

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

Anna Hamilton,)	
Challenger, v.)	Administrative
Armonte Wilson,)	Order #25-008
Candidate.)	
)	Re: Petition Submitted for
)	Advisory Neighborhood Commissioner,
)	Single Member District 8D06

MEMORANDUM OPINION AND ORDER

This matter came before the District of Columbia Board of Elections (“the Board”) on March 3, 2025. It involves a review of findings by the Board’s Registrar of Voters (“Registrar”) with respect to the nominating petition submitted by Armonte Wilson (“Candidate”) in support of his bid to fill a vacancy in the office of Advisory Neighborhood Commissioner (“ANC”) for Single Member District (“SMD”) 8D06.¹ Chairman Gary Thompson and Board member Karyn Greenfield presided over the hearing. The parties appeared *pro se*. A representative of the Board’s Voter Services Division and General Counsel were also present.

BACKGROUND

Prehearing Proceedings

On February 3, 2025, the Candidate submitted a nominating petition in support of his bid for a special election to fill a vacancy in the office of ANC SMD 8D06 (“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

¹ The vacancy resulted from the sitting ANC officer’s resignation.

candidate. The Petition contained thirty-one (31) signatures. Pursuant to Title 3, District of Columbia Municipal Regulations (D.C.M.R.) § 1603.1, the Registrar accepted the Petition.

The Petition was posted for public inspection for five (5) days, as required by law. It was challenged on February 11, 2025, by Anna Hamilton, a registered voter in the District of Columbia. The challenge was accepted in accordance with Board regulations. This triggered challenge proceedings including a review by the Registrar of the challenges asserted by Hamilton and the scheduling of a pre-hearing conference before the Office of General Counsel (“OGC”) in the matter.

On February 14, 2025, the Registrar issued a report of her findings with respect to Ms. Hamilton’s challenge. The Registrar agreed that twelve (12) signatures challenged by Ms. Hamilton were indeed invalid. Those invalid signatures meant that the Petition had only nineteen (19) signatures, six (6) below the minimum required. Those invalid signatures included, however, seven (7) that were defective for the reason that they appeared on Petition sheets that had pre-dated circulator affidavits. The Registrar’s report did note that, if the signatures associated with pre-dated circulator defect were credited back, the Petition would have one (1) signature above the number of valid signatures needed for ballot access.

At a February 24, 2025 pre-hearing conference, the Registrar summarized her report for the record. The OGC attorney presiding over the prehearing conference noted that, as the Candidate was the circulator of the sheets with the signatures that were rejected based on pre-dated circulator affidavits, the Candidate could cure those defective signatures. The OGC attorney advised, however, that, assuming the Candidate offered evidence that might cure those signatures, only the Board had the authority allow the signatures to be counted. The Candidate indicated that he did not wish to withdraw his candidacy and wanted instead to provide evidence at a Board

hearing that he timely witnessed the seven (7) signatures at issue.² Accordingly, the parties were subsequently advised that a Board hearing on the challenge would be convened on March 3, 2025.

March 3, 2025 Board Hearing

The Voter Services representative who appeared at the hearing presented the Registrar's findings. She explained that seven (7) signatures on sheets circulated by the Candidate could be cured if the Board accepted the Candidate's explanation of the pre-dated circulator affidavits.

The Candidate also appeared and was placed under oath. In response to questioning by the Board Chair as to whether, as circulator of the sheets at issue, he mistakenly pre-dated the circulator affidavit and had in fact circulated the sheets at the time they were signed, the Candidate responded in the affirmative. After hearing from the Voter Services Division and considering the testimony of the Candidate that he witnessed the signatures on the day that the signers dated the Petition sheet at issue, the Board Chair made a motion that the Board waive as formal error the pre-dated circulator affidavits at issue and find the Petition to be numerically sufficient. The motion was seconded and the Board voted unanimously to find that the Candidate met the signature requirements for competing in the ANC 8D06 vacancy contest.

DISCUSSION

As noted above, the minimum number of valid signatures needed to qualify as a candidate for an ANC vacancy is twenty-five (25). While the Candidate filed a petition with thirty-one (31) signatures, twelve (12) signatures were found invalid by the Registrar.

² There was one signature that was rejected for the reason that the address associated with that signature on the Petition was not the address for the voter in the voter's Board files. That invalid signature could have been cured if the voter timely filed an address update with the Board. While the Candidate indicated that he had reached out to the voter and that he believed they had submitted an address update, no such update could be located.

Here, the Registrar applied our regulatory signature validity requirements for the acceptance of petition signatures including the requirement that the circulator include all information required in the circulator affidavit that appears on the bottom of the petition sheet containing the signature and, consistent with practice, concluded that a date in that affidavit that pre-dated the date the signatures were gathered could not be accepted thereby rendering the affidavit incomplete.³ That finding caused seven (7) signatures to be rejected. That said, we have waived as formal error under 3 D.C.M.R. §1606.4⁴ this defect where there is sufficient evidence showing that the circulator did personally witness the signing of the Petition. *See e.g. Woodland v. Murray*, BOE Administrative order 2022-025 at p. 7 (issued September 9, 2022) and cases cited therein.

Here, the Candidate was the circulator of the sheets at issue. He has appeared and affirmed on the record that he in fact personally witnessed the signing of the Petition sheets at issue and as to the dates upon which he gathered the signatures on those sheets.

In light of the record before us, we waive as formal error the circulator defect at issue and find that seven (7) signatures discounted by the Registrar for such defect reason are valid. Our ruling means that the Petition contains twenty-six (26) valid signatures.

CONCLUSION

The Board finds that the Petition contains twenty-six (26) valid signatures – one (1) signature above the number required for ANC candidacy. Accordingly, it is hereby:

³ 3 D.C.M.R. §1607.1(h).

⁴ Because the statutory requirement that each petition sheet contain a circulator's affidavit does not specifically state that an affidavit be dated (*see* D.C. Official Code 1-1001.08(b)(3)), incomplete or erroneous date fields are not fatally defective. Where, however, the statute is reasonably interpreted to require information in the affidavit, erroneous or missing information cannot be waived.

ORDERED that Armonite Wilson's name shall be **FORWARDED** to the respective ANC as a candidate qualified to run for the office of Advisory Neighborhood Commissioner for Single Member District 8D06 in an election to be held by that ANC to fill a vacancy.

Date: March 7, 2025



Gary Thompson
Chairman
Board of Elections