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 the District of Columbia Election Code of 1955, approved August 12, 1955, as amended (69 Stat. 699; D.C. Official Code § 1-1001.05(a)(14) (2016 Repl.)), hereby gives notice of emergency and proposed rulemaking action, which supersedes the Notice of Proposed Rulemaking published at 73 DCMR 013254 (October 16, 2026), to adopt amendments to Chapters 10, "Initiative and Referendum," 11, "Recall of Elected Officials," 14, "Candidate Nominations: Political Party Primaries For Presidential Preference and Convention Delegates," 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" to Title 3 of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendments is to establish regulations consistent with the Petition Administration Clarification Emergency Amendment Act of 2026 (D.C. Act A26-0256) with respect to ballot measures and to clarify the Board's requirements for validly filed challenges to signatures on various ballot access petitions in light of guidance received from the DC Court of Appeals by way of opinions rendered in appeals from Board orders resolving challenges to nominating petitions in connection with the 2026 Primary, Special, and General Elections and the Board's experience resolving such challenges itself during the 2026 Election challenge periods.

Emergency action is necessary to ensure the orderly and uniform administration of the processing of ballot measure petitions by clarifying that they will be posted for review on the 3rd calendar day after they are filed with the Board. This clarification will avoid uncertainty, inconsistent challenge practices, and disruption to the administration of the electoral process during statutory challenge periods. The Board adopted this Emergency and Proposed Rulemaking at a special meeting on Monday, November 9, 2026 at which time it became effective. The emergency rules shall remain in effect until Tuesday, March 9, 2027 (one hundred and twenty (120) days from the adoption date), unless superseded by publication of a Notice of Final Rulemaking in the District of Columbia Register.

The Board hereby 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 10, INITIATIVE AND REFERENDUM, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:

Subsection 1006.1 of Section 1006, PETITION CHALLENGES, is amended as follows:

1006.1 The Executive Director or his or her designee shall post initiative or referendum petitions, or facsimiles thereof, in the Board's office for public inspection and opportunity to challenge on the basis of an insufficient number of valid signatures or any other grounds (except as to the merits of the measure) by any qualified elector(s) for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petition is filed. Prior to the start of the challenge period, an official form for ballot measure petition challenges ("Ballot Measure Petition Challenge Form") shall be posted on the Board's website and available at its offices, provided that the agency is not required to supply multiple copies of such blank forms to challengers. A challenge to an initiative or referendum petition that is not properly submitted to the Board within the challenge period shall not be accepted by the Board's Registrar of Voters.

Subsection 1006.2 of Section 1006, PETITION CHALLENGES, is amended as follows:

1006.2 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) A challenge that does not satisfy the requirements of this section shall be rejected as not properly filed and shall not proceed to adjudication on the merits.

(b) A challenge to the validity of the signatures on a petition is properly filed only if it satisfies each of the following requirements, each of which shall be strictly construed:

(1) The challenge is submitted on the Board's official Ballot Measure Petition Challenge Form and identifies concisely, in the appropriate form fields corresponding to specific petition sheets and lines, the basis for the challenge to each particular signature sought to be discounted.

(2) Each challenged signature shall be identified with sufficient particularity to permit the Registrar of Voters to locate and evaluate the challenged entry without speculation as to the challenger's intent. A challenge shall not be considered sufficiently particular if the Registrar cannot determine from the face of the submission:

(A) the exact signature being challenged; and

(B) the specific defect alleged, without reference to materials outside the challenge form.

(3) The challenge shall clearly identify the specific rule of this chapter or other applicable legal authority that supports the asserted basis for discounting the signature.

(4) Generalized assertions, categorical claims, or statistical or inferential arguments shall not constitute a properly filed challenge unless they are tied to individually identified signatures or circulator affidavits.

(A) Assertions shall be deemed generalized where they are not tied to such specific entries or where identical allegations are applied without regard to the content of the particular signature or affidavit challenged.

(B) A statistical or inferential argument shall not substitute for such particularized identification of a challenge basis for each signature.

(C) Where an inferential argument is based on alleged misconduct associated with another signature or circulator affidavit, the challenge will identify the signature by petition sheet and line, or the affidavit containing the alleged predicate misconduct, and each additional signature sought to be discounted on that basis.

(D) An inferential argument based on alleged circulator misconduct may extend only to those signatures collected by the circulator or circulators whose alleged misconduct forms the basis for the inference.

(5) A narrative statement, cover letter, attachment accompanying the Ballot Measure Petition Challenge Form, etc., shall not expand the scope of the challenge beyond the specific signatures, circulator affidavits, and defects identified in the form fields, and any ground, theory, or category of defect not so identified shall be deemed waived and may not be raised during adjudication or on appeal. A generalized narrative assertion of petition fraud or irregularity, without identification of specific signatures or affidavits, shall not constitute a properly filed non-signature challenge and shall not preserve any such theory for adjudication or appeal.

(6) The challenge is signed and submitted in person at the Board's office by a qualified elector no later than 5:00 p.m. on the tenth (10th) day of the challenge period. Submission by mail, electronic transmission, or any means other than in-person delivery shall not be accepted.

(7) The challenge alleges a sufficient number of signature defects that:

(A) Are sufficiently identified to allow the Registrar of Voters to readily locate the challenged signatures in the petition;

(B) Are sufficiently articulated to allow the Registrar of Voters to readily determine the signature validity rule of this chapter or the applicable legal authority being invoked;

(C) If established, would render the proposed measure ineligible for ballot access; and

(D) Are presented in a manner that permits evaluation based solely on the information provided by the challenger. The Board shall not be required to investigate, infer, reconstruct, or supplement the challenger's allegations to identify or substantiate defects.

