

Chapter 17

CANDIDATES: MEMBERS AND OFFICIALS OF LOCAL COMMITTEES OF POLITICAL PARTIES AND NATIONAL COMMITTEE PERSONS

1700 GENERAL PROVISIONS

1700.1 This chapter governs:

- (a) The process by which the local committee of each major party may request that elections for its members and officials be held; and
- (b) The process by which candidates for nomination for members and officials of local party committees, and for national party committeemen and committeewomen, seek ballot access during a regularly scheduled primary and the process by which candidates for party office seek nomination.

1700.2 For purposes of this chapter, unless otherwise provided, the following terms shall be defined as follows:

- (a) The term “major party” means an authorized political party which is qualified to hold a party primary for partisan offices pursuant to D.C. Official Code § 1-1001.08 (h)(2);
- (b) The term “qualified petition circulator” means an individual who is:
 - (1) At least 18 years of age; and
 - (2) 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.
- (c) The term “slate” means a list of candidates that have qualified for ballot access and indicated the intent to be recognized as a group on the ballot by filing a Slate Registration Form on a form provided by the Board. Slates may be comprised of:
 - (1) Two (2) or more individual candidates who have qualified for ballot access by filing separate nominating petitions;
 - (2) A group of candidates who have qualified for ballot access by filing a single nominating petition; or

- (3) A combination of individual candidates or groups of candidates who have qualified for ballot access by filing separate nominating petitions.

1700.3 The chairperson of each local party committee shall indicate the party's intention to elect officials or committee members by a letter signed by the chairperson and filed with the Board no later than one hundred eighty (180) days before the date of a primary election ("party plan"), pursuant to D.C. Official Code § 1-1001.08 (1)(1) (2011 Repl.). The letter shall specify the number and titles of its officers or committee members to be elected at-large and by ward.

SOURCE: Final Rulemaking published at 27 DCR 2763 (June 27, 1980), incorporating the text of Proposed Rulemaking published at 27 DCR 1929, 1950-51 (May 9, 1980); as amended by Final Rulemaking published at 29 DCR 2798, 2802 (July 2, 1982); as amended by Final Rulemaking published at 35 DCR 2006, 2021 (March 11, 1988); as amended by Final Rulemaking published at 43 DCR 1078, 1110 (March 1, 1996); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014).

1701 SLATES: FORMATION, AMENDMENT, AND WITHDRAWAL

- 1701.1 In order to achieve ballot access as a slate, the prospective members of the slate must file in-person at the Board's office a "Statement of Slate Registration," on a form provided by the Board, no later than 4:45 p.m. on the third (3rd) day after the deadline for filing petitions.
- 1701.2 The Statement of Slate Registration shall contain the following:
- (a) The name, address, telephone number and signature of the individual who is authorized to represent the slated candidates in matters before the Board ("authorized slate representative");
 - (b) A complete listing of the candidates who are members of the slate and the office to which each seeks election;
 - (c) A statement that each candidate gives his or her permission to be identified as a member of the slate;
 - (d) The slate name, which shall be sufficiently concise to permit the Board to print the name on the ballot on the same line with each candidate's name; and
 - (e) The signatures and printed name of each of the candidates who are members of the slate; provided, that where candidates have qualified as a group, using a single nominating petition, all candidates listed on the petition must be signatories.
- 1701.3 Additions to slate composition or changes of slate names may be filed with the Board by the authorized slate representative as amendments to the original Statement of Slate Registration.
- 1701.4 Amendments to the original Statement of Slate Registration shall be filed in-person at the Board's office by the authorized slate representative and shall be on a form provided by the Board which shall contain the following:
- (a) The requested amendment(s);
 - (b) The signature of the authorized slate representative; and
 - (c) The signature(s) of any additional slate candidate(s), if applicable.
- 1701.5 Any candidate or a group of candidates that qualified for the ballot by filing a single nominating petition, may withdraw from a registered slate by filing in-person at the Board's office a Statement of Slate Withdrawal.

- 1701.6 The Statement of Slate Withdrawal shall contain the following:
- (a) A statement that the individual candidate or group of candidates irrevocably withdraws from the slate;
 - (b) The signatures of each withdrawing candidate; and
 - (c) The signatures of all candidates listed on the petition; provided, that the candidate(s) seeking withdrawal qualified by using a single nominating petition.
- 1701.7 Slated candidates shall not be disqualified from the ballot for any of the following reasons:
- (a) Where a candidate has withdrawn from a slate;
 - (b) Where a candidate has withdrawn from the ballot; or
 - (c) Where any candidate or a group of candidates, have been determined, by the Executive Director or his or her designee, to be ineligible to qualify as part of a slate.
- 1701.8 Amendments to Statements of Slate Registration and Statements of Slate Withdrawals shall be filed in-person at the Board's office no later than 5 p.m. on the 54th day before Election Day.

