

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

Karen Wirt,)	
Challenger)	Administrative
)	Order #24-018
)	
v.)	Re: Challenge to Nominating
)	Petition Submitted for
)	Advisory Neighborhood Commissioner
Rasheedah Hasan,)	Single Member District 6C03
Candidate.)	

MEMORANDUM OPINION AND ORDER

This matter came before the District of Columbia Board of Elections (“the Board”) on September 3, 2024. It concerns a challenge to the nominating petition submitted by Rasheedah Hasan (“Candidate”) in support of her bid for the office of Advisory Neighborhood Commissioner (“ANC”) for Single Member District (“SMD”) 6C03 in the November 5, 2024 General Election (“the General Election”). The challenge was filed by Karen Wirt (“the Challenger”) pursuant to D.C. Official Code § 1-1001.08(o)(1). Chairman Gary Thompson and Board members Karyn Greenfield and J.C. Boggs presided over the hearing. The Candidate, a representative for the Challenger Wirt, Jay Adelstein, the Board’s Registrar of Voters (“Registrar”) and the Board’s General Counsel appeared at the hearing.

BACKGROUND

Proceedings prior to Board hearing

On August 7, 2024, the Candidate submitted a nominating petition to appear on the ballot in the 2024 General Election for the office of ANC in SMD 6C03 (“the Petition”). The minimum number of signatures required to obtain ballot access for this office is twenty-five (25) signatures

of District of Columbia voters who are duly registered in the same SMD as the Candidate. The Petition contained twenty-eight (28) signatures. Pursuant to Title 3, District of Columbia Municipal Regulations (D.C.M.R.) § 1605.3, the Board’s Registrar, preliminarily accepted the Petition, subject to any valid challenge. On August 10, 2024, the Petition was posted for public inspection for ten (10) days, as required by law. That same day, the Challenger, a registered voter in the District of Columbia, filed a challenge to a total of thirteen (13) of the Petition’s signatures (“the Challenge”). 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 registered, the address for the signer is not on the Petition, and the signer is not registered in the SMD for the Candidate.

On August 12, 2024, the Candidate was notified of the challenge and that a pre-hearing conference would be convened in the matter on August 26, 2024.¹ The notice stated that the Registrar’s findings with respect to the challenged signatures would be discussed at the pre-hearing conference.²

On August 16, 2024, the Registrar sent her findings with respect to the challenge to the parties. The Registrar’s report advised that eleven (11) of the thirteen (13) signature challenges were valid. The Registrar found that three (3) challenges are valid because the signer is not registered to vote; five (5) challenges are valid because the signer is not registered to vote at the address listed on the Petition at the time the Petition was signed; three (3) challenges are valid because the circulator failed to complete all the required information; and three (3) challenges are

¹ 3 D.C.M.R. § 415.1 (General Counsel’s conference authority).

² The notice of the challenge also reminded the Candidate that, pursuant to D.C. Official Code § 1-1001.08(o)(3), a discrepancy between the address for a signer on the Petition and the address for that person in the Board’s files could be cured if, within ten (10) days of the notice of the challenge, the signer updated his or her address with the Board.

valid because the signer is not a registered voter in the Candidate's SMD. In addition, the Registrar noticed in reviewing the challenges that the circulator's affidavit for three (3) signatures was not complete. Accordingly, she invalidated an additional three (3) signatures.

The Registrar therefore determined the Petition contained fourteen (14) valid signatures. This meant that the Candidate's Petition was eleven (11) signatures below the number required for ballot access.

On August 26, 2024, the parties appeared before an Office of General Counsel attorney at the pre-hearing conference. The Board's Registrar was also present and entered into the record her finding that the Petition was eleven (11) signatures short. The Candidate was then asked to explain how she would address her Petition's signature shortfall. While the Candidate raised the possibility of curing five (5) invalid signatures,³ she was not able to meet the cure requirements and, in any event, such cures would still leave her with a six (6) signature shortfall.

September 3, 2024 Board Hearing

As the parties were not able to resolve the matter, the case was set for a Board hearing on September 3, 2024. The Candidate and Mr. Adelstein, whom the Challenger had properly designated to represent her, were duly notified of the Board hearing.

³ The Candidate then identified five (5) signatures that she believed might have been cured by the signer's submission of an address update. The Registrar agreed to look into whether the address updates had been timely submitted by the five (5) signers and, if so, whether such update was sufficient to cure any signature defect, and to update her report accordingly. It was noted, however, that even with the address updates, the Petition would still be at least six (6) signatures short. While she was not able to provide a basis for curing an additional six (6) signatures, the Candidate did not express an interest in withdrawing her candidacy. Following the pre-hearing conference, the Registrar looked into whether the five (5) signers identified by the Candidate had submitted address updates. The Registrar determined that only one (1) of the identified signers did so. The signature associated with that individual had been found invalid for reasons other than an address mismatch. Accordingly, that address update did not alter the Registrar's ultimate finding that the Petition was eleven (11) signatures short.

The Registrar was present at the hearing and presented her findings. While the Candidate expressed concern that the Registrar had upheld some challenges for reasons that were not the same as the specific signature challenge asserted by the Challenger, she offered no specific number of signature invalidity findings that she believed should be reversed.⁴ The General Counsel noted that it was permissible for a signature to be found invalid by the Board for reasons other than those asserted by a challenger.

After hearing from the Registrar and the parties, the Board Chair made a motion that the Candidate's Petition be found to be numerically insufficient and that the Candidate therefore be denied ballot access. The motion was seconded and the Board voted unanimously to deny the Candidate ballot access.

DISCUSSION

The minimum number of signatures of required to obtain ballot access for this office is twenty-five (25) signatures of District voters who are duly registered in the same SMD as the Candidate. The record evidence here is that the Petition contained a total of twenty-eight (28) signatures. The Candidate, however, timely filed challenges to thirteen (13) of those signatures. The Board's Registrar then reviewed those thirteen (13) challenges and found eleven (11) to be valid. In the course of her review, the Registrar also noticed a circulator defect that invalidated another three (3) signatures, bringing the Petition signature shortfall to fourteen (14). While the Candidate had an opportunity to cure some of the challenged signatures where the signature was invalidated because the signer's address on the Petition did not match the signer's address in the Board's files, such cures would not have closed the gap between the number of valid signatures on the Petition and the twenty-five (25) needed.

⁴ As she did during the pre-hearing conference, the Candidate used the Board hearing as an opportunity to question the activities of her ANC.

The Candidate has not put forth any argument or evidence that would cause her Petition to be found numerically sufficient. She merely questioned the practice of upholding challenges on grounds other than those asserted by the challenger. As the General Counsel noted at the hearing, however, that practice is permissible pursuant to 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”).

Accordingly, the Board agrees with the Registrar’s finding that the Petition contains only fourteen (14) valid signatures. We, therefore, cannot hold that the Petition contains enough signatures for ballot access.

CONCLUSION

The Registrar correctly found that the Candidate’s Petition contains fourteen (14) valid signatures – eleven (11) signatures below the number required for ballot access. Accordingly, it is hereby:

ORDERED Rasheedah Hasan shall be **DENIED** ballot access for the office of Advisory Neighborhood Commissioner for Single Member District 6C03 in the 2024 General Election.

The Board issues this written order today, which is consistent with our oral ruling rendered on September 3, 2024.

Date: September 4, 2024



Gary Thompson
Chairman
Board of Elections