(8) The challenge is based on a good faith review of the petition signatures and/or circulator affidavits. A challenge shall be deemed to be based on a good faith review only where the pattern, volume, and nature of the alleged defects reasonably demonstrate that the challenger has examined the specific signatures or circulator affidavits being challenged. Indicators of a lack of good faith review may include, but are not limited to:

(A) The repeated assertion of defect categories that are facially inapplicable to the identified signatures or affidavits;

(B) The use of identical or boilerplate allegations across numerous signatures without regard to the content of those signatures; or

(C) The assertion of defects that could not reasonably be determined from the face of the petition or accompanying materials.

(c) The grounds for a challenge shall be limited to those specifically identified in the challenge as filed within the challenge period. No new categories of defects, theories of invalidity, or challenges to additional signatures or circulator affidavits may be raised after the deadline for filing a challenge.

(d) A narrative statement or attachment filed with the initial challenge does not preserve for adjudication or appeal any ground, theory, or category of defect not identified with particularity in the form fields of the Ballot Measure

Petition Challenge Form. This subsection applies regardless of whether the narrative statement was filed within the challenge period.

(e) The determination of proper filing shall be made by the Executive Director or his or her designee, based on a written determination identifying the specific deficiencies under this section.

(f) A challenger whose submission is rejected as not properly filed shall be notified in writing of the basis for rejection. Such notification shall not constitute an opportunity to cure or supplement the challenge, and no additional submissions shall be accepted after the close of the challenge period.

(g) The burden of demonstrating that a challenged signature or circulator affidavit is invalid rests at all times with the challenger. The Board's acceptance of a ballot measure petition as facially sufficient shall stand unless the challenger satisfies each requirement of this section. The Board shall not bear any burden of demonstrating the invalidity of challenged signatures.

(h) A challenge on grounds other than the alleged invalidity of individual petition signatures shall be properly filed only if it concisely sets forth the specific procedural or legal defect that is not based on the merits of the legislative change sought. A challenge to a ballot measure petition based on a theory of systemic invalidity, fraud, or pattern-based petition disqualification shall not be cognizable as a challenge based on grounds other than the invalidity of signatures and must be asserted in accordance with (b) above.

Section 1009, PETITION CERTIFICATION, is amended to read as follows:

1009 PETITION CERTIFICATION

1009.1 Within thirty (30) calendar days after the acceptance of an initiative or referendum petition for filing, the Board shall determine whether the petition contains the number of valid signatures necessary, in terms of percentage and ward distribution requirements, to be certified for ballot access.

1009.2 Upon the acceptance of a petition, the Executive Director or his or her designee shall:

(a) Verify the registration of each petition signer; and

(b) Determine the number of signatures of verified registrants.

1009.3 The signatures of the verified registrants shall comprise the universe of signatures from which a random sample will be drawn for purposes of verifying the signatures' authenticity ("random sample universe").

1009.4 A signature will not be counted and included in the random sample universe if:

(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, except that, if the Board's records indicate that the voter filed a change of address after the date on which the petition was signed but that was received on or before the petition was submitted, the signature shall be included in the random sample universe;

(c) The signature is a duplicate of a valid signature;

(d) The signature is not dated;

(e) The petition does not include the printed or typed address of the signer;

(f) The petition does not include the printed or typed 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 or correctly enter all required information in the circulator's affidavit;

(i) [REPEALED];

(j) The signature was obtained on a petition sheet that was submitted on behalf of a previously filed initiative or referendum petition that was rejected or found to be numerically insufficient;

(k) The signature was obtained outside of the presence of the circulator;

(l) Correction fluid or tape was used on information provided by the circulator in the circulator affidavit;

(m) Correction fluid or tape was used on information provided by the signer, including their name, address, signature, date of signing, or ward; or

(n) Information about the signer was written, altered, corrected, clarified, or obscured on the petition by a person other than the signer, and the signer did not request such assistance before affixing their signature.

1009.5 Each signature in the random sample universe shall be ascribed to the ward in which the signer was a duly registered voter on the date the petition was signed regardless of whether any subsequent redistricting causes the voter to be assigned to a new ward, except that if the Board's records indicate that the voter filed a change of address after the date on which the petition was signed, but that was received on or before the petition was submitted, the signature shall be included in the ward of the voter's new address.

1009.6 If the number of signatures in the random sample universe does not meet or exceed the established ward and District-wide requirements, the Board shall reject the petition as numerically insufficient.

1009.7 If the number of signatures in the random sample universe meets or exceeds the established minimum ward and District-wide requirements, the Board shall supply the Data Analysis and Visualization Division of the Office of Planning with the signatures in the random sample universe, broken down by ward. The Data Analysis and Visualization Division shall draw and identify for the Board a sample of one hundred (100) signatures from each ward to be verified, except where:

(a) The Data Analysis and Visualization Division determines that sampling the signatures of a given ward would not be necessary for the Board to make a determination to accept or reject the petition; or

(b) The Data Analysis and Visualization Division determines that a sample larger than one hundred (100) must be drawn in order for the Board to make a determination to accept or reject the petition, and thus draws and identifies an appropriate sample size. If necessary to reach the required levels of statistical certainty, the Data Analysis and Visualization Division may draw progressively larger sample sizes or, at the discretion of the Board, the entire random sample universe of signatures may be tested.

1009.8 In making the determination as to the authenticity of a signature, the Board shall disqualify a signature if the signature appearing on the petition does not match the signature on file in the Board's records.

1009.9 The Board shall report the number of authentic signatures in each ward sample ("random sample results") to the Data Analysis and Visualization Division. Using the random sample results, the Data Analysis and Visualization Division shall employ formulas from the fields of probability and statistics to determine the following:

(a) Whether a ward equals or exceeds the required number of authentic signatures with ninety-five percent (95%) confidence, and should thus be accepted;

(b) Whether a ward does not equal or exceed the required number of authentic signatures with ninety-five percent (95%) confidence, and should thus be rejected; or

(c) Whether a larger sample should be drawn since no decision could be made with ninety-five percent (95%) confidence from the sample used.

