

**CHAPTER 15            CANDIDATE NOMINATIONS: ELECTORS OF PRESIDENT AND  
VICE PRESIDENT OF THE UNITED STATES**

<b>1500</b>	<b>GENERAL PROVISIONS</b>
<b>1501</b>	<b>APPROVAL OF POLITICAL PARTY NAMES</b>
<b>1502</b>	<b>PETITION FORM</b>
<b>1503</b>	<b>SIGNATURE REQUIREMENTS</b>
<b>1504</b>	<b>NON-RESIDENT CIRCULATORS</b>
<b>1505</b>	<b>FILING PETITIONS</b>
<b>1506</b>	<b>PETITION CHALLENGES</b>
<b>1507</b>	<b>VALIDITY OF SIGNATURES</b>
<b>1508</b>	<b>WRITE-IN NOMINATION</b>

**1500 GENERAL PROVISIONS**

1500.1 This chapter governs the process for obtaining ballot access and the process by which candidates seek nomination to the office of elector of President and Vice President of the United States (hereinafter, “presidential electors”).

1500.2 For purposes of this chapter, unless otherwise provided, the following terms shall be defined as follows:

- (a) The term “ballot access” means the process by which the names of candidates for President and Vice President are placed on the general election ballot.
- (b) The term “authorized political party” means a political party that was organized prior to and continuously from the passage of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 et seq.), or whose name has been approved by the Board pursuant to the rules of this chapter;
- (c) The term “qualified petition circulator” means an individual who is:
  - (i) At least 18 years of age; and
  - (ii) Either a resident of the District of Columbia, or a resident of another jurisdiction who has registered as a petition circulator with the Board in accordance with this chapter.

1500.3 To obtain ballot access, presidential electors shall be nominated in either of the following manners:

- (a) By message; or
- (b) By nominating petition.

1500.4 Each authorized political party which had in the next preceding election year at least seven thousand five hundred (7,500) votes cast in the general election for a candidate of the party to the office of Delegate, Mayor, Chairman of the Council, or member of the Council may obtain ballot access and nominate presidential electors by message pursuant to the provisions of D.C. Official Code § 1-1001.10 (2011 Repl.). Nominations made by message shall be in writing, signed by the chairperson or other duly authorized official of the party’s executive committee in the District of Columbia, and shall contain the following information:

- (a) The name of the political party;
- (b) The names of the party’s candidates for President and Vice President; and

- (c) The names, addresses and registration numbers of the three candidates for presidential electors of that party.

1500.5 Each authorized political party which is ineligible to nominate presidential electors by message shall obtain ballot access by nominating presidential electors by petition pursuant to the rules of this chapter. Candidates without a party affiliation (“independents”) shall also obtain ballot access by nominating presidential electors by petition.

1500.6 At the time of filing either the nomination by message or nomination by petition, the following affidavits and declarations shall be filed on forms prescribed by the Board:

- (a) An affidavit from each of the three (3) candidates for presidential electors (“Affidavit of Presidential Elector Candidate”) stating that:
  - (i) The candidate meets all the legal requirements for office;
  - (ii) The nomination as a candidate for presidential elector is filed with the nominee’s knowledge and consent; and
  - (iii) If elected as a presidential elector, the candidate intends to vote in the electoral college for the presidential and vice presidential candidates nominated by the designated political party or whose nomination the accompanying petition was filed in support of.
- (b) An affidavit executed personally by the presidential and vice presidential candidates (“Affidavit of Presidential and Vice Presidential Candidate”), stating their consent to the following:
  - (i) The appearance of their names on the general election ballot; and
  - (ii) Representation in the electoral college by each of the three (3) named presidential electors, in the event that their presidential electors are elected in the District of Columbia; and
- (c) A Declaration of Candidacy for each candidate for presidential elector, executed in accordance with chapter 6 of this title.

1500.7 Nominations by message and supporting affidavits and Declarations of Candidacy shall be filed with the Board not later than 5:00 p.m. on September 1st of each presidential election year, unless the deadline for these documents has been waived for good cause following the executive committee’s written request for such waiver to the Board.

**1501            APPROVAL OF POLITICAL PARTY NAMES**

- 1501.1            Application for approval of a political party name shall be made on a form prescribed by the Board.
  
- 1501.2            The application for approval of a political party name shall include the name, address, telephone number, and voter registration number of the chairperson, treasurer, other principal officers, and each member of the duly authorized local committee of such party in the District.
  
- 1501.3            The Board may reject any name that, in the judgment of the Board, tends to confuse or mislead the public.
  
- 1501.4            No nominating petition shall be issued to a person seeking nomination as a candidate affiliated with a political party unless the name of such political party has been previously approved by a majority vote of the Board.

**1502 PETITION FORM**

1502.1 A nominating petition form shall be separately prepared and issued by the Executive Director or his or her designee for each pair of candidates for President and Vice President.

1502.2 The first page of the petition shall contain the following information:

- (a) The names of the candidates for President and Vice President and the candidates' political party or "independent";
- (b) The names, addresses, and registration number of the three (3) candidates for presidential electors; and
- (c) A statement indicating that any registered voter, regardless of party affiliation, may sign the petition; and
- (d) A statement that only the names of the candidates for President and Vice President will be listed on the ballot.

