

**CHAPTER 14 CANDIDATE NOMINATIONS: POLITICAL PARTY
PRIMARIES FOR PRESIDENTIAL PREFERENCE AND
CONVENTION DELEGATES**

1400 GENERAL PROVISIONS

1400.1 This chapter governs the process by which candidates for nomination for President of the United States (“candidate for presidential nominee”) of each eligible political party in the District seek ballot access for the presidential preference primary.

1400.2 For purposes of this chapter, unless otherwise provided, the following terms shall be defined as follows:

- (a) The term “eligible party” or “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 17 years of age and who will be 18 years of age on or before the next general election; 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.

1400.3 The governing body of each eligible political party shall file the following with the Board of Elections, no later than one hundred eighty (180) days prior to the presidential preference primary election:

- (a) Notification of that party’s intent to conduct a presidential preference primary; and
- (b) A plan for the election detailing the procedures to be followed in the selection of individual delegates and alternates to the convention of that party, including procedures for the selection of committed and uncommitted delegates (“party plan”).

District of Columbia Municipal Regulations

- 1400.4 The Board shall adhere to party plan procedures to the extent that such plan does not conflict with District law and regulations. If the party plan conflicts with District law and regulations, the General Counsel or his or her designee shall inform the party of the conflict.
- 1400.5 Notwithstanding 1400.4, if a party's rules provide for candidate qualification by means other than gathering petition signatures, the candidate must comply with the rules of the candidate's political party for being listed on the ballot and the political party shall certify to the Board no later than 24 hours after the date that is 90 days before the date of such presidential preference primary election the names of candidates for nomination who have qualified by such means.
- 1400.6 The delegates and alternates, of each political party in the District of Columbia to the national convention of that party convened for the nomination of that party for President shall be obliged to vote only for the candidate whom the delegate or alternate has been selected to represent in accordance with properly promulgated rules of the political party, on the 1st ballot cast at the convention for nominees for President, or until such time as such candidate to whom the delegate is committed withdraws the candidate's candidacy, whichever occurs first.

SOURCE: Final Rulemaking published at 43 DCR 1350 (March 15, 1996); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014); as amended by Final Rulemaking published at 69 DCR 005226 (May 13, 2022); 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).

1401 RESERVED

SOURCE: Final Rulemaking published at 43 DCR 1350-51 (March 15, 1996); 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).

1402 PETITION FORM

1402.1 A nominating petition form shall be separately prepared and issued by the Executive Director or their designee for each candidate for presidential nominee.

1402.2 The petition shall contain the following information:

- (a) The full name and state of residence of the candidate for presidential nominee, or if the petition is used to nominate an uncommitted delegation pursuant to party plan, the word "uncommitted" shall be placed on the petition in the space provided for the presidential candidate's name and state of residence;
- (b) The name of the political party with which the candidate for presidential nominee, or uncommitted delegation, is affiliated;
- (c) The name, address, voter registration number, and office sought by each candidate for convention delegate or alternate, if the party plan provides that convention delegates and alternates are to be listed on the ballot or on a separate reference sheet provided to the voter with the ballot;
- (d) A statement that all of the signatories to the petition shall be of the same political party as the nominee; and
- (e) 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 District of Columbia and that the signer is a registered voter in the same political party as the candidate seeking nomination.

- 1402.3 A candidate 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.
- 1402.4 No nominating petition shall be issued to any person other than the candidate whose name appears on the first page of the petition, unless the Board receives written notice from the candidate which authorizes the Board to release petitions in their name. The authorization shall include the following:
- (a) Candidate's name;
 - (b) Office which the candidate seeks and political party; and
 - (c) Candidate's signature.
- 1402.5 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 39 DCR 2467, 2508-09 (April 10, 1992); as amended by Final Rulemaking published at 43 DCR 1350, 1352 (March 15, 1996); 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 65 DCR 5644 (May 18, 2018); as amended by Final Rulemaking published at 69 DCR 001132 (February 11, 2022); as amended by Final Rulemaking published at 70 DCR 015793 (December 15, 2023).