1009.10 If is the Data Analysis and Visualization Division determines that at least five (5) of the eight (8) election wards have the required number of valid signatures, then it shall use a stratified random sampling formula to combine the figures from all wards which were sampled to determine whether the entire number of authentic signatures appearing on the petition is equal in number to five percent (5%) of the registered electors in the District of Columbia with ninety-five percent (95%) confidence. The Data Analysis and Visualization Division shall request that the Board verify additional signatures for authenticity if a larger sample is needed to make a determination, unless the Board in the exercise of its discretion requires that the entire random sample universe of signatures shall be tested.

1009.11 If the total number of authentic signatures equals or exceeds the ward and District-wide signature requirements with ninety-five percent (95%) confidence, the Board shall certify the petition as numerically sufficient for ballot access.

1009.12 If the total number of authentic signatures fails to equal or exceed the ward and District-wide signature requirements with ninety-five percent (95%) confidence, the Board shall certify the petition as numerically insufficient to qualify for ballot access.

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

Subsection 1106.1 of Section 1106, PETITION CHALLENGES, is amended to read as follows:

1106.1 The Executive Director or his or her designee shall post recall petitions, or facsimiles thereof, in the Board's office for public inspection and opportunity to challenge on the basis of an insufficient number of valid signatures or any other grounds (except as to the merits of the recall) by any qualified elector(s) for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petition is filed. Prior to the start of the challenge period, an official form for ballot measure petition challenges ("Ballot Measure Petition Challenge Form") shall be posted on the Board's website and available at its offices, provided that the agency is not required to supply multiple copies of such

blank forms to challengers. A challenge to a recall petition that is not properly submitted to the Board within the challenge period shall not be accepted by the Board's Registrar of Voters.

Subsection 1106.2 of Section 1106, PETITION CHALLENGES, is amended to read as follows:

1106.2 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) A challenge that does not satisfy the requirements of this section shall be rejected as not properly filed and shall not proceed to adjudication on the merits.

(b) A challenge to the validity of the signatures on a petition is properly filed only if it satisfies each of the following requirements, each of which shall be strictly construed:

(1) The challenge is submitted on the Board's official Ballot Measure Petition Challenge Form and identifies concisely, in the appropriate form fields corresponding to specific petition sheets and lines, the basis for the challenge to each particular signature sought to be discounted.

(2) Each challenged signature shall be identified with sufficient particularity to permit the Registrar of Voters to locate and evaluate the challenged entry without speculation as to the challenger's intent. A challenge shall not be considered sufficiently particular if the Registrar cannot determine from the face of the submission:

(A) the exact signature being challenged; and

(B) the specific defect alleged, without reference to materials outside the challenge form.

(3) The challenge shall clearly identify the specific rule of this chapter or other applicable legal authority that supports the asserted basis for discounting the signature.

(4) Generalized assertions, categorical claims, or statistical or inferential arguments shall not constitute a properly filed challenge unless they are tied to individually identified signatures or circulator affidavits.

(A) Assertions shall be deemed generalized where they are not tied to such specific entries or where identical allegations are applied without regard to the content of the particular signature or affidavit challenged.

(B) A statistical or inferential argument shall not substitute for such particularized identification of a challenge basis for each signature.

(C) Where an inferential argument is based on alleged misconduct associated with another signature or circulator affidavit, the challenge shall identify the signature by petition sheet and line, or the affidavit containing the alleged predicate misconduct, and each additional signature sought to be discounted on that basis.

(D) An inferential argument based on alleged circulator misconduct may extend only to those signatures collected by the circulator or circulators whose alleged misconduct forms the basis for the inference.

(5) A narrative statement, cover letter, attachment accompanying the Ballot Measure Petition Challenge form, etc., shall not expand the scope of the challenge beyond the specific signatures, circulator affidavits, and defects identified in the form fields, and any ground, theory, or category of defect not so identified shall be deemed waived and may not be raised during adjudication or on appeal. A generalized narrative assertion of petition fraud or irregularity, without identification of specific signatures or affidavits, shall not constitute a properly filed non-signature challenge and shall not preserve any such theory for adjudication or appeal.

(6) The challenge is signed and submitted in person at the Board's office by a qualified elector no later than 5:00 p.m. on the tenth (10th) day of the challenge period. Submission by mail, electronic transmission, or any means other than in-person delivery shall not be accepted.

(7) The challenge alleges a sufficient number of signature defects that:

(A) Are sufficiently identified to allow the Registrar of Voters to readily locate the challenged signatures in the petition;

(B) Are sufficiently articulated to allow the Registrar of Voters to readily determine the signature validity rule of this chapter or the applicable legal authority being invoked;

(C) If established, would render the recall measure ineligible for ballot access; and

(D) Are presented in a manner that permits evaluation based solely on the information provided by the challenger. The Board shall not be required to investigate, infer, reconstruct, or supplement the challenger's allegations to identify or substantiate defects.

(8) The challenge is based on a good faith review of the petition signatures and/or circulator affidavits. A challenge shall be deemed to be based on a good faith review only where the pattern, volume, and nature of the alleged defects reasonably demonstrate that the challenger has examined the specific signatures or circulator affidavits being challenged. Indicators of a lack of good faith review may include, but are not limited to:

(A) The repeated assertion of defect categories that are facially inapplicable to the identified signatures or affidavits;

(B) The use of identical or boilerplate allegations across numerous signatures without regard to the content of those signatures; or

(C) The assertion of defects that could not reasonably be determined from the face of the petition or accompanying materials.

(c) The grounds for a challenge are limited to those specifically identified in the challenge as filed within the challenge period. No new categories of defects, theories of invalidity, or challenges to additional signatures or circulator affidavits may be raised after the deadline for filing a challenge.

(d) A narrative statement or attachment filed with the initial challenge does not preserve for adjudication or appeal any ground, theory, or category of defect not identified with particularity in the form fields of the Ballot Measure Petition Challenge Form. This subsection applies regardless of whether the narrative statement was filed within the challenge period.

(e) The determination of proper filing shall be made by the Executive Director or his or her designee, based on a written determination identifying the specific deficiencies under this section.