SOURCE: Final Rulemaking published at 27 DCR 2763 (June 27, 1980), incorporating the text of Proposed Rulemaking published at 27 DCR 1929, 1950-51 (May 9, 1980); as amended Final Rulemaking published at 35 DCR 2006, 2021-22 (March 11, 1988); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014); as amended by Emergency and Proposed Rulemaking published at 65 DCR 4467 (April 20, 2018) [EXPIRED]; as amended by Final Rulemaking published at 65 DCR 6543 (June 15, 2018).

1702 PETITION FORM

- 1702.1 A nominating petition form shall be separately prepared and issued by the Executive Director or their designee for each candidate seeking nomination, or group of candidates seeking nomination as a slate, for office.
- 1702.2 Nominations for the offices of members and officials of local party committees elected at-large may be on one nominating petition.
- 1702.3 Nominations for the offices of members and officials of local party committees, to be elected in a single ward, may be on one nominating petition; Provided, that all the candidates stand for office only in the same ward.
- 1702.4 Nominations for the offices of national committeeman, national committeewoman, and the alternates may be on one nominating petition; provided, that no individual is nominated for two (2) or more offices that could not be occupied simultaneously by the same person.
- 1702.5 The petition shall contain the following information:
- (a) The name, address, and political party of the candidate(s), the ward (where applicable), and the office(s) to which the candidate(s) seek election;
 - (b) A statement that all of the signatories to this petition must be of the same political party as the candidate(s);
 - (c) If the candidate is running from a ward, a statement that all of the signatories to the petition must be registered in and residents of the ward from which the candidate seeks election; and
 - (d) A circulator's affidavit, providing space for the circulator of a nominating petition to record their name, address, and telephone number. By signing the affidavit, the circulator swears under oath or affirms that they:
 - (1) Are a qualified petition circulator;
 - (2) Personally circulated the petition sheet;
 - (3) Personally witnessed the signing of each signature on the petition sheet; and
 - (4) Inquired whether each signer is a registered voter in the same political party and ward, where applicable, as the candidate seeking nomination.

- 1702.6 A candidate or slate shall be permitted to choose a paper and/or electronic nominating petition form. Unless specified, the laws and rules concerning the circulation of petitions, including, but not limited to, the qualifications of circulators, the validity of signatures, and challenges to petitions, shall apply regardless of the format of the petition.
- 1702.7 No nominating petition, whether in paper or electronic format, shall be issued to any person other than the candidate, or the authorized slate representative, unless the Board receives written notice from the candidate or slate representative which authorizes the Board to release petitions in their name. The authorization shall include the following:
- (a) Candidate's name;
 - (b) Office which the candidate seeks; and
 - (c) Candidate or slate representative's signature.
- 1702.8 No nominating petition shall be issued unless all "blank" spaces in the candidate(s) name section of each petition sheet are stricken such that no additional names may be appended to the petition page after it has been issued.
- 1702.9 Each circulator circulating an electronic petition shall register their device in-person at the Board's office. The circulator shall provide a unique and valid email address for account registration and device authentication. No circulator shall have a registered account for electronic petition circulation unless their device has been authenticated.

SOURCE: Final Rulemaking published at 35 DCR 2006, 2022-24 (March 11, 1988); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014); as amended by Final Rulemaking published at 65 DCR 5644 (May 18, 2018); as amended by Final Rulemaking published at 69 DCR 001132 (February 11, 2022).

1703 SIGNATURE REQUIREMENTS

- 1703.1 To obtain ballot access, a candidate for the office of national committee person shall submit a nominating petition that contains, at a minimum, the lesser of:
- (a) Five hundred (500) valid signatures of registered qualified electors who are registered in the same political party as the candidate; or
 - (b) The valid signatures of one percent (1%) of registered qualified electors who are registered in the same political party as the candidate.
- 1703.2 To obtain ballot access, a candidate for the office of member or officer of a local party committee elected at-large shall submit a nominating petition that contains, at a minimum, the lesser of:
- (a) Five hundred (500) valid signatures of registered qualified electors who are registered in the same political party as the candidate; or
 - (b) The valid signatures of one percent (1%) of registered qualified electors who are registered in the same political party as the candidate.
- 1703.3 To obtain ballot access, a candidate for the office of member or officer of a local party committee elected from a ward shall submit a nominating petition that contains, at a minimum, the lesser of:
- (a) One hundred (100) valid signatures of registered qualified electors who are registered in the same political party and ward as the candidate; or
 - (b) The valid signatures of one percent (1%) of registered qualified electors who are registered in the same political party and ward as the candidate.
- 1703.4 The maximum number of signatures that the Board will accept for filing for an office is two (2) times the minimum number of signatures as required for that office by this section. Working from the first page of a petition that has been serially numbered pursuant to Subsection 1705.1 of this chapter, the Board shall only accept for filing the maximum number of signatures that may be filed pursuant to this section.