1502.3 The second page of the petition shall include a circulator's affidavit, providing space for the circulator of a nominating petition to record his or her name, address, and telephone number. By signing the affidavit, the circulator swears under oath or affirms that he or she:

- (a) Is a qualified petition circulator;
- (b) Personally circulated the petition sheet;
- (c) Personally witnessed the signing of each signature on the petition sheet; and
- (d) Inquired whether each signer is a registered voter in the District of Columbia.

1502.4 No nominating petition shall be issued to any person other than the candidate whose name appears on the first page of the petition, unless the Board receives written notice from the candidate which authorizes the Board to release petitions in his or her name. The authorization shall include the following:

- (a) Candidate's name;
- (b) Office which the candidate seeks and political party; and
- (c) Candidate's signature.

**1503            SIGNATURE REQUIREMENTS**

- 1503.1        To obtain ballot access, a candidate shall submit a nominating petition that contains the valid signatures of at least one percent (1%) of the registered qualified electors of the District as shown by the records of the Board as of the 144<sup>th</sup> day before the date of the presidential election.
  
- 1503.2        The maximum number of signatures that the Board will accept for filing is two (2) times the minimum number of signatures as required by this section. Working from the first page of a petition that has been serially numbered pursuant to subsection 1505.1 of this chapter, the Board shall only accept for filing the maximum number of signatures that may be filed pursuant to this section.

**1504****NON-RESIDENT CIRCULATORS**

## 1504.1

Each petition circulator who is not a resident of the District of Columbia shall, prior to circulating a petition, complete and file in-person at the Board's office a Non-Resident Petition Circulator Registration Form in which he or she:

- (a) Provides the name of (and office sought by) the candidate in support of which he or she will circulate the petition;
- (b) Provides his or her name, residential address, telephone number, and email address;
- (c) Swears under oath or affirms that he or she is at least eighteen (18) years of age;
- (d) Acknowledges that he or she has received from the Board information regarding the rules and regulations governing the applicable petition circulation process, and that he or she will adhere to such rules and regulations;
- (e) Consents to submit to the Board's subpoena power and to the jurisdiction of the Superior Court of the District of Columbia for the enforcement of Board subpoenas.

## 1504.2

Each non-resident petition circulator shall present proof of residence to the Board at the time he or she files the Non-Resident Petition Circulator Registration Form. Valid proof of residence is any official document showing the circulator's name and residence address. Acceptable forms of proof of residence include:

- (a) A copy of a current and valid government-issued photo identification;
- (b) A copy of a current (the issue, bill, or statement date is no earlier than ninety (90) days before the beginning of the petition circulation period) utility bill, bank statement, government check, or paycheck;
- (c) A copy of a government-issued document; or
- (d) A copy of any other official document, including leases or residential rental agreements, occupancy statements from homeless shelters, or tuition or housing bills from colleges or universities.

**1505 FILING PETITIONS**

- 1505.1 Before the nominating petition is filed, all sheets which comprise the petition shall be assembled and serially numbered.
- 1505.2 The nominating petition and supporting affidavits, as well as the Declarations of Candidacy from each candidate for Presidential Elector as required pursuant to chapter 6 of this title, shall be filed in-person at the Board’s office no later than 5:00 p.m. on the 90th day preceding the election (“petition-filing deadline”). Any candidate may file petition supplements prior to the petition-filing deadline, provided that the supplements are accompanied by an affidavit executed by the person filing them. All petitions and supplements shall be received by the Executive Director or his or her designee if filed on or before the petition-filing deadline.
- 1505.3 Within three (3) business days following the petition-filing deadline, the Executive Director or his or her designee shall issue a preliminary determination of petition sufficiency. In order to be determined sufficient, a petition nominating a candidate shall:
- (a) Contain the minimum statutory number of signatures required to obtain ballot access for the office sought;
  - (b) Be accompanied by an affidavit executed by the person filing the petition, attesting that to the best of his or her knowledge, the petition is complete and contains the legally required number of valid signatures; and
  - (c) Be on a form issued by the Executive Director or his or her designee in accordance with the rules of this chapter;
- 1505.4 In determining whether the minimum statutory number of signatures is contained in the nominating petition, the Executive Director or his or her designee shall not count any signatures submitted on petition pages that fail to include a completed circulator’s affidavit or any signatures of registered voters who submitted a written notarized request to disallow the voter’s signature from being counted on the petition; provided, that the request shall be received prior to the time the petition is filed.
- 1505.5 Notice of the Executive Director’s preliminary determination of petition sufficiency shall be served immediately by email or first-class mail upon each candidate.
- 1505.6 In the event that it is determined that a candidate’s nominating petition is insufficient, the candidate’s nominating petition shall nevertheless be posted for the challenge period specified in D.C. Official Code sec. 1-1001.08 (o) (2011 Repl.), along with the Executive Director’s preliminary determination.