(f) A challenger whose submission is rejected as not properly filed shall be notified in writing of the basis for rejection. Such notification shall not

constitute an opportunity to cure or supplement the challenge, and no additional submissions shall be accepted after the close of the challenge period.

(g) The burden of demonstrating that a challenged signature or circulator affidavit is invalid rests at all times with the challenger. The Board's acceptance of a nominating petition as facially sufficient shall stand unless the challenger satisfies each requirement of this section. The Board shall not bear any burden of demonstrating the invalidity of challenged signatures.

(h) A challenge on grounds other than the alleged invalidity of individual petition signatures shall be properly filed only if it concisely sets forth the specific procedural or legal defect that is not based on the merits of the reasons for or against the recall. A challenge to a recall petition based on a theory of systemic invalidity, fraud, or pattern-based petition disqualification shall not be cognizable as a challenge based on grounds other than the invalidity of signatures and must be asserted in accordance with (b) above.

Section 1109, PETITION CERTIFICATION, is amended to read as follows:

1109 PETITION CERTIFICATION

1109.1 Within thirty (30) calendar days after the acceptance of a recall petition for filing, the Board shall determine whether the petition contains the number of valid signatures necessary, in terms of percentage and ward distribution requirements, to be certified for ballot access.

1109.2 Upon the acceptance of a petition, the Executive Director or his or her designee shall:

(a) Verify the registration of each petition signer; and

(b) Determine the number of signatures of verified registrants.

1109.3 The signatures of the verified registrants shall comprise the universe of signatures from which a random sample will be drawn for purposes of verifying the signatures' authenticity ("random sample universe").

1109.4 A signature will not be counted and included in the random sample universe if:

(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, except that, if the Board's records indicate that the voter filed a change of address after the date on which the petition was signed but that was received on or before the petition was submitted, the signature shall be included in the random sample universe;

(c) The signature is a duplicate of a valid signature;

(d) The signature is not dated;

(e) The petition does not include the printed or typed address of the signer;

(f) The petition does not include the printed or typed 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 or correctly enter all required information in the circulator's affidavit;

(i) The signer was also the circulator of the same petition sheet where the signature appears;

(j) The signature was obtained on a petition sheet that was submitted on behalf of a previously filed initiative or referendum petition that was rejected or found to be numerically insufficient;

(k) The signer is not a registered voter in the ward or Single-Member District of the elected official sought to be recalled;

(l) The signature was obtained outside of the presence of the circulator;

(m) Correction fluid or tape was used on information provided by the circulator in the circulator affidavit;

(n) Correction fluid or tape was used on information provided by the signer, including their name, address, signature, date of signing, or ward; or

(o) Information about the signer was written, altered, corrected, clarified, or obscured on the petition by a person other than the signer, and the signer did not request such assistance before affixing their signature.

1109.5 Each signature in the random sample universe shall be ascribed to the ward in which the signer was a duly registered voter on the date the petition was signed regardless

of whether any subsequent redistricting causes the voter to be assigned to a new ward, except that if the Board's records indicate that the voter filed a change of address after the date on which the petition was signed, but that was received on or before the petition was submitted, the signature shall be included in the ward of the voter's new address.

1109.6 If the number of signatures in the random sample universe does not meet or exceed the established ward and District-wide requirements, the Board shall reject the petition as numerically insufficient. If necessary to reach the required levels of statistical certainty, the Data Analysis and Visualization Division may draw progressively larger sample sizes or, at the discretion of the Board, the entire random sample universe of signatures may be tested.

1109.7 If the number of signatures in the random sample universe meets or exceeds the established minimum requirements and the officer sought to be recalled is an Advisory Neighborhood Commissioner, the Board shall verify the authenticity of all of the signatures in the random sample universe.

1109.8 If the number of signatures in the random sample universe meets or exceeds the established minimum requirements and the officer sought to be recalled is elected from a ward or at-large, the Board shall supply the Data Analysis and Visualization Division of the Office of Planning with the signatures in the random sample universe, further broken down by ward if the elected official sought to be recalled is elected at-large.

1109.9 If the elected official sought to be recalled is elected at-large, the Data Analysis and Visualization Division shall draw and identify for the Board a sample of one hundred (100) signatures from each ward to be verified, except where:

(a) The Data Analysis and Visualization Division determines that sampling the signatures of a given ward would not be necessary for the Board to make a determination to accept or reject the petition; or

(b) The Data Analysis and Visualization Division determines that a sample larger than one hundred (100) must be drawn in order for the Board to make a determination to accept or reject the petition, and thus draws and identifies an appropriate sample size.

1109.10 If the elected official sought to be recalled is elected from a ward, the Data Analysis and Visualization Division shall determine the size of the random sample.

1109.11 In making the determination as to the authenticity of a signature, the Board shall disqualify a signature if the signature appearing on the petition does not match the signature on file in the Board's records.

1109.12 The Board shall report the number of authentic signatures in each ward sample ("random sample results") to the Data Analysis and Visualization Division. Using the random sample results, the Data Analysis and Visualization Division shall employ formulas from the fields of probability and statistics to determine the following:

(a) Whether a ward equals or exceeds the required number of authentic signatures with ninety-five percent (95%) confidence, and should thus be accepted;

(b) Whether a ward does not equal or exceed the required number of authentic signatures with ninety-five percent (95%) confidence, and should thus be rejected; or

(c) Whether a larger sample should be drawn since no decision could be made with ninety-five percent (95%) confidence from the sample used.

1109.13 In the event that the elected official sought to be recalled is elected at–large, if the Data Analysis and Visualization Division determines that at least five (5) of the eight (8) election wards have the required number of valid signatures, then it shall use a stratified random sampling formula to combine the figures from all wards which were sampled to determine whether the entire number of authentic signatures appearing on the petition is equal in number to five percent (5%) of the registered electors in the District of Columbia with ninety-five percent (95%) confidence. The Data Analysis and Visualization Division shall request that the Board verify additional signatures for authenticity if a larger sample is needed to make a determination, unless the Board in the exercise of its discretion requires that the entire random sample universe of signatures shall be tested.

