

## DISTRICT OF COLUMBIA BOARD OF ELECTIONS

### NOTICE OF PROPOSED RULEMAKING

The District of Columbia Board of Elections, pursuant to the authority set forth in the District of Columbia Election Code of 1955, approved August 12, 1955, as amended (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), hereby gives notice of proposed rulemaking action to adopt amendments to Chapter 6 (Eligibility of Candidates), Chapter 10 (Initiative and Referendum), Chapter 11 (Recall of Elected Officials), Chapter 14 (Candidate Nominations: Political Party Primaries for Presidential Preference and Convention Delegates), Chapter 15 (Candidate Nominations: Electors of President and Vice President of the United States), Chapter 16 (Candidate Nomination: Delegate to The U.S. House of Representatives, Mayor, Chairman and Members of the Council of the District of Columbia, Attorney General, U.S. Senator, U.S. Representative, Members of The State Board of Education, and Advisory Neighborhood Commissioner), and Chapter 17 (Candidates: Members and Officials of Local Committees of Political Parties and National Committee Persons) of Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendments to these regulations is to conform the Board's regulations to existing law and current practice regarding the ballot access and initiative processes and qualified petition circulators.

The Board gives notice of its intent to take final rulemaking action to adopt these amendments in not less than thirty (30) days from the date of publication of this notice in the *District of Columbia Register*.

#### **CHAPTER 6, ELIGIBILITY OF CANDIDATES, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:**

##### **Section 601, DECLARATION OF CANDIDACY, is amended as follows:**

##### **Subsection 601.6 is amended to read as follows:**

601.6            Within three (3) business days after the deadline for filing nominating petitions for the particular office sought, the Executive Director or his or her designee shall issue a preliminary determination as to the eligibility of the declarant to be candidate for the particular office sought.

##### **Subsection 601.7 is amended to read as follows:**

601.7            Notice of the Executive Director's preliminary determination shall be served immediately by email or first-class mail upon each candidate.

#### **CHAPTER 10, INITIATIVE AND REFERENDUM, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:**

**Section 1000, GENERAL PROVISIONS, is amended as follows:**

**Subsection 1000.4 is amended to read as follows:**

1000.4 Within one business day after the receipt of a proposed initiative or referendum measure, the Board shall request advisory opinions from the Attorney General and the General Counsel for the Council on whether the measure is a proper subject of initiative or referendum: provided that, advisory opinions regarding proposed initiatives are due within 15 business days after the request, and advisory opinions regarding proposed referenda are due within five business days after the request.

**Section 1004, NON-RESIDENT CIRCULATORS, is amended as follows:**

**Paragraph 1004.1(c) is amended to read as follows:**

- (c) Swears under oath or affirms that he or she is at least seventeen (17) years of age and will be eighteen (18) years of age on or before the next general election;

**CHAPTER 11, RECALL OF ELECTED OFFICIALS, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:**

**Section 1103, SIGNATURE REQUIREMENTS, is amended as follows:**

**Subsection 1103.5 is amended to read as follows:**

1103.5 The Board shall use the latest official end-of-month count of registered qualified electors published in the *District of Columbia Register* that was made at least thirty (30) days prior to submission of the signatures for the particular recall measure to determine the minimum number of signatures required for ballot access. Any subsequent changes in the District-wide or ward voter counts, including changes caused by any redistricting, shall not be grounds for challenging the number of signatures needed on a petition as calculated based on five percent (5%) of such published end-of-month count.

**Section 1104, NON-RESIDENT CIRCULATORS, is amended as follows:**

**Paragraph 1104.1(c) is amended to read as follows:**

- (c) Swears under oath or affirms that he or she is at least seventeen (17) years of age and will be eighteen (18) years of age on or before the next general election;

**CHAPTER 14, CANDIDATE NOMINATIONS: POLITICAL PARTY PRIMARIES FOR PRESIDENTIAL PREFERENCE AND CONVENTION DELEGATES, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:**

**Section 1404, NON-RESIDENT CIRCULATORS, is amended as follows:**

**Paragraph 1404.1(c) is amended to read as follows:**

- (c) Swears under oath or affirms that he or she is at least seventeen (17) years of age and will be eighteen (18) years of age on or before the next general election;

**CHAPTER 15, CANDIDATE NOMINATIONS: ELECTORS OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:**

**Section 1504, NON-RESIDENT CIRCULATORS, is amended as follows:**

**Paragraph 1504.1(c) is amended to read as follows:**

- (c) Swears under oath or affirms that he or she is at least seventeen (17) years of age and will be eighteen (18) years of age on or before the next general election;

**CHAPTER 16, CANDIDATE NOMINATION: DELEGATE TO THE U.S. HOUSE OF REPRESENTATIVES, MAYOR, CHAIRMAN AND MEMBERS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA, ATTORNEY GENERAL, U.S. SENATOR, U.S. REPRESENTATIVE, MEMBERS OF THE STATE BOARD OF EDUCATION, AND ADVISORY NEIGHBORHOOD COMMISSIONER, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:**

**Section 1604, NON-RESIDENT CIRCULATORS, is amended as follows:**

**Paragraph 1604.1(c) is amended to read as follows:**

- (c) Swears under oath or affirms that he or she is at least seventeen (17) years of age and will be eighteen (18) years of age on or before the next general election;

**CHAPTER 17, CANDIDATES: MEMBERS AND OFFICIALS OF LOCAL COMMITTEES OF POLITICAL PARTIES AND NATIONAL COMMITTEE PERSONS, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:**

**Section 1704, NON-RESIDENT CIRCULATORS, is amended as follows:**

**Paragraph 1704.1(c) is amended to read as follows:**

- (c) Swears under oath or affirms that he or she is at least seventeen (17) years of age and will be eighteen (18) years of age on or before the next general election;

All persons desiring to comment on the subject matter of this rulemaking should file written comments by no later than thirty (30) days after the date of publication of this notice in the District of Columbia Register. Comments should be filed with the Office of the General Counsel, Board of Elections, 1015 Half Street S.E., Suite 750, Washington D.C. 20003. Please direct any questions or concerns to the Office of the General Counsel at 202-727-2194 or [ogc@dcboe.org](mailto:ogc@dcboe.org). Copies of the proposed rules may be obtained at cost from the above address, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m.