



**Government of the District of Columbia
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CHEVY CHASE, BARNABY WOODS, HAWTHORNE

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**ANC 3/4G Testimony Before the
Committee on the Judiciary and Public Safety
Performance Oversight Hearing on the
Board of Elections
February 19, 2019**

Chairperson Allen and members of the Committee on the Judiciary and Public Safety. I am Randy Speck, Chair of ANC 3/4G (Chevy Chase), and I am testifying on behalf of our Commission, which authorized this testimony at its February 11, 2019 meeting by a vote of 7 to 0 (a quorum being 4).

The 2018 election highlighted a discrepancy between the petition period that the Board of Elections (Board) allots for Advisory Neighborhood Commissioner (ANC) candidates and the petition period for all other general election candidates. In 2018, for all candidates except those seeking to become ANC commissioners, the Board began the petition period for the November election on June 15, 2018. For ANC candidates, the petition period began almost a month later, on July 9,

2018. The petition period ended for everyone on August 8, 2018. That meant that ANC candidates had only one month to pick up and return petitions while all other candidates had almost two months.

This schedule presents a particular burden for ANC candidates. ANC candidates represent only about 2000 residents, including children and other non-voters. Consequently, they must gather the required 25 signatures of registered voters from a much smaller pool than other elected officials. The one-month period for obtaining signatures falls during prime vacation time, when school is out and many of our constituents are away. Indeed, many potential ANC candidates are themselves away during this shortened petition period. As the Council is undoubtedly aware, it is often difficult to find committed candidates willing to take on this volunteer, often thankless job, and this onerous petition schedule compounds the obstacles that will discourage people from running for ANC positions.

D.C. Code § 1-1001.08(j)(1)(A) provides that nominating petitions “must be filed with the Board not less than 90 days before the date of such general election.”¹ This sets a uniform end date for the petition period for all elected positions. For ANC candidates, by statute, the Board must make petitions available “no later than the 120th calendar day before an election” (D.C. Code § 1-309.05(b)(2)). As for all candidates, it is within the the Board’s discretion for how much before the 120th calendar day the petitions may be made available. For ANC candidates only, however, the Board set the beginning date

¹ This provision is made applicable to ANC nominating petitions pursuant to D.C. Code § 1-309.09(a).

for making petitions available to create the shortest possible petition period — only 30 days.

On June 2, 2019, with only one-week's notice, 45 ANC commissioners representing all eight Wards and 22 of the 41 ANCs in the District joined in a letter asking the Board to make the petition period for ANC candidates the same as for all other elected positions. ANC 3/4G made the case for this change at the Board's June 6, 2018 meeting, urging the Board to make this change applicable to the 2018 general election.

On June 11, 2018, the Board indicated that this proposal was “certainly a reasonable matter for the Board's consideration.” Nevertheless, it concluded that “making such a change at this time does not provide the Board with ample opportunity to adequately inform the electorate of any scheduling change.” The Board indicated that it “would be happy to reconsider your proposal after this election cycle is complete but prior to the next.”

Commissioners asked the Board to reconsider its ruling, arguing that no ANC candidate could be prejudiced by an *expansion* of everyone's opportunities to get on the ballot. The commissioners request would not constrict anyone's ability to run in the general election but would provide additional time for every potential candidate. They argued that a longer petition period would broaden the pool of potential candidates and eliminate impediments that might discourage some who would like to run. Nevertheless, the Board made no change to the ANC petition period for the 2018 election.

No substantive arguments have been made for giving ANC candidates a shorter time to gather petitions than all other candidates in the general election. We urge the

Board to take the initiative for future elections to rectify this discrepancy. ANC commissioners serve an important role in providing grassroots participation in governing the District. The Board should facilitate the candidacy of anyone who may be interested in assuming this community service position, and one way to encourage candidates to run is to extend the time period for gathering petitions. If the Board does not act, the Council should clarify that ANC candidates should be treated no differently than other candidates when setting dates for the petition period for the general election.