1109.14 If the total number of authentic signatures equals or exceeds the ward and District-wide signature requirements with ninety-five percent (95%) confidence, the Board shall certify the petition as numerically sufficient for ballot access.

1109.15 If the total number of authentic signatures fails to equal or exceed the ward and District-wide signature requirements with ninety-five percent (95%) confidence, the Board shall certify the petition as numerically insufficient to qualify for ballot access.

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

Subsection 1406.1 of Section 1406, PETITION CHALLENGES, is amended to read as follows:

1406.1 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 to challenge on the basis of an insufficient number of valid signatures or any other grounds by any qualified elector(s) for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petition-filing deadline required by law. Prior to the start of the challenge period, an official form for nominating petition challenges ("Nominating Petition Challenge Form") shall be posted on the Board's website and available at its offices, provided that the agency is not required to supply multiple copies of such blank forms to challengers. A challenge to a nominating petition that is not properly submitted to the Board within the challenge period shall not be accepted by the Board's Registrar of Voters.

Subsection 1406.2 of Section 1406, PETITION CHALLENGES, is amended as follows:

1406.2 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) A challenge that does not satisfy the requirements of this section shall be rejected as not properly filed and shall not proceed to adjudication on the merits.

(b) A challenge to the validity of the signatures on a petition is properly filed only if it satisfies each of the following requirements, each of which shall be strictly construed:

(1) The challenge is submitted on the Board's official Nominating Petition Challenge Form and identifies concisely, in the appropriate form fields corresponding to specific petition sheets and lines, the basis for the challenge to each particular signature sought to be discounted.

(2) Each challenged signature shall be identified with sufficient particularity to permit the Registrar of Voters to locate and evaluate the challenged entry without speculation as to the challenger's intent. A challenge shall not be considered sufficiently particular if the Registrar cannot determine:

(A) the exact signature being challenged; and

(B) the specific defect alleged, without reference to materials outside the challenge form;

(3) The challenge shall clearly identify the specific rule of this chapter or other applicable legal authority that supports the asserted basis for discounting the signature.

(4) Generalized assertions, categorical claims, or statistical or inferential arguments shall not constitute a properly filed challenge unless they are tied to individually identified signatures or circulator affidavits.

(A) Assertions shall be deemed generalized where they are not tied to such specific entries or where identical allegations are applied without regard to the content of the particular signature or affidavit challenged.

(B) A statistical or inferential argument shall not substitute for such particularized identification of a challenge basis for each signature.

(C) Where an inferential argument is based on alleged misconduct associated with another signature or circulator affidavit, the challenge shall identify the signature by petition sheet and line, or the affidavit containing the alleged predicate misconduct, and each additional signature sought to be discounted on that basis.

(D) An inferential argument based on alleged circulator misconduct may extend only to those signatures collected by the circulator or circulators whose alleged misconduct forms the basis for the inference.

(5) A narrative statement, cover letter, attachment accompanying the Nominating Petition Challenge Form, etc., shall not expand the scope of the challenge beyond the specific signatures, circulator affidavits, and defects identified in the form fields, and any ground, theory, or category of defect not so identified shall be deemed waived and may not be raised during adjudication or on appeal. A generalized narrative assertion of petition fraud or irregularity, without identification of specific signatures or affidavits, shall not constitute a properly filed non-signature challenge and shall not preserve any such theory for adjudication or appeal.

(6) The challenge is signed and submitted in person at the Board's office by a qualified elector no later than 5:00 p.m. on the tenth (10th) day of the challenge period. Submission by mail, electronic transmission, or any means other than in-person delivery shall not be accepted.

(7) The challenge alleges a sufficient number of signature defects that:

(A) Are sufficiently identified to allow the Registrar of Voters to readily locate the challenged signatures in the petition;

(B) Are sufficiently articulated to allow the Registrar of Voters to readily determine the rule of this chapter or the applicable legal authority being invoked;

(C) If established, would render the candidate ineligible for ballot access; and

(D) Are presented in a manner that permits evaluation based solely on the information provided by the challenger. The Board shall not be required to investigate, infer, reconstruct, or supplement the challenger's allegations to identify or substantiate defects.

(8) The challenge is based on a good faith review of the petition signatures and/or circulator affidavits. A challenge shall be deemed to be based on a good faith review only where the pattern, volume, and nature of the alleged defects reasonably demonstrate that the challenger has examined the specific signatures or circulator affidavits being challenged. Indicators of a lack of good faith review may include, but are not limited to:

(A) The repeated assertion of defect categories that are facially inapplicable to the identified signatures or affidavits;

(B) The use of identical or boilerplate allegations across numerous signatures without regard to the content of those signatures; or

(C) The assertion of defects that could not reasonably be determined from the face of the petition or accompanying materials.

(c) The grounds for a challenge are limited to those specifically identified in the challenge as filed within the challenge period. No new categories of defects, theories of invalidity, or challenges to additional signatures or circulator affidavits may be raised after the deadline for filing a challenge.

(d) A narrative statement or attachment filed with the initial challenge does not preserve for adjudication or appeal any ground, theory, or category of defect not identified with particularity in the form fields of the Nominating Petition

Challenge Form. This subsection applies regardless of whether the narrative statement was filed within the challenge period.

(e) The determination of proper filing shall be made by the Executive Director or his or her designee, based on a written determination identifying the specific deficiencies under this section.

(f) A challenger whose submission is rejected as not properly filed shall be notified in writing of the basis for rejection. Such notification shall not constitute an opportunity to cure or supplement the challenge, and no additional submissions shall be accepted after the close of the challenge period.

(g) The burden of demonstrating that a challenged signature or circulator affidavit is invalid rests at all times with the challenger. The Board's acceptance of a nominating petition as facially sufficient shall stand unless the challenger satisfies each requirement of this section. The Board shall not bear any burden of demonstrating the invalidity of challenged signatures.

