

## DISTRICT OF COLUMBIA BOARD OF ELECTIONS

### NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The District of Columbia Board of Elections, pursuant to the authority set forth in D.C. Code § 1-1001.05(a)(14), hereby gives notice of emergency and proposed rulemaking action to adopt amendments to Chapter 5, “Voter Registration,” in Title 3 of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendments to Chapter 5 is to provide means for voters who are victims of covered offenses or covered employees, as defined in the “Address Confidentiality Act of 2018” (D.C. Law 22-118, effective July 3, 2018), to make their voter records confidential.

Emergency action to adopt these rules is necessary so that victims of covered offenses and covered employees can take action to make their voter records confidential. Adoption of these rules is necessary for the immediate preservation of the public peace and welfare of District residents, in accordance with D. C. Official Code § 2-505(c) (2001).

The Board adopted these emergency rules at its regularly scheduled meeting on Friday, December 14, 2018, at which time the amendments became effective. The emergency rules shall remain in effect until April 13, 2019 (one hundred and twenty (120) days from the adoption date), unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

#### **Chapter 5, VOTER REGISTRATION, of Title 3 of the DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS is amended as follows:**

#### **Subsection 510.9 of Section 510, VOTER REGISTRATION INFORMATION, is amended to read as follows:**

- 510.9           A registered qualified elector’s address shall be considered public information unless made confidential. A registered qualified elector’s address may be made confidential under any of the following circumstances:
- (a)           The registered qualified elector, or his or her representative, presents a copy of a court order to the Registrar directing the confidentiality of the qualified elector’s address;
  - (b)           The registered qualified elector, or his or her representative, presents the Registrar with reasonable written evidence demonstrating that the registered voter has at any time been a victim of a covered offense or covered employee, as defined in the “Address Confidentiality Act of 2018” (D.C. Law 22-118). This evidence may include employment, court, law enforcement, medical or social service records; or

- (c) In the determination of the Registrar of Voters, the registered qualified elector is an individual of significant public stature and public disclosure of the elector's address would cause an unwarranted invasion of privacy.

**Subsection 510.10 of Section 510, VOTER REGISTRATION INFORMATION, is created to read as follows:**

510.10 If a registered qualified elector's address is made confidential pursuant to this section at least forty-five (45) days before an election, the elector's address shall be immediately removed from all voter records available for public inspection, with the exception of the poll book available in any voting place. If the registered qualified elector's address is made confidential fewer than forty-five (45) days before an election, the address shall be removed as soon as practicable. Any record made confidential pursuant to this section shall remain confidential for a period of five years from the date the address is made confidential, unless a shorter period of time is specified by court order or the elector makes a written request to remove his or her record from confidential status.

All persons desiring to comment on the subject matter of this proposed rulemaking should file written comments by no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Office of the General Counsel, Board of Elections, 1015 Half Street SE, 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.