

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

Joseph Bishop-Henchman,	)	
Challenger,	)	Administrative
	)	Order #26-060
	)	
v.	)	Re: Challenge to Nominating
	)	Petition Submitted for
	)	At-Large Councilmember
Danielle Urey,	)	
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 Danielle Urey (“the Candidate”) to run for the office of At-Large Member of the Council of the District of Columbia 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 Chair Gregory McCarthy and members Karyn Greenfield and Michael Wakefield presided over the hearing. The Candidate and Challenger Bishop-Henchman appeared at the hearing and the Board’s General Counsel, Terri Stroud, was also present.

Background

On August 4, 2026, the Candidate submitted a nominating petition to appear on the ballot as a candidate in the General Election contest for the office of At-Large Member of the Council of the District of Columbia. The Candidate needed to submit at least 3,000 valid voter signatures to obtain ballot access for this office. The petition contained 3,980 signatures. Pursuant to Title

3, District of Columbia Municipal Regulations (D.C.M.R.) § 1603.1, the Board of Elections' Registrar of Voters accepted 3,980 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 1,333 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's voter registration is designated as inactive; the signer is not registered to vote at the address listed on the petition at the time it was signed; the signature is a duplicate of a valid signature; the signature is not dated; the petition does not include the address of the signer; the signature and printed information are too illegible to determine the identity of the signer; the circulator affidavit for certain signatures is incomplete; and the signature was not personally witnessed by the circulator.

On August 18, 2026, the parties were notified that a prehearing conference on the challenge would be convened on September 2, 2026. The notice advised the Candidate of the ten-day deadline for submitting address updates. It also informed the parties that only issues raised during the prehearing conference would be preserved for Board review.

The Candidate did not notify the Registrar's office of any address updates that might cure the challenges. Instead, less than two hours prior to the prehearing conference, she sent three items via email. First, the Candidate submitted spreadsheets with comments on each individual challenge delineated by petition sheet and line. Second, she sent in statements from two circulators concerning two petition sheets where the date in the circulator affidavit predated the dates entered for the signatures and one sheet where the circulator affidavit was left entirely blank.

Third, she sent a motion contesting the challenge for the reason that, in her opinion, it was made in bad faith.

While the Assistant Registrar had drafted her findings with respect to the validity of the challenges in the matter, the spreadsheet submission necessitated that the Registrar's Office reconsider its challenge validity findings. The parties appeared at the originally scheduled September 2, 2026 prehearing conference time, and were advised that the Assistant Registrar's initial findings were that the Candidate would not make ballot access and that it did not appear from a brief review of the Candidate's spreadsheet comments that the Candidate had identified sufficient information to cure enough invalid signatures to obtain ballot access. The Candidate was also advised that her concerns as to the good or bad faith of the challenge were not relevant, but that her submissions would be shared with the Board. She was also advised as to the range of evidence that might be offered to cure certain circulator defects and that the statements that she had offered would not necessarily suffice. Meanwhile, the Challenger asserted that the Assistant Registrar's findings did not properly account for challenges that he made on the grounds of duplicate signatures.

The prehearing conference was continued more than once as the Assistant Registrar worked through both the Candidate's and the Challenger's additional information. At the final September 3, 2026, prehearing conference proceeding, the Assistant Registrar confirmed that the petition was numerically insufficient. The Challenger objected to a couple of the Assistant Registrar's findings that were based on the spreadsheet information which the Challenger asserted altered, rather than clarified, signer information on the Petition. The Candidate re-asserted her

bad faith concerns. The Assistant Registrar subsequently issued her final report taking into account all of the comments on validity findings.¹

Assistant Registrar's September 3, 2026 Final Determination

The Assistant Registrar's review of the challenge indicated that 1,058 of the challenges were valid. The Assistant Registrar found that 303 challenges were valid because the signer was not a registered voter; 122 challenges were valid because the signer was inactive; 451 challenges were valid because the signer was not registered to vote at the address listed on the petition at the time the petition was signed; 59 challenges were valid for the reason that the signature was a duplicate of another signature on the petition; one challenge was valid because the signature was not dated; eight challenges were valid because no address information for the signer was entered on the petition; 83 challenges were valid because the signature and printed information are too illegible to determine the identity of the signer; 10 challenges were valid because the circulator

¹ In the interim between the prehearing conference proceedings, the Candidate sent emails reasserting her concern that the challenge was made in bad faith. In response, at one point, the assigned OGC attorney emailed the Candidate the following:

[O]nce the Registrar has reached a conclusion as to the validity of signatures on the petition, whether the challenge was made, under the Board's regulations, in good or bad faith is simply not relevant to ballot access. That is because the statute, which as a fundamental matter of law trumps the regulations, establishes a minimum number of valid signatures that must be on a candidates petition and there is no statutory provision allowing invalid signatures to be accepted because a challenge was made in bad faith. It is well-settled that the Board cannot turn "a blind eye" to signatures found to be invalid[.]