(h) A challenge on grounds other than the alleged invalidity of individual petition signatures shall be properly filed only if it concisely sets forth the specific procedural or legal defect. A challenge to a nominating petition based on a theory of systemic invalidity, fraud, or pattern-based petition disqualification shall not be cognizable as a challenge based on grounds other than the invalidity of signatures and must be asserted in accordance with (b) above.

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

Subsection 1506.1 of Section 1506, PETITION CHALLENGES, is amended to read as follows:

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 to challenge on the basis of an insufficient number of valid signatures or any other grounds by any qualified elector(s) for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petition-filing deadline required by law. Prior to the start of the challenge period, an official form for nominating petition challenges ("Nominating Petition Challenge Form") shall be posted on the Board's website and available at its offices, provided that the agency is not required to supply multiple copies of such blank forms to challengers. A challenge to a nominating petition that is not properly submitted to the Board

within the challenge period shall not be accepted by the Board's Registrar of Voters.

Subsection 1506.2 of Section 1506, PETITION CHALLENGES, is amended to read as follows:

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) A challenge that does not satisfy the requirements of this section shall be rejected as not properly filed and shall not proceed to adjudication on the merits.

(b) A challenge to the validity of the signatures on a petition is properly filed only if it satisfies each of the following requirements, each of which shall be strictly construed:

(1) The challenge is submitted on the Board's official Nominating Petition Challenge Form and identifies concisely, in the appropriate form fields corresponding to specific petition sheets and lines, the basis for the challenge to each particular signature sought to be discounted.

(2) Each challenged signature shall be identified with sufficient particularity to permit the Registrar of Voters to locate and evaluate the challenged entry without speculation as to the challenger's intent. A challenge shall not be considered sufficiently particular if the Registrar cannot determine from the face of the submission:

(A) the exact signature being challenged; and

(B) the specific defect alleged, without reference to materials outside the challenge form.

(3) The challenge shall clearly identify the specific rule of this chapter or other applicable legal authority that supports the asserted basis for discounting the signature.

(4) Generalized assertions, categorical claims, or statistical or inferential arguments shall not constitute a properly filed challenge unless they are tied to individually identified signatures or circulator affidavits.

(A) Assertions shall be deemed generalized where they are not tied to such specific entries or where identical allegations are

applied without regard to the content of the particular signature or affidavit challenged.

(B) A statistical or inferential argument shall not substitute for such particularized identification of a challenge basis for each signature.

(C) Where an inferential argument is based on alleged misconduct associated with another signature or circulator affidavit, the challenge shall identify the signature by petition sheet and line, or the affidavit containing the alleged predicate misconduct, and each additional signature sought to be discounted on that basis.

(D) An inferential argument based on alleged circulator misconduct may extend only to those signatures collected by the circulator or circulators whose alleged misconduct forms the basis for the inference.

(5) A narrative statement, cover letter, attachment accompanying the Nominating Petition Challenge Form, etc., shall not expand the scope of the challenge beyond the specific signatures, circulator affidavits, and defects identified in the form fields, and any ground, theory, or category of defect not so identified shall be deemed waived and may not be raised during adjudication or on appeal. A generalized narrative assertion of petition fraud or irregularity, without identification of specific signatures or affidavits, shall not constitute a properly filed non-signature challenge and shall not preserve any such theory for adjudication or appeal.

(6) The challenge is signed and submitted in person at the Board's office by a qualified elector no later than 5:00 p.m. on the tenth (10th) day of the challenge period. Submission by mail, electronic transmission, or any means other than in-person delivery shall not be accepted.

(7) The challenge alleges a sufficient number of signature defects that:

(A) Are sufficiently identified to allow the Registrar of Voters to readily locate the challenged signatures in the petition;

(B) Are sufficiently articulated to allow the Registrar of Voters to readily determine the rule of this chapter or the applicable legal authority being invoked;

(C) If established, would render the candidate ineligible for ballot access; and

(D) Are presented in a manner that permits evaluation based solely on the information provided by the challenger. The Board shall not be required to investigate, infer, reconstruct, or supplement the challenger's allegations to identify or substantiate defects.

(8) The challenge is based on a good faith review of the petition signatures and/or circulator affidavits. A challenge shall be deemed to be based on a good faith review only where the pattern, volume, and nature of the alleged defects reasonably demonstrate that the challenger has examined the specific signatures or circulator affidavits being challenged. Indicators of a lack of good faith review may include, but are not limited to:

(A) The repeated assertion of defect categories that are facially inapplicable to the identified signatures or affidavits;

(B) The use of identical or boilerplate allegations across numerous signatures without regard to the content of those signatures; or

(C) The assertion of defects that could not reasonably be determined from the face of the petition or accompanying materials.

(c) The grounds for a challenge are limited to those specifically identified in the challenge as filed within the challenge period. No new categories of defects, theories of invalidity, or challenges to additional signatures or circulator affidavits may be raised after the deadline for filing a challenge.

(d) A narrative statement or attachment filed with the initial challenge does not preserve for adjudication or appeal any ground, theory, or category of defect not identified with particularity in the form fields of the Nominating Petition Challenge Form. This subsection applies regardless of whether the narrative statement was filed within the challenge period.

(e) The determination of proper filing shall be made by the Executive Director or his or her designee, based on a written determination identifying the specific deficiencies under this section.

(f) A challenger whose submission is rejected as not properly filed shall be notified in writing of the basis for rejection. Such notification shall not constitute an opportunity to cure or supplement the challenge, and no

additional submissions shall be accepted after the close of the challenge period.

(g) The burden of demonstrating that a challenged signature or circulator affidavit is invalid rests at all times with the challenger. The Board's acceptance of a nominating petition as facially sufficient shall stand unless the challenger satisfies each requirement of this section. The Board shall not bear any burden of demonstrating the invalidity of challenged signatures.