- 1505.7 Within three (3) days of issuing a notice of an adverse determination, a candidate aggrieved by the decision may file a written notice of appeal with the Board, duly signed by the candidate and specifying concisely the grounds for appeal.
- 1505.8 The Board shall hold a hearing on the appeal within three (3) days after receipt of the appeal notice.
- 1505.9 The hearing shall be conducted in accordance with the procedures provided in the District of Columbia Administrative Procedure Act, D.C. Code §§ 2-501 et seq. (2011 Repl.), and may be heard by a one-member panel (D.C. Code § 1-1001.05 (g) (2011 Repl.)).
- 1505.10 Any appeal from a decision of a one-member panel to the full Board shall be taken in the manner prescribed by D.C. Code § 1-1001.05 (g) (2011 Repl.); however, in no case shall the time allowed for the appeal exceed fourteen (14) calendar days from the date of decision of the one-member panel.

**1506****PETITION CHALLENGES**

- 1506.1 The Executive Director or his or her designee shall post nominating petitions, or facsimiles thereof, in the Board's office for public inspection and opportunity for challenge for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petition-filing deadline required by law.
- 1506.2 Except as provided in this section, the Board shall adjudicate the validity of each properly filed challenge in accordance with the procedures prescribed in chapter 4 of this title. A challenge is properly filed if it:
- (a) Cites the alleged signature or circulator requirement defects, as set forth in the signature validity rules of this chapter, by line and page;
  - (b) Is signed and submitted in-person at the Board's office by a qualified elector within the ten (10)-day posting period; and
  - (c) Alleges the minimum number of signature defects which, if valid, would render the prospective candidate ineligible for ballot access.
- 1506.3 Within three (3) working days of receipt of a properly filed challenge, the General Counsel or his or her designee shall serve a copy of the challenge upon the candidate in-person, by first-class mail, or email.
- 1506.4 After the receipt of a properly filed challenge, the Board's staff shall search the Board's permanent registration records to prepare a recommendation to the Board as to the validity of the challenge. The scope of the search shall be limited to matters raised in the challenge. In the event Board staff discovers a fatal defect either on the face of a petition or pursuant to a record search concerning a specific allegation or challenge, the Board may, on its own motion, declare any signature(s) invalid, notwithstanding the defect was not alleged or challenged; alternatively, the Board, in its discretion, may waive any formal error.
- 1506.5 The Board shall receive evidence in support of and in opposition to the challenge and shall rule on the validity of the challenge no more than twenty (20) days after the challenge has been filed. The Board shall consider any other evidence as may be submitted, including but not limited to, documentary evidence, affidavits, and oral testimony.
- 1506.6 The Board, in view of the fact that it shall hear and determine the validity of the challenge within a limited time, may limit examination and cross-examination of witnesses to the following:
- (a) Objections and specifications of such objections, if any, to the nominating petition; and

(b) Objections and specifications of such objections, if any, to the petition challenge.

1506.7 Based upon the evidence received, the Board shall either reject or uphold the challenge, and accordingly grant or deny ballot access to the candidate whose petition was challenged.

1506.8 If a one (1)-member Board panel makes a determination on the validity of a challenge, either the challenger or any person named in the challenged petition as a nominee may apply to either the full Board or the District of Columbia Court of Appeals for a review of such determination within three (3) days after the announcement of the one (1)-member panel determination; provided that any appeal to the full Board must be made in time to permit the Board to resolve the matter by no later than twenty (20) days after the challenge has been filed. An appeal from a full Board determination to the Court of Appeals shall be made within three (3) days.

1506.9 If at the expiration of the challenge period referred to in this section, no challenge has been filed with respect to a nominating petition, the Executive Director, or his or her designee, shall certify the candidate, and the candidate's name shall be printed on the ballot.

**1507****VALIDITY OF SIGNATURES**

## 1507.1

Once a nominating petition has been challenged pursuant to this chapter, a signature shall not be counted as valid in any of the following circumstances:

- (a) The signer's voter registration was designated as inactive on the voter roll at the time the petition was signed;
- (b) 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; provided that an address on a petition which is different than the address which appears on the Board's records shall be deemed valid if the signer's current address is within the boundary from which the candidate seeks nomination and the signer files a change of address form with the Board during the first 10 days following the date on which a challenge to the nominating petition is filed.
- (c) The signature is a duplicate of a valid signature;
- (d) The signature is not dated;
- (e) The petition does not include the address of the signer;
- (f) The petition does not include the name of the signer where the signature is not sufficiently legible for identification;
- (g) The circulator of the petition sheet was not a not a qualified petition circulator at the time the petition was signed;
- (h) The circulator of the petition failed to complete all required information in the circulator's affidavit; or
- (i) The signature is not made by the person whose signature it purports to be; provided that registered voters who are unable to sign their names may make their marks in the space for signature. These marks shall not be counted as valid signatures unless the persons witnessing the marks shall attach to the petition affidavits that they explained the contents of the petitions to the signatories and witnessed their marks.

**1508 WRITE-IN NOMINATION**

1508.1 Write-in nominations for President and Vice President of the United States shall be permitted. Affirmation of write-in candidacy shall proceed in accordance with the provisions of chapter 6 of this title.