The issue in this matter is solely the ballot access one of whether the petition contains a sufficient number of valid signatures. There is no room for consideration of collateral matters or issues that are not dispositive of ballot access given the expedited nature of the proceedings and the burdens that addressing those issues will impose on the agency should this case be appealed. Accordingly, to the extent you are asking the Board to make some ruling that falls outside of the question of ballot access or that it entertain some relief beyond granting ballot access, the Office of General Counsel will oppose that request.

affidavit was not complete; and 21 challenges were valid because the signature was not personally witnessed by the circulator (as evidenced by a circulator date that predated the date the signer signed the petition). That left the Candidate's petition with 2,922 valid signatures - 78 signatures below the number needed for ballot access.

September 4, 2026 Board Hearing

The Assistant Registrar was present at the hearing and entered into the record her findings as to the Petition's numerical insufficiency. The OGC attorney assigned to the matter explained that the Candidate had pursued her position that the challenge was made in bad faith despite having been advised that that issue was not relevant.²

The Candidate was offered an opportunity to speak. She pressed the Board to consider her position that the challenge had been made in bad faith, and she questioned how a challenge with hundreds of misidentified and rejected challenges could be accepted as a good faith challenge. She expressed concern that her questions about whether and when the Registrar might consider the possible bad faith of a challenge and the bad faith review process had not been addressed.³

² During the hearing, the Board Chair inquired about the circulator statements that were submitted by the Candidate. The assigned OGC attorney explained that those statements were not sufficient to cure the defects to which they were directed because, in the case of the predated circulator affidavits, the Board precedent established that live testimony from the circulators was required to cure the defect, and, in the case of a circulator affidavit that was blank, that defect could not be cured because the statute requires that the affidavit be signed. The OGC attorney also noted that curing the circulator defects would not have closed the gap between the number of signature needed and the number of valid signature on the petition. The Candidate did not request that the Board treat the circulator statements that she had submitted as curing any circulator defect and did not pursue the issue.

³ The assigned OGC attorney explained the process of determining whether a challenge was made in bad faith was not pertinent once the Registrar's Office had found that the petition did not meet statutory signature requirements. Nevertheless, she offered to follow-up with the Candidate after the ballot access process was concluded to answer the Candidate's questions regarding the Registrar's review of challenges for bad faith. The General Counsel also confirmed with the Assistant Registrar that the challenge had been preliminarily found to have been filed in good faith under 3 DCMR 1606.2(d) (good faith where a preliminary review indicates that that the defect(s) alleged for a substantial number of signatures and/or circulator affidavits could not reasonably be found to apply to such signatures and/or circulator affidavits).

The Challenger maintained that the level of his challenges that were rejected or accepted on a ground that differed from the one that he had asserted was not unusual and, indeed, the incidence of challenges that the Assistant Registrar upheld exceed the incidence of signatures found valid. He also objected to the Candidate's position that his challenge was made in bad faith. He urged that the findings of the Registrar's Office be upheld.

The General Counsel then made her recommendations that the Candidate be denied ballot access. A motion adopting that recommendation was duly made and seconded and passed unanimously.

Discussion

Based on the record before us, it is essentially undisputed that the Petition in this matter does not have the requisite 3,000 valid signatures. Instead of addressing the numerical sufficiency of her Petition, the Candidate attacked the process of considering challenges that she views as made in bad faith. That process, however, is not relevant where the agency has actually reviewed the challenges and determined that a petition lacks the statutorily-required minimum number of valid signatures. As we have said, we cannot turn a blind eye to the absence of a sufficient number of valid signatures on a petition.⁴ Under these circumstance, we cannot grant ballot access to the Candidate with an indisputably insufficient number of valid signatures on her petition.

⁴ See *LaGue v. Johnson*, BOE Case No. 14-001 (issued Jan. 31, 2014). See also *Guyot v. Mara*, BOE Case No. 11-003 (issued Mar. 15, 2011) (the Board cannot ignore the outcome of the Registrar's review). The Board has no discretion to credit invalid signatures. *In re: Harold Cunningham*, BOE Case No. 24-023 (issued Sept. 7, 2024) (the Board does not have the power to waive statutory ballot access requirements); *Tracelosky v. Settles*, BOE Case No. 13-03 (issued Feb. 25, 2013) ("the Board ... is without jurisdiction to deem these particular signatures valid because the addresses do not match the voter record").

Conclusion

As a result of this challenge, the Board finds that the Petition contains 2,922 valid signatures – 78 signatures below the number required for ballot access. It is hereby:

ORDERED that challenge to the nominating petition of Danielle Urey for the office of At-Large Member of the Council of the District of Columbia in the General Election is hereby **UPHELD**.

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

Date: September 4, 2026



Gregory McCarthy
Chair