(h) A challenge on grounds other than the alleged invalidity of individual petition signatures shall be properly filed only if it concisely sets forth the specific procedural or legal defect. A challenge to a nominating petition based on a theory of systemic invalidity, fraud, or pattern-based petition disqualification shall not be cognizable as a challenge based on grounds other than the invalidity of signatures and must be asserted in accordance with (b) above.

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 to read as follows:

Subsection 1606.1 of Section 1606, PETITION CHALLENGES, is amended to read as follows:

1606.1 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 to challenge on the basis of an insufficient number of valid signatures or any other grounds by any qualified elector(s) for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petition-filing deadline required by law. Prior to the start of the challenge period, an official form for nominating petition challenges ("Nominating Petition Challenge Form") shall be posted on the Board's website and available at its offices, provided that the agency is not required to supply multiple copies of such blank forms to challengers. A challenge to a nominating petition that is not properly submitted to the Board within the challenge period shall not be accepted by the Board's Registrar of Voters.

Subsection 1606.2 of Section 1606, PETITION CHALLENGES, is amended to read as follows:

1606.2 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) A challenge that does not satisfy the requirements of this section shall be rejected as not properly filed and shall not proceed to adjudication on the merits.

(b) A challenge to the validity of the signatures on a petition is properly filed only if it satisfies each of the following requirements, each of which shall be strictly construed:

(1) The challenge is submitted on the Board's official Nominating Petition Challenge Form and identifies concisely, in the appropriate form fields corresponding to specific petition sheets and lines, the basis for the challenge to each particular signature sought to be discounted.

(2) Each challenged signature shall be identified with sufficient particularity to permit the Registrar of Voters to locate and evaluate the challenged entry without speculation as to the challenger's intent. A challenge shall not be considered sufficiently particular if the Registrar cannot determine from the face of the submission:

(A) the exact signature being challenged; and

(B) the specific defect alleged, without reference to materials outside the challenge form.

(3) The challenge shall clearly identify the specific rule of this chapter or other applicable legal authority that supports the asserted basis for discounting the signature.

(4) Generalized assertions, categorical claims, or statistical or inferential arguments shall not constitute a properly filed challenge unless they are tied to individually identified signatures or circulator affidavits.

(A) Assertions shall be deemed generalized where they are not tied to such specific entries or where identical allegations are applied without regard to the content of the particular signature or affidavit challenged.

(B) A statistical or inferential argument shall not substitute for such particularized identification of a challenge basis for each signature.

(C) Where an inferential argument is based on alleged misconduct associated with another signature or circulator affidavit, the challenge shall identify the signature by petition sheet and line, or the affidavit containing the alleged predicate misconduct, and each additional signature sought to be discounted on that basis.

(D) An inferential argument based on alleged circulator misconduct may extend only to those signatures collected by the circulator or circulators whose alleged misconduct forms the basis for the inference.

(5) A narrative statement, cover letter, attachment accompanying the Nominating Petition Challenge Form, etc., shall not expand the scope of the challenge beyond the specific signatures, circulator affidavits, and defects identified in the form fields, and any ground, theory, or category of defect not so identified shall be deemed waived and may not be raised during adjudication or on appeal. A generalized narrative assertion of petition fraud or irregularity, without identification of specific signatures or affidavits, shall not constitute a properly filed non-signature challenge and shall not preserve any such theory for adjudication or appeal.

(6) The challenge is signed and submitted in person at the Board's office by a qualified elector no later than 5:00 p.m. on the tenth (10th) day of the challenge period. Submission by mail, electronic transmission, or any means other than in-person delivery shall not be accepted.

(7) The challenge alleges a sufficient number of signature defects that:

(A) Are sufficiently identified to allow the Registrar of Voters to readily locate the challenged signatures in the petition;

(B) Are sufficiently articulated to allow the Registrar of Voters to readily determine the rule of this chapter or the applicable legal authority being invoked;

(C) If established, would render the candidate ineligible for ballot access; and

(D) Are presented in a manner that permits evaluation based solely on the information provided by the challenger. The Board shall not be required to investigate, infer, reconstruct,

or supplement the challenger's allegations to identify or substantiate defects.

(8) The challenge is based on a good faith review of the petition signatures and/or circulator affidavits. A challenge shall be deemed to be based on a good faith review only where the pattern, volume, and nature of the alleged defects reasonably demonstrate that the challenger has examined the specific signatures or circulator affidavits being challenged. Indicators of a lack of good faith review may include, but are not limited to:

(A) The repeated assertion of defect categories that are facially inapplicable to the identified signatures or affidavits;

(B) The use of identical or boilerplate allegations across numerous signatures without regard to the content of those signatures; or

(C) The assertion of defects that could not reasonably be determined from the face of the petition or accompanying materials.

(c) The grounds for a challenge shall be limited to those specifically identified in the challenge as filed within the challenge period. No new categories of defects, theories of invalidity, or challenges to additional signatures or circulator affidavits may be raised after the deadline for filing a challenge.

(d) A narrative statement or attachment filed with the initial challenge does not preserve for adjudication or appeal any ground, theory, or category of defect not identified with particularity in the form fields of the Nominating Petition Challenge Form. This subsection applies regardless of whether the narrative statement was filed within the challenge period.

(e) The determination of proper filing shall be made by the Executive Director or his or her designee, based on a written determination identifying the specific deficiencies under this section.

(f) A challenger whose submission is rejected as not properly filed shall be notified in writing of the basis for rejection. Such notification shall not constitute an opportunity to cure or supplement the challenge, and no additional submissions shall be accepted after the close of the challenge period.

(g) The burden of demonstrating that a challenged signature or circulator affidavit is invalid rests at all times with the challenger. The Board's acceptance of a nominating petition as facially sufficient shall stand unless

the challenger satisfies each requirement of this section. The Board shall not bear any burden of demonstrating the invalidity of challenged signatures.

(h) A challenge on grounds other than the alleged invalidity of individual petition signatures shall be properly filed only if it concisely sets forth the specific procedural or legal defect. A challenge to a nominating petition based on a theory of systemic invalidity, fraud, or pattern-based petition disqualification shall not be cognizable as a challenge based on grounds other than the invalidity of signatures and must be asserted in accordance with (b) above.

