

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

Trupti J. Patel,)	
Challenger)	Administrative
)	Order #20-012
)	
v.)	Re: Nominating Petition
)	Challenge for the Office of
)	Advisory Neighborhood
John George,)	Commissioner for SMD 2A03
Candidate)	

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on September 2, 2020. It is a challenge to the nominating Petition submitted by John George (“Mr. George”) in support of his candidacy for the Office of Advisory Neighborhood Commissioner for Single Member District 2A03, filed by Trupti J. Patel (“Ms. Patel”) pursuant to D.C. Code § 1-1001.08(o)(1) (2001 Ed.). Mr. George and Ms. Patel appeared *pro se*. Chairman D. Michael Bennett, and Board members Michael Gill and Karyn Greenfield presided over the hearing.

Background

On July 29, 2020, Mr. George submitted a nominating petition to appear on the ballot as a candidate in the November 3, 2020 General Election for the office of Advisory Neighborhood Commissioner (ANC) for the Single Member District (SMD) 2A03. 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. George’s Petition contained 20 signatures. Pursuant to Title 3, District of Columbia Municipal Regulations (D.C.M.R.) § 1603.1, Karen F.

Brooks (“Mrs. 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. Patel, 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. George an email informing him that Ms. Patel challenged his Petition.

Ms. Patel filed challenges to 17 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 signature is not dated; and the circulator of the petition sheet was not a qualified petition circulator at the time the petition was signed.

Registrar’s Preliminary Determination

The Registrar indicated in her preliminary determination that four of the 17 challenges were valid because the signatures were pre-dated. This left Mr. George’s nominating Petition with 16 valid signatures, which qualified him for ballot access.

September 1, 2020 Pre-Hearing Conference

Pursuant to Title 3 D.C.M.R. § 415.1, the OGC convened a telephonic pre-hearing conference on Tuesday, September 1, 2020. Ms. Patel and Mr. George appeared *pro se*. The Registrar read her preliminary report into the record, and informed both parties that Mr. George qualified for ballot access, because his nominating petition contained 16 valid signatures, six signatures over the number required for ballot access. Mr. George accepted the Registrar’s

preliminary determination. Ms. Patel objected to the Registrar's preliminary determination, and requested a hearing before the Board.

Ms. Patel based her objection on 3 D.C.M.R. § 1607.1(g) because her position was that Susan S. Lampton did not circulate the Petition. Ms. Patel also stated that Mrs. Lampton's husband, David Lampton, collected the signatures she challenged, and he was not a qualified petition circulator at the time the petition was signed.¹

September 2, 2020 Board Hearing

At the start of the hearing, the Registrar presented the Board with her preliminary determination that only four of Ms. Patel's challenges were valid, because the signatures at issue were pre-dated. The Registrar also informed the Board that Mr. George's nominating petition still contained 16 valid signatures, six signatures over the number required for ballot access. Ms. Patel reiterated her objection to the Registrar's findings. Mrs. Lampton appeared as a witness before the Board, and refuted the assertions made by Ms. Patel.

The Board's General Counsel, Terri Stroud ("Ms. Stroud"), recommended that the Board grant Mr. George ballot access in the contest for the Office of Advisory Neighborhood Commissioner for Single Member District 2A03. The Board unanimously accepted Ms. Stroud's recommendation, and Mr. George was granted ballot access.

Discussion

Ms. Patel reiterated her objection to the Registrar's findings, and asserted her position that Mrs. Lampton did not circulate the Petition as required by 3 D.C.M.R. § 1607.1(g). Ms. Patel's position was that Mr. Lampton actually collected the signatures that she challenged, and that he was not a qualified petition circulator at the time the petition was signed.² Ms. Patel further alleged

¹ 3 D.C.M.R. § 1607.1(g).

² *Id.*

that she did not think Mrs. Lampton circulated the Petition because when she examined the circulator's affidavit section of the Petition, the handwriting associated with the printed name of the circulator and the handwriting associated with the printed address of the circulator, did not match. She also stated that when she reviewed the signature on the circulator affidavit, it seemed to match the handwriting of Mr. Lampton. Ms. Patel provided no evidence to substantiate her claims. During the hearing, the Registrar confirmed that Mrs. Lampton's signature on the circulator affidavit matched her signature on file with the Board of Elections.

Mr. George introduced Mrs. Lampton as a witness, and the Board allowed her to address Ms. Patel's contention that the Petition was not circulated by a qualified circulator. Mrs. Lampton testified that she signed and circulated the Petition. She also stated emphatically that Mr. Lampton did not circulate the petition and did not collect the signatures Ms. Patel challenged.

Conclusion

For the reasons indicated above, it is hereby:

ORDERED that candidate John George is granted ballot access in the contest for the Office of Advisory Neighborhood Commissioner for Single Member District 2A03 in the November 3, 2020 General Election.

Date: September 4, 2020



D. Michael Bennett
Chairman
Board of Elections