SOURCE: Final Rulemaking published at 35 DCR 2006, 2024 (March 11, 1988); as amended by Final Rulemaking published at 39 DCR 2467, 2512 (April 10, 1992); as amended by Final Rulemaking published at 60 DCR 5582 (April 12, 2013); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014); as amended by Final Rulemaking published at 61 DCR 7021 (July 11, 2014).

1704 NON-RESIDENT CIRCULATORS

1704.1 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; and
- (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.

1704.2 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.

SOURCE: Final Rulemaking published at 39 DCR 2467, 2513-14 (April 10, 1992); as amended by Final Rulemaking published at 43 DCR 1078, 1110 (March 1, 1996); as amended by Final Rulemaking published at 48 DCR 11725 (December 28, 2001); as amended by Final Rulemaking published at 49 DCR 2740 (March 22, 2002); as amended by Final Rulemaking published at 60 DCR 5582 (April 12, 2013); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014); as amended by Final Rulemaking published at 62 DCR 14744 (November 13, 2015).

1705 FILING PETITIONS

- 1705.1 Before the nominating petition is filed:
- (a) Any petition pages circulated in an electronic format shall be printed at the Board's office and signed by the individual circulator who collected the signatures; and
 - (b) All sheets which comprise the petition shall be assembled and serially numbered.
- 1705.2 The nominating petition and supporting affidavits, as well as each candidate's Declaration of Candidacy 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.
- 1705.3 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.
- 1705.4 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.
- 1705.5 Notice of the Executive Director's preliminary determination of petition sufficiency shall be served immediately by email or first-class mail upon each candidate.

- 1705.6 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 § 1-1001.08 (o) (2011 Repl.), along with the Executive Director's preliminary determination.
- 1705.7 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.
- 1705.8 The Board shall hold a hearing on the appeal within three (3) days after receipt of the appeal notice.
- 1705.9 The hearing shall be conducted in accordance with the procedures provided in the District of Columbia Administrative Procedure Act, (D.C. Official Code §§ 2-501 *et seq.* (2011 Repl.)), and may be heard by a one-member panel (D.C. Official Code § 1-1001.05 (g) (2011 Repl.)).
- 1705.10 Any appeal from a decision of a one-member panel to the full Board shall be taken in the manner prescribed by D.C. Official 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.

SOURCE: Final Rulemaking published at 27 DCR 2763 (June 27, 1980), incorporating the text of Proposed Rulemaking published at 27 DCR 1929, 1981-82 (May 9, 1980); as amended by Final Rulemaking published at 29 DCR 1223, 1224 (March 19, 1982); as amended by Final Rulemaking published at 35 DCR 2006, 2025-26 (March 11, 1988); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014); as amended by Emergency and Proposed Rulemaking published at 65 DCR 2736 (March 16, 2018)(Expires July 5, 2018); as amended by Final Rulemaking published at 65 DCR 5644 (May 18, 2018).

1706 PETITION CHALLENGES

- 1706.1 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.
- 1706.2 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.
- 1706.3 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.
- 1706.4 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.
- 1706.5 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.
- 1706.6 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.

1706.7 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.

1706.8 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.

1706.9 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.

SOURCE: Final Rulemaking published at 35 DCR 2006, 2026 (March 11, 1988); as amended by Final Rulemaking published at 46 DCR 4335, 4337 (May 14, 1999); as amended by Final Rulemaking published at 47 DCR 5927 (July 28, 2000); as amended by Emergency and Proposed Rulemaking published at 58 DCR 10752 (December 16, 2011)[EXPIRED];as amended by Final Rulemaking published at 59 DCR 941, 983 (February 10, 2012); as amended by Final Rulemaking published at 59 DCR 4773, 4779 (May 11, 2012); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014).

1707

VALIDITY OF SIGNATURES

1707.1

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 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;
- (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;
- (j) Reserved;
- (k) Reserved;
- (l) Reserved;

- (m) The signer is not a registered voter in the ward from which the candidate seeks nomination at the time the petition was signed; or
- (n) The signer is not registered to vote in the same party as the candidate at the time the petition is signed.

SOURCE: Final Rulemaking published at 27 DCR 2763 (June 27, 1980), incorporating the text of Proposed Rulemaking published at 27 DCR 1929, 1983 (May 9, 1980); as amended by Final Rulemaking published at 35 DCR 2006, 2027 (March 11, 1988); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014).

1708 WRITE-IN NOMINATION

1708.1 Write-in nominations are permitted, subject to the party's plan submitted to the Board pursuant to this chapter. If permitted, affirmation of the write-in nominee's candidacy shall proceed in accordance with the provisions of Chapter 6 of this title.

SOURCE: Final Rulemaking published at 27 DCR 2763 (June 27, 1980), incorporating the text of Proposed Rulemaking published at 27 DCR 1929, 1983 (May 9, 1980); as amended by Final Rulemaking published at 32 DCR 5751, 5759 (October 11, 1985); as amended by Final Rulemaking published at 35 DCR 2006, 2027 (March 11, 1988); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014).