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 to read as follows:

Subsection 1706.1 of Section 1706, PETITION CHALLENGES, is amended to read as follows:

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 to challenge on the basis of an insufficient number of valid signatures or any other grounds by any qualified elector(s) for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petition-filing deadline required by law. Prior to the start of the challenge period, an official form for nominating petition challenges ("Nominating Petition Challenge Form") shall be posted on the Board's website and available at its offices, provided that the agency is not required to supply multiple copies of such blank forms to challengers. A challenge to a nominating petition that is not properly submitted to the Board within the challenge period shall not be accepted by the Board's Registrar of Voters.

Subsection 1706.2 of Section 1706, PETITION CHALLENGES, is amended to read as follows:

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) A challenge that does not satisfy the requirements of this section shall be rejected as not properly filed and shall not proceed to adjudication on the merits.

(b) A challenge to the validity of the signatures on a petition is properly filed only if it satisfies each of the following requirements, each of which shall be strictly construed:

(1) The challenge is submitted on the Board's official Nominating Petition Challenge Form and identifies concisely, in the appropriate form fields corresponding to specific petition sheets and lines, the basis for the challenge to each particular signature sought to be discounted.

(2) Each challenged signature shall be identified with sufficient particularity to permit the Registrar of Voters to locate and evaluate the challenged entry without speculation as to the challenger's intent. A challenge shall not be considered sufficiently particular if the Registrar cannot determine from the face of the submission:

(A) the exact signature being challenged; and

(B) the specific defect alleged, without reference to materials outside the challenge form.

(3) The challenge shall clearly identify the specific rule of this chapter or other applicable legal authority that supports the basis for discounting the signature.

(4) Generalized assertions, categorical claims, or statistical or inferential arguments shall not constitute a properly filed challenge unless they are tied to individually identified signatures or circulator affidavits.

(A) Assertions shall be deemed generalized where they are not tied to such specific entries or where identical allegations are applied without regard to the content of the particular signature or affidavit challenged.

(B) A statistical or inferential argument shall not substitute for such particularized identification of a challenge basis for each signature.

(C) Where an inferential argument is based on alleged misconduct associated with another signature or circulator affidavit, the challenge shall identify the signature by petition sheet and line, or the affidavit containing the alleged predicate misconduct, and each additional signature sought to be discounted on that basis.

(D) An inferential argument based on alleged circulator

misconduct may extend only to those signatures collected by the circulator or circulators whose alleged misconduct forms the basis for the inference.

(5) A narrative statement, cover letter, attachment accompanying the Nominating Petition Challenge Form, etc., shall not expand the scope of the challenge beyond the specific signatures, circulator affidavits, and defects identified in the form fields, and any ground, theory, or category of defect not so identified shall be deemed waived and may not be raised during adjudication or on appeal. A generalized narrative assertion of petition fraud or irregularity, without identification of specific signatures or affidavits, shall not constitute a properly filed non-signature challenge and shall not preserve any such theory for adjudication or appeal.

(6) The challenge is signed and submitted in person at the Board's office by a qualified elector no later than 5:00 p.m. on the tenth (10th) day of the challenge period. Submission by mail, electronic transmission, or any means other than in-person delivery shall not be accepted.

(7) The challenge alleges a sufficient number of signature defects that:

(A) Are sufficiently identified to allow the Registrar of Voters to readily locate the challenged signatures in the petition;

(B) Are sufficiently articulated to allow the Registrar of Voters to readily determine the rule of this chapter or the applicable legal authority being invoked;

(C) If established, would render the candidate ineligible for ballot access; and

(D) Are presented in a manner that permits evaluation based solely on the information provided by the challenger. The Board shall not be required to investigate, infer, reconstruct, or supplement the challenger's allegations to identify or substantiate defects.

(8) The challenge is based on a good faith review of the petition signatures and/or circulator affidavits. A challenge shall be deemed to be based on a good faith review only where the pattern, volume, and nature of the alleged defects reasonably demonstrate that the challenger has examined the specific signatures or circulator affidavits being challenged. Indicators of a lack of good faith review may include, but are not limited to:

(A) The repeated assertion of defect categories that are facially inapplicable to the identified signatures or affidavits;

(B) The use of identical or boilerplate allegations across numerous signatures without regard to the content of those signatures; or

(C) The assertion of defects that could not reasonably be determined from the face of the petition or accompanying materials.

(c) The grounds for a challenge are limited to those specifically identified in the challenge as filed within the challenge period. No new categories of defects, theories of invalidity, or challenges to additional signatures or circulator affidavits may be raised after the deadline for filing a challenge.

(d) A narrative statement or attachment filed with the initial challenge does not preserve for adjudication or appeal any ground, theory, or category of defect not identified with particularity in the form fields of the Nominating Petition Challenge Form. This subsection applies regardless of whether the narrative statement was filed within the challenge period.

(e) The determination of proper filing shall be made by the Executive Director or his or her designee, based on a written determination identifying the specific deficiencies under this section.

(f) A challenger whose submission is rejected as not properly filed shall be notified in writing of the basis for rejection. Such notification shall not constitute an opportunity to cure or supplement the challenge, and no additional submissions shall be accepted after the close of the challenge period.

(g) The burden of demonstrating that a challenged signature or circulator affidavit is invalid rests at all times with the challenger. The Board's acceptance of a nominating petition as facially sufficient shall stand unless the challenger satisfies each requirement of this section. The Board shall not bear any burden of demonstrating the invalidity of challenged signatures.

(h) A challenge on grounds other than the alleged invalidity of individual petition signatures shall be properly filed only if it concisely sets forth the specific procedural or legal defect. A challenge to a nominating petition based on a theory of systemic invalidity, fraud, or pattern-based petition disqualification shall not be cognizable as a challenge based on grounds

other than the invalidity of signatures and must be asserted in accordance with (b) above.

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. 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.