

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS**

Mary Farmer,
Challenger,

v.

Robert Artisst,
Candidate.

Administrative Hearing
No. 04-023

Re: Nominating Petition
Challenge

MEMORANDUM OPINION AND ORDER

This matter came before the Board of Elections and Ethics ("Board") on Monday August 2, 2004, and involved a challenge to the candidacy of Robert Artisst, candidate for the Office of Ward Five Member of the Democratic State Committee. Chairman Wilma A. Lewis and Board members Dr. Lenora Cole and Charles R. Lowery, Jr. presided over the matter.

The challenge was brought by Mary L. Farmer, a registered voter in the District of Columbia. The Challenger appeared *pro se* at the hearing. However, the Candidate failed to appear. Based on the testimony of staff attorney, Rudolph McGann, and the Registrar of Voters, Ms. Kathy Fairley, that notice of the hearing had been provided to Mr. Artisst, the Board proceeded *ex parte* pursuant to D.C. Mun. Regs. tit. 3, § 403.4.

According to the evidence presented to the Board, Candidate Artisst submitted a nominating petition containing a total of 106 signatures. The minimum signature requirement to qualify for the ballot for this office is 100 signatures of duly registered voters residing in Ward 5, who are members of the Democratic Party. Challenger Farmer filed a total of 20 challenges to signatures on the nominating petition. As required by the

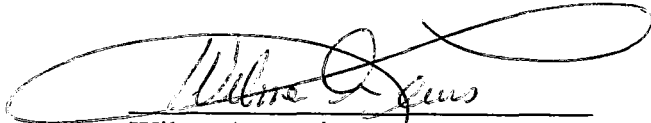
Board's regulations, Challenger Farmer identified the alleged defects pursuant to D.C. Mun. Regs. Tit. 3, § 1609.2 (2003). Specifically, the Challenger alleged that signatories were not registered to vote in the same party as the candidate pursuant to D.C. Mun. Regs. Tit. 3, § 1607.5(e), and that signatories were not registered to vote in the ward from which the candidate seeks election at the time the petition was signed pursuant to D.C. Mun. Regs. Tit. 3, § 1607.5(f).

The review of the challenge conducted by the Registrar of Voters indicated that 19 of the challenges were valid. This decreased the number of valid signatures obtained by Candidate Artisst to 87 registered qualified electors, which is 13 less than the minimum number required for ballot access.

In view of the evidence presented, the Board finds that the challenge is sufficient to remove the Candidate's name from the ballot. Therefore, in accordance with the preliminary determination of the Registrar of Voters, the Board upholds the challenge as specified herein. Accordingly it is hereby

ORDERED that Candidate Artisst be denied access to the ballot in the September 14, 2004 Primary Election as a candidate for Ward 5 member of the Democratic State Committee.

August 19, 2004




Wilma A. Lewis
Chairman, Board of Elections and Ethics

Dr. Lenora Cole
Member, Board of Elections and Ethics

Charles R. Lowery, Jr.
Member, Board of Elections and Ethics

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing order was hand-delivered this 19th day of August, 2004 to Mary Farmer, 119 Rhode Island Avenue, NE, Washington , DC 20002 and Robert Artisst, 1353 Otis Street, NE Washington DC 20017.


Rudolph McGann