

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

1606 PETITION CHALLENGES¹

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.

1606.2 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.

¹ Emergency rulemaking updates for this section were enacted at the DC Board of Election’s May 6, 2026 Board Meeting and are reflected here.

- (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 that is alleged to render the signature invalid.
- (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. 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. A statistical or inferential argument shall not substitute for such particularized identification of a challenge basis for each signature.
- (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 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 good faith. 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 indicate that the challenger has examined the specific signatures or circulator affidavits being challenged. Indicators of a lack of good faith 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; or
- (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 threshold 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 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.

1606.3 Upon the receipt of a properly filed challenge, the General Counsel or his or her designee shall promptly serve a copy of the challenge upon the candidate in-person, by first-class mail, or by email. In addition, the Board's General Counsel may schedule a pre-hearing conference between the parties.

1606.4 After the receipt of a properly filed challenge that is based on allegedly invalid signatures, 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.

1606.5 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.

- 1606.6 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.
- 1606.7 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.
- 1606.8 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.
- 1606.9 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 27 DCR 2763 (June 27, 1980), incorporating the text of Proposed Rulemaking published at 27 DCR 1929, 1949-50 (May 9, 1980); as amended by Final Rulemaking published at 36 DCR 8364, 8366 (December 15, 1989); as amended by Final Rulemaking published at 48 DCR 11722 (December 28, 2001); as amended by Final Rulemaking published at 49 DCR 2737 (March 22, 2002); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014); as amended by Final Rulemaking published at 70 DCR 012730 (September 22, 2023); as amended by Final Rulemaking published at 70 DCR 015793 (December 15, 2023).