

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

James Harnett,	)	
Challenger	)	Administrative
	)	Order #26-055
	)	
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 August 31, 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 James Harnett ("the Challenger"), a registered voter in the District of Columbia, pursuant to D.C. Official Code § 1-1001.08(o)(1). 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 11, 2026, the Challenger filed the Challenge.

The Challenger filed challenges to a total of 336 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. § 1607.1 of the Board's regulations on the following grounds: the signer is not a registered voter in DC; 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; the petition does not include the address of the signer; and the petition does not include the name of the signer where the signature is not sufficiently legible for identification.

Assistant Registrar's Preliminary Determination

The Assistant Registrar's initial review of the Challenge indicated that 269 of the 336 signature challenges were valid. She found that 101 signatures were invalid because the signer is not registered to vote; 108 signatures were invalid because the signer is not registered to vote at the address listed on the petition at the time the petition was signed; 44 signatures were invalid because the signer's voter registration was designated as inactive on the voter roll at the time the petition was signed; one signature was invalid because the petition does not include the address of the signer; and 15 signatures were invalid because neither the name of the signer nor the signature are sufficiently legible for identification.

Accordingly, the Assistant Registrar preliminarily determined the Petition contained 2,797 valid signatures, which is 203 signatures below the number required for ballot access. On August 24, 2026, the Assistant Registrar determined that three change-of-address forms affecting the Petition were timely submitted pursuant to D.C. Official Code § 1-1001.08(o)(3). These

submissions were verified and credited to the Petition, bringing it to 2,800 valid signatures. The Petition accordingly remained 200 signatures below the 3,000 required for ballot access.

August 27, 2026 Pre-Hearing Conference

Pursuant to Title 3 D.C.M.R. § 415.1, the Office of the General Counsel convened a pre-hearing conference with the parties on August 27, 2026. In her findings report issued prior to the pre-hearing conference, the Assistant Registrar outlined her determinations with respect to the validity of each signature challenged and provided a key code explaining the notations she used to indicate the basis for upholding or denying each challenge.

Both parties appeared *pro se*. A representative of the Registrar's Office was present at the hearing and presented the findings of the Assistant Registrar.

The Candidate raised the following issues for Board consideration: (1) that the Challenge lacked sufficient particularity and was not filed in good faith under 3 D.C.M.R. § 1606.2 because the Challenger cited "signer is not registered to vote at the address entered on the petition" for signers whose addresses matched Board records, thereby prompting the Registrar to investigate additional defects in violation of the burden-on-challenger rule of § 1606.2(g); (2) that D.C. law does not make any party, least of all a nominating petition challenger, responsible for implementing the 10-day address cure, citing D.C. Official Code § 1-1001.12 (interference with registration) and the voter registration agency provisions of § 1-1001.07(d); (3) that five days of the petition circulation period overlapped with early voting and Primary Election Day, and that the Board's office was open on weekends during the 10-day challenge period to accommodate challengers, but was not open on weekends during the cure period to accommodate candidates, collectively depriving him of seven days, for which the Board should provide equitable relief, and

(4) that the 15 illegible-signature challenges should have been pre-screened and removed from the challenge forms by the Board.

After review of a document submitted by the Candidate that he indicated was to cure signatures on the Petition, the Assistant Registrar determined that 266 of the 336 signature challenges were valid. The Registrar found that 99 signatures were invalid because the signer is not registered to vote; 109 signatures were invalid because the signer is not registered to vote at the address listed on the petition at the time the petition was signed (this figure reflects three signatures that were cured as a result of three timely filed change-of-address forms); 44 signatures were invalid because the signer's voter registration was designated as inactive on the voter roll at the time the petition was signed; one signature was invalid because the petition does not include the address of the signer; and 13 signatures were invalid because neither the name of the signer nor the signature are sufficiently legible for identification.

Accordingly, the Registrar determined the Petition contained 2,803 valid signatures, which is 197 signatures below the number required for ballot access.

As the parties were unable to resolve the matter, the case was set for a Board hearing on August 31, 2026. The Board notified the Candidate and the Challenger of the hearing.

August 31, 2026 Board Hearing

A representative of the Registrar's Office was present at the hearing and presented the Assistant Registrar's Report. She confirmed that, after review of the Candidate's cure submissions, the Petition contained 2,803 valid signatures, 197 below the 3,000 required for ballot access.