1403 SIGNATURE REQUIREMENTS

- 1403.1 To obtain ballot access, a candidate shall submit a nominating petition that contains, at a minimum, the lesser of:
- (a) One thousand (1,000) valid signatures of registered qualified electors who are registered in the same political party as the candidate(s); or
 - (b) The valid signatures of one percent (1%) of registered qualified electors of the District who are registered in the same political party as the candidate(s) as shown by the records of the Board as of the 144th day before the date of the presidential preference primary.
- 1403.2 The maximum number of signatures that the Board will accept for filing is two (2) times the minimum number of signatures as required by this section. Working from the first page of a petition that has been serially numbered pursuant to Subsection 1405.1 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 43 DCR 1350, 1352 (March 15, 1996); 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).

1404 NON-RESIDENT CIRCULATORS

1404.1 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 seventeen (17) years of age and will be eighteen (18) years of age on or before the next general election;
- (d) Acknowledges that he or she has received from the Board information regarding the rules and regulations governing the applicable petition circulation process, and that he or she will adhere to such rules and regulations;
- (e) Consents to submit to the Board's subpoena power and to the jurisdiction of the Superior Court of the District of Columbia for the enforcement of Board subpoenas.

1404.2 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.

District of Columbia Municipal Regulations

SOURCE: Final Rulemaking published at 27 DCR 2763 (June 27, 1980), incorporating the text of Proposed Rulemaking published at 27 DCR 1929, 1972-73 (May 9, 1980); as amended by Final Rulemaking published at 30 DCR 5289, 5305 (October 14, 1983); as amended by Final Rulemaking published at 46 DCR 4335, 4336 (May 14, 1999); as amended by Final Rulemaking 47 DCR 5927, 5928 (July 28, 2000); as amended by Final Rulemaking published at 46 DCR 4336 (May 14, 1999); as amended by Final Rulemaking published at 47 DCR 5928 (July 28, 2000); as amended by Final Rulemaking published at 58 DCR 941, 975 (February 10, 2012); as amended by Final Rulemaking published at 59 DCR 4773, 4778 (May 11, 2012); 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); as amended by Final Rulemaking published at 71 DCR 005415 (May 10, 2024).

1405 FILING PETITIONS

1405.1 Before the nominating petition is filed, all sheets which comprise the petition shall be assembled and serially numbered.

1405.2 At the time of filing the nomination by petition, the following affidavits, forms, and declarations shall be filed on forms prescribed by the Board:

(a) If the petition nominates a specific presidential candidate, an affidavit executed personally by the presidential candidate (“Affidavit of Presidential Nominee Candidate”) naming the candidates for delegate and alternate and stating their consent to the following:

- (1) The appearance of his or her name on the primary ballot; and
- (2) If applicable, the appearance of each named delegate/alternate being listed on the ballot (or separate handout) as committed to his or her candidacy;

(b) If the petition nominates “uncommitted” delegates, one of the following affidavits or forms:

- (1) If the party plan does not require the listing of delegates/alternates on the ballot or separate handout, an affidavit filed by the sponsor of the petition effort that he or she is a sponsor of the petition to place “uncommitted” on the ballot; or
- (2) If the party plan requires listing of delegates/alternates on the ballot or separate handout, a “Delegate Slate Registration Form” which provides the names of all candidates for delegate/alternate, and the name, address, telephone number and signature of the individual who is authorized to represent the delegates/alternates in matters before the Board;

(c) A Declaration of Candidacy for each candidate for delegate and alternate, as required by Chapter 6 of this title; and

(d) An affidavit from each candidate for delegate and alternate stating that he or she was properly selected as a delegate/alternate pursuant to party rules (“declaration of proper selection”).

1405.3 The nominating petition and supporting affidavits 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”). The Declaration of Candidacy required pursuant to Chapter 6 of this title must be filed before the Registrar will issue the nominating petition for the particular office sought. Any candidate may file petition supplements prior to the petition filing deadline. 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. All petitions and supplements shall be accompanied by an affidavit executed by the person filing the petition or supplement attesting that to the best of his or her knowledge, the petition is complete and contains the legally required number of valid signatures.

