

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

Barbara J. Clark,)	
Challenger)	Administrative
)	Order #20-013
)	
v.)	Re: Nominating Petition
)	Challenge for the Office of
)	Advisory Neighborhood
Ira Lovelace,)	Commissioner for SMD 8A02
Candidate)	

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on September 2, 2020. It involves a challenge to the nominating petition submitted by Ira Lovelace (“Mr. Lovelace”) in support of his candidacy for the Office of Advisory Neighborhood Commissioner for Single Member District 8A02 filed by Barbara J. Clark (“Ms. Clark”) pursuant to D.C. Code § 1-1001.08(o)(1) (2001 Ed.). Ms. Clark appeared *pro se*. Mr. Lovelace did not appear. Accordingly, the hearing proceeded *ex parte* pursuant to 3 D.C.M.R. § 403.4. Board Chairman D. Michael Bennett and Board members Michael Gill and Karyn Greenfield presided over the hearing.

Background

On July 29, 2020, Mr. Lovelace submitted a nominating petition to appear on the ballot as a candidate in the November 3, 2020 General Election contest for the office of Advisory Neighborhood Commissioner (ANC) for Single Member District (SMD) 8A02. The minimum requirement to obtain ballot access for this office is 10 signatures of District of Columbia voters who are duly registered in the same SMD as the Candidate. Mr. Lovelace’s Petition contained 20 signatures. Pursuant to Title 3, District of Columbia Municipal Regulations (D.C.M.R.) § 1603.1, Karen F. Brooks (“Ms. Brooks”), the Board of Elections’ Registrar of Voters (“the Registrar”) accepted 20 signatures for review.

On August 8, 2020, the Petition was posted for public inspection for 10 days as required by D.C. Official Code § 1-1001.08(o)(1). On August 17, 2020, the Petition was challenged by Ms. Clark, a

registered voter in the District of Columbia. On August 18, 2020, Office of the General Counsel (“OGC”) Staff Attorney Terrica Jennings (“Ms. Jennings”) sent Mr. Lovelace an email informing him that Ms. Clark challenged his Petition. Both parties were also informed that if they were unable to reach a mutual agreement, they would have the opportunity to appear before the Board on September 2, 2020.

Ms. Clark filed challenges to 13 of the 20 signatures on the Petition, enumerated by line and page number on individual “challenge sheets” filed for each Petition page. The signatures were challenged pursuant to 3 D.C.M.R. § 1607.1 of the Board’s regulations on the following grounds: 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 signature is not dated; the petition does not include the address of the signer; the petition does not include the name of the signer where the signature is not sufficiently legible for identification; and the signer is not a registered voter in the Single-Member District from which the candidate seeks nomination at the time the petition was signed.

Registrar’s Preliminary Determination

The Registrar indicated in her preliminary determination that 11 of the 13 challenges were valid. The Registrar determined that the challenges were valid because five of the signers were not registered to vote at the address listed on the petition at the time the petition was signed;¹ three signers were not registered voters in the same SMD as the candidate at the time the petition was signed;² two signers did not include their address on the Petition;³ one signer was not registered to vote at the time the petition was signed, and one signature was not dated.⁴ Following the challenge period, Mr. Lovelace’s nominating petition was left with nine valid signatures, one signature below the number required for ballot access.

August 28, 2020 Pre-Hearing Conference

Pursuant to Title 3 D.C.M.R. § 415.1, the OGC convened a telephonic pre-hearing conference on Friday, August 28, 2020. Ms. Clark and Mr. Lovelace appeared *pro se*. The Registrar read her preliminary

¹ 3 D.C.M.R. § 1607.1(b).

² 3 D.C.M.R. § 1607.1(m).

³ 3 D.C.M.R. § 1607.1(e).

⁴ 3 D.C.M.R. § 1607.1(b) and 3 D.C.M.R. § 1607.1(d)

report into the record, and informed both parties that Mr. Lovelace did not qualify for ballot access, because his nominating petition contained nine valid signatures. Ms. Clark did not object to the Registrar's preliminary determination.

Mr. Lovelace did not conclusively state his objection to the Registrar's preliminary report. When asked about the report, he stated that he was new to the ANC ballot access process, and did not have anything to add at that time. Mr. Lovelace also stated that he did not have a copy of the Registrar's preliminary report, or access to the signatures challenged by Ms. Clark. Ms. Jennings reminded Mr. Lovelace that he received a copy of the Registrar's preliminary report and all other supporting documents via email on August 24, 2020. Ms. Jennings also resent the documents on August 28, 2020. During the hearing, Mr. Lovelace also asked for information concerning running for the ANC position as a Write-In Candidate, and the relevant District regulation was emailed to him.

September 2, 2020 Board Hearing

At the hearing on September 2, 2020, Ms. Clark appeared *pro se* and Mr. Lovelace did not appear. Accordingly, the hearing proceeded *ex parte* pursuant to 3 D.C.M.R. § 403.4. The Registrar read her preliminary report into the record, and informed the Board that Mr. Lovelace did not qualify for ballot access because his nominating petition contained only nine valid signatures, one signature below the number required for ballot access.

The Board's General Counsel, Terri Stroud ("Ms. Stroud"), recommended that the Board deny Mr. Lovelace ballot access in the contest for the Office of Advisory Neighborhood Commissioner for Single Member District 8A02. The Board unanimously accepted Ms. Stroud's recommendation, and Mr. Lovelace was denied ballot access.

Discussion

While Mr. Lovelace did not decisively state his objection to the Registrar's preliminary report, he was explicitly asked if he had any concerns about the Registrar's report. He was also asked if he had any issues or concerns he wanted to raise before the Board, and he did not provide any.

Therefore, there are no issues for the Board to consider, and the Registrar's preliminary determination remains the same. Mr. Lovelace does not have enough signatures to qualify for ballot access. More specifically, Mr. Lovelace's nominating petition contains nine signatures, one signature below the number required for ballot access.

Conclusion

For the reasons indicated above, it is hereby:

ORDERED that candidate Ira Lovelace is denied ballot access in the contest for the office of Advisory Neighborhood Commissioner for Single Member District 8A02 in the November 3, 2020 General Election.

Date: September 3, 2020

A handwritten signature in blue ink, appearing to read "D. Michael Bennett", is written over a horizontal line.

D. Michael Bennett
Chairman
Board of Elections