Neighborhood Commission elections are conducted in accordance with statutory requirements from which the Board cannot deviate. *See* D.C. Official Code §§ 1-1001.08(o)(1); 1-309.06(a). The Candidate provided no evidence to support her claim that Mr. Hurdle resided in her SMD. The proper and only cure for instances of address mismatches like those for Mr. Sesay and Mr. Roberts is to update the signatory’s address with Voter Services in the 10-day address update window. Voter Services did not receive applications to update either Mr. Sesay or Mr. Roberts’ address during the 10-day address update window. Finally, even if the Board counted the signatures of Mr. Hurdle, Mr. Sesay, and Mr. Roberts as valid, which it cannot, the Candidate would still remain below the minimum sufficiency requirement of 25 signatories.

The Board issues this written order today, which memorializes its oral ruling rendered on September 3, 2026.

Date: September 4, 2026

A handwritten signature in black ink, appearing to read 'K. Greenfield', written in a cursive style.

Karyn Greenfield
Presiding Board Member