1405.4 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 on a form issued by the Executive Director or his or her designee in accordance with the rules of this chapter; and
- (c) Be accompanied by the affidavits described in this section and the Declarations of Candidacy required by Chapter 6.

1405.5 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.

1405.6 Notice of the Executive Director’s preliminary determination of petition sufficiency shall be served immediately by email or first-class mail upon each candidate for delegate and alternate.

1405.7 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) (2016 Repl.), along with the Executive Director’s preliminary determination.

- 1405.8 Within three (3) days of issuing a notice of petition insufficiency, 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.
- 1405.9 The Board shall hold a hearing on the appeal within three (3) days after receipt of the appeal notice.
- 1405.10 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.* (2016 Repl.)), and may be heard by a one-member panel (D.C. Official Code § 1-1001.05 (g) (2016 Repl.)).
- 1405.11 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) (2016 Repl.); however, in no case shall the time allowed for the appeal exceed three (3) business 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, 1972-73 (May 9, 1980); as amended by Final Rulemaking published at 35 DCR 2006, 2018 (March 11, 1988); as amended by Final Rulemaking published at 43 DCR 1350, 1353 (March 15, 1996); 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 70 DCR 015793 (December 15, 2023); as amended by Final Rulemaking published at 71 DCR 004475 (April 19, 2024).

1406 PETITION CHALLENGES

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 for 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. A challenge to a nominating petition that is not properly submitted to the Board within the challenge period shall not be accepted.

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 challenge to the validity of the signatures on the petition is properly filed if:

- (a) It cites the alleged signature or circulator requirement defects, as set forth in the signature validity rules of this chapter, by line and page;
- (b) It is signed and submitted in-person at the Board's office by a qualified elector by no later than 5:00 p.m. on the 10th day of the challenge period;
- (c) It alleges the minimum number of signature defects which, if valid, would render the prospective candidate ineligible for ballot access; and
- (d) It appears on its face to be based on a good faith review of each signature and circulator affidavit. An absence of good faith may be determined where the Board's preliminary review of the challenge indicates that the defect(s) alleged for a substantial number of signatures and/or circulator affidavits could not reasonably be found to apply to such signatures and/or circulator affidavits.

A challenge on grounds other than the alleged invalidity of any petition signature will be properly filed if it concisely sets forth a procedural or other defect.

1406.3 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.

- 1406.4 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.
- 1406.5 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.
- 1406.6 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.
- 1406.7 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.
- 1406.8 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.

1406.9 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, 1972-73 (May 9, 1980); as amended by Final Rulemaking published at 32 DCR 5751, 5758 (October 11, 1985); 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).

1407 VALIDITY OF SIGNATURES¹

1407.1 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 by no later than 5:00 p.m. on the 10th day after the candidate receives notice of the challenge;
- (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

¹ Rulemaking updates for this section are in process. The updates include alignment with the DC Code and previous Board Administrative Orders. The update addresses the requirement that the circulator must “[p]ersonally witness each person sign the petition” (DC Code § 1–1001.08(b)(3)(B), which could include (but is not limited to) scenarios involving pre-dated circulator affidavits (see BOE Case No. 20-024, 22-006, 22-018, 22-025) or digitally circulated petitions wherein the circulator does not witness the voter signing the petition (see BOE case No. 24-005). Even though not yet final, the DC Code and previous Board Orders mandate this requirement.

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) Reserved;
- (n) The signer is not registered to vote in the same party as the candidate at the time the petition is signed; or
- (o) The signer is not a U.S. citizen.

SOURCE: 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).

1408 WRITE-IN NOMINATION

1408.1 Write-in nominations for President and Vice President of the United States shall be permitted, subject to the party's plan submitted to the Board pursuant to this chapter. Affirmation of write-in candidacy shall proceed in accordance with the provisions of Chapter 6 of this title.

SOURCE: Final Rulemaking published at 61 DCR 625 (January 24, 2014).