The Candidate reiterated the arguments raised at the pre-hearing conference. He argued that the Challenger's citation of § 1607.1(b) for signatures where the address matched Board records demonstrated that the Challenge was not filed in good faith, characterizing the Challenger's

approach as a deliberate scheme to bring signatures to the Registrar's attention so that the Board would independently discover other defects. The Candidate repeated his argument that the Board exceeded the scope of its review by identifying defects beyond those alleged by the Challenger, citing § 1606.2(g). He contended that the preliminary determination letter he received from the Board stating he had met the qualifications to appear on the ballot should have foreclosed further investigation. The Candidate also reiterated his arguments regarding the 10-day address cure responsibility, citing D.C. Official Code § 1-1001.12 and contending that the law does not authorize the candidate to procure change-of-address forms on behalf of signers. The Candidate argued that five days of the petition circulation period overlapped with early voting and requested equitable relief for seven lost days.

The Challenger appeared and urged the Board to accept the findings of the Registrar and deny ballot access. The Challenger provided testimony explaining the circumstances under which he conducted his challenge. He stated that the voter list he obtained through the Board's standard data request process contained only active voters and did not include inactive voter status information. As a result, when he identified a signer whose address on the petition did not match the address in the active voter list, or whose name did not appear on the active list at all, he cited § 1607.1(b) ("signer is not registered to vote at the address entered on the petition") as the basis for the challenge. He testified that he did not have access to inactive voter status information and therefore could not have cited § 1607.1(a) (inactive registration) or § 1603 (not registered) as separate grounds, even where the actual defect turned out to be one of those categories rather than an address mismatch. The Challenger acknowledged that the Board's in-office kiosks provide more complete access to voter records, including inactive status and signature images, but stated that he conducted his review using the voter list he had obtained.

Discussion

The Candidate needed to obtain 3,000 signatures from registered voters. The Petition contained 3,069 signatures. Mr. Harnett filed challenges to 336 signatures. The Registrar determined 266 of those challenges were valid, reducing the valid signatures to 2,803. The Board upholds the finding of the Registrar that the petition contains 2,803 valid signatures. The Board accordingly concludes that there are insufficient signatures for ballot access.

1. The Challenge Was Filed in Good Faith and with Sufficient Particularity.

The Candidate's argument that the Challenge lacked good faith or sufficient particularity is without merit. The determination of whether a challenge satisfies the threshold requirements of 3 D.C.M.R. § 1606.2 is made by the Executive Director at the time the challenge is filed, not by the candidate. Section 1606.2 provides that a challenge that does not satisfy the requirements of this section "shall be rejected as not properly filed and shall not proceed to adjudication on the merits." The regulation assigns that threshold determination to the Executive Director, not to the candidate, and provides no mechanism for revisiting it at the hearing stage.

Moreover, the record amply supports the good faith of the Challenge. The Challenger identified each challenged signature by petition page and line number, stated the name and address of the signer, specified the alleged defect, and cited the applicable regulation. This exceeds the statutory minimum, which requires only a "written signed statement specifying concisely the alleged defects in the petition." D.C. Official Code § 1-1001.08(o)(1). It also satisfies the regulatory requirement that the challenge be "identified with sufficient particularity to permit the Registrar of Voters to locate and evaluate the challenged entry without speculation as to the challenger's intent." 3 D.C.M.R. § 1606.2(b)(2). The Registrar was able to identify and evaluate each challenged signature without difficulty. Of the 336 challenges filed, 266 (approximately 79%)

were sustained. A validity rate of this magnitude “reasonably demonstrate[s] that the challenger has examined the specific signatures . . . challenged,” which is the regulatory standard for good faith under § 1606.2(b)(8). *See also Harnett v. Hamilton*, Administrative Order No. 24-006 (Board accepted challenges in substantially similar format filed by the same Challenger).

The Candidate contends that the Challenger knew the addresses on the petition matched Board records, cited § 1607.1(b) as a pretext, and used the Challenge as a vehicle to prompt the Registrar to search for defects the Challenger himself did not identify.

The Board rejects this argument. The Challenger's testimony at the hearing credibly explains his approach. He testified that the voter list he obtained through the Board's standard data request process contained only active voters and did not include inactive voter status information. Accordingly, when he identified a signer whose address did not match the active voter list, or whose name did not appear on the active list at all, the only defect he could identify from the information available to him was an address mismatch under § 1607.1(b). The Board credits this testimony and finds that the Challenger acted in good faith based on the information reasonably available to him.

The Candidate's contention that the Registrar improperly assumed the “burden” of investigating signatures mischaracterizes the Registrar's statutory function. Where a challenge properly identifies a signature and alleges a defect, the Registrar verifies that allegation against her records. *See* 3 D.C.M.R. § 1606.4. If, in the course of that 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 Board may, on its own motion, declare any signature(s) invalid, notwithstanding the defect was not alleged or challenged.”); *LaGue v. Johnson*, Administrative Order No. 14-001. The burden under § 1606.2(g) requires the challenger to bring the signatures to the Board's attention

with a facially valid reason; it does not require the challenger to prove the defect through extrinsic evidence where the Board's own records confirm it.

2. The Statutory Address-Cure Process Identifies the Responsible Party.

The Candidate's argument that D.C. law fails to designate any party responsible for the 10-day change-of-address cure is contradicted by the plain text of the statute. D.C. Official Code § 1-1001.08(o)(3)(B) provides that a signature on a petition where the address provided is different than the address on the signer's registration record can be cured if the signer's current address is within the relevant electoral jurisdiction and "the signer files a change of address form with the Board by no later than 5:00 p.m. on the 10th day after the day the candidate receives notice of the challenge." The statute expressly places the obligation on "the signer." The candidate, as the party with the most direct interest in obtaining ballot access, is the practical party who informs signers of the need to update their addresses. Nothing in the voter registration agency provisions of § 1-1001.07(d) or the interference-with-registration provision of § 1-1001.12 alters this framework or imposes any duty on the Board to locate and notify petition signers.

The Board has addressed and rejected this same argument from this same Candidate. In *Bishop-Henchman v. Gurley*, Administrative Order No. 26-035, the Board held that the process "requires the applicable signatory to update his or her address" and that the statutory language tracks the notice provided to the Candidate. *See also Harnett v. Hamilton*, Administrative Order No. 24-006 ("[T]he address match requirement is . . . grounded in law that the Board cannot ignore."). Since only three change-of-address forms were timely filed during the cure window, the finding that the remaining 109 challenges on address-mismatch grounds remain valid stands.

3. The Board Has No Authority to Grant Equitable Relief from Statutory Requirements.

The Candidate requests that the Board provide “consideration” in its signature calculations to account for five days of early voting overlap and two weekend days during which the Board’s office was unavailable. The Board has no statutory authority to credit additional signatures, reduce the signature threshold, or otherwise excuse a deficiency in valid signatures on equitable grounds. The signature requirement of 3,000 is established by D.C. Official Code § 1-1001.08(j)(1). D.C. Official Code § 1-1001.09(b-1)(2) requires the Board to provide early voting for a period of not more than 12 days before election day, and the Board establishes the specific days and hours within that window.¹ Regardless of how many days the Board schedules for early voting, they must occur within that statutory period. The Board has no authority to credit additional signatures, reduce the signature threshold, or otherwise excuse a deficiency on equitable grounds to account for any overlap between early voting and the petition circulation period. Section 1607.2 permits the Board to “waive a defect for good cause shown,” but only where the waiver “would not conflict with a statutory petition requirement.” A reduction of the 3,000-signature minimum would directly conflict with § 1-1001.08(j)(1) and is therefore beyond the Board’s waiver authority. All candidates were equally subject to the same calendar. The Board must apply the law as enacted by the Council. To the extent the Candidate believes these provisions should be amended, the proper avenue is a petition to the Council for legislative change.

4. The Registrar’s Treatment of Illegible-Signature Challenges Was Proper.

The Candidate’s objection that the Board should have removed from the Challenge those illegible-signature challenges that the Registrar ultimately rejected is without merit. The Registrar’s function is to review all properly filed challenges and report her findings. Challenges

¹ See D.C. Official Code § 1-1001.10(b)(1)(“The Board shall also establish hours for early voting.”)

that the Registrar determines are not valid are simply not sustained. The Challenger is not penalized for filing challenges that the Registrar rejects, provided the challenge as a whole satisfies the good-faith standard.

5. The Candidate's Cure Submissions Did Not Alter the Petition's Standing.

The Candidate submitted cure sheets listing approximately 118 entries he contended were incorrectly determined by the Registrar. Voter Services reviewed these submissions 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 Registrar's preliminary determination accordingly remained unchanged. The Board concludes that the Petition contains 2,803 valid signatures, which is 197 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 2,803 valid signatures – 197 signatures below the number required for ballot access. It is hereby:

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

The Board issues this written order today, which memorializes its oral ruling rendered on August 31, 2026.

Date: September 4, 2026



Karyn Greenfield
Presiding Board Member