

CHAPTER 11 RECALL OF ELECTED OFFICIALS

1100 GENERAL PROVISIONS

1100.1 This chapter governs the process by which the qualified electors of the District of Columbia may call for the holding of an election to remove or retain an elected official of the District of Columbia (except the Delegate to the House of Representatives) prior to the expiration of his or her term (“recall”).

1100.2 For purposes of this chapter, unless otherwise provided, the following terms shall have the meaning ascribed:

(a) The term “elected official” means any of the following office holders:

- (i) Mayor of the District of Columbia;
- (ii) Members of the Council of the District of Columbia;
- (iii) Attorney General for the District of Columbia;
- (iv) United States Senator;
- (v) United States Representative;
- (vi) Members of the State Board of Education; and
- (vii) Advisory Neighborhood Commissioner.

(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.

1100.3 In order to commence recall proceedings against an elected official, a registered qualified elector shall file a Notice of Intent to Recall (“Recall Notice”) in-person

at the Board's office. A Recall Notice shall be considered properly filed under the following conditions:

- (a) If the elected official sought to be recalled is either the Mayor, Chairman or Member of the Council; Attorney General, Senator, Representative, or Member of the State Board of Education, the Recall Notice is not filed within the first or last three hundred sixty-five (365) days of the elected official's term of office or within three hundred sixty-five (365) days of a recall election that was decided in the official's favor;
- (b) If the elected official sought to be recalled is an Advisory Neighborhood Commissioner, the Recall Notice is not filed within the first or last six (6) months of the Commissioner's term of office or within six (6) months of a recall election that was decided in the Commissioner's favor;
- (c) If the elected official sought to be recalled was elected from a ward or Single-Member District, each recall proposer is a registered qualified elector in the ward or Single-Member of the elected official sought to be recalled;
- (d) Only one elected official is listed as the subject of the Recall Notice;
- (e) The Recall Notice includes a statement of not more than two hundred (200) words giving the reasons for the proposed recall;
- (f) The name, telephone number, email address, and residence address of each recall proposer is included and legible in the Recall Notice; and
- (g) The Recall Notice is accompanied by a copy of the statement of organization and report(s) of receipts and expenditures that have been filed with the Office of Campaign Finance.

1100.4 Upon submission of a properly filed Recall Notice, the Executive Director or his or her designee shall issue a receipt to the proposer or his or her representative.

1100.5 Within five (5) calendar days after a Recall Notice has been properly filed, the General Counsel or his or her designee shall serve, personally or by certified mail, a copy of the Recall Notice on the elected official sought to be recalled. The elected official sought to be recalled may, within ten (10) calendar days after the Recall Notice was filed, submit a response of no more than two hundred (200) words to

the Board. The General Counsel shall serve a copy of any response submitted on the recall proposer(s).

1100.6 For the purposes of this section, the following rules shall apply to the counting of words in the proposer's statement in the Recall Notice as well as the response submitted by the elected official:

- (a) Punctuation is not counted;
- (b) Each word shall be counted as one (1) word except as specified in this subsection;
- (c) All geographical names shall be considered as one (1) word; for example, "District of Columbia" shall be counted as one (1) word;
- (d) Each abbreviation for a word, phrase, or expression shall be counted as one (1) word;
- (e) Hyphenated words that appear in any generally available dictionary shall be considered as one (1) word. Each part of all other hyphenated words shall be counted as a separate word;
- (f) Dates consisting of a combination of words and digits shall be counted as two (2) words. Dates consisting only of a combination of digits shall be counted as one (1) word; and
- (g) Any number consisting of a digit or digits shall be considered as one (1) word. Any number which is spelled, such as "one," shall be considered as a separate word or words. "One" shall be counted as one (1) word whereas "one hundred" shall be counted as two (2) words. The number one hundred "100," shall be counted as one (1) word.

SOURCE: 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 55 DCR 6846 (June 20, 2008); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014); as amended by Final Rulemaking 68 DCR 011075 (October 22, 2021); as amended by Final Rulemaking published at 70 DCR 012730 (September 22, 2023).

1101 RESERVED

SOURCE: Final Rulemaking published at 42 DCR 4419, 4421-23 (August 18, 1995); 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).

1102 PETITION FORM

1102.1 The Board shall prepare and provide to the proposer at a public meeting an original petition form which shall contain the following:

- (a) Numbered lines for twenty (20) names, designed so that each signer may personally affix the date signed and his or her signature, printed name, residence address (giving street and number) and election ward;
- (b) A statement requesting that the Board hold a recall election in the manner prescribed in Charter Amendment No. 2 to Title IV of the District of Columbia Self-Government and Governmental Reorganization Act;
- (c) The name of the elected officer sought to be recalled and the office held by that elected official;
- (d) The name and address of the proposer or proposers of the recall;
- (e) The statement of grounds for the recall and the response of the officer sought to be recalled, if any. If the officer sought to be recalled has not responded, the petition shall so state;
- (f) A warning statement declaring that only duly registered qualified electors of the District of Columbia may sign the petition;
- (g) Instructions advising signatories of the proper method of signing the petition as follows: EVERY PETITIONER MUST SIGN HIS OR HER OWN NAME. UNDER NO CIRCUMSTANCES IS ANY PERSON PERMITTED TO SIGN ANOTHER PERSON'S NAME OR SIGN MORE THAN ONCE. PRINT YOUR NAME AND RESIDENCE ADDRESS IN FULL.
- (h) The words "PAID FOR BY" followed by the name and address of the payer or the committee or other person, and its treasurer on whose behalf the material appears, in the right hand corner of the front page.

1102.2 The second page of each petition form shall include a circulator's affidavit, providing space for the circulator of a petition to record his or her name and address and the dates between which the signatures on the sheet were obtained. By signing the affidavit, the circulator swears under oath or affirms that:

- (a) He or she is a qualified petition circulator;

- (b) He or she was in the presence of each person who signed the petition at the time the petition was signed;
- (c) According to the best information available to the circulator, each signature is the genuine signature of the person whose name it purports to be.

1102.3 No petition sheets may be circulated prior to the Board's provision of the original petition form.

1102.4 A proposer shall be permitted to choose a paper and/or electronic 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.

1102.5 If the proposer chooses a paper petition form, the proposer shall reproduce the petition form at their own expense. Each reproduced petition sheet shall be printed in its entirety on paper of good writing quality of the same size as the original petition form prepared by the Board and shall be double-sided.

1102.6 Each circulator circulating an electronic petition shall register his or her 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 his or her device has been authenticated.

SOURCE: Final Rulemaking published at 42 DCR 4419, 4421-23 (August 18, 1995); 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 65 DCR 5644 (May 18, 2018); as amended by Final Rulemaking published at 69 DCR 001132 (February 11, 2022).

1103 SIGNATURE REQUIREMENTS

- 1103.1 A petition to recall an elected official in a city-wide office shall contain the valid signatures of at least ten percent (10%) of the registered qualified electors of the District of Columbia, provided that the total number of signatures submitted shall include ten percent (10%) of the registered electors in at least five (5) of the eight (8) election wards.
- 1103.2 A petition to recall an elected official from a ward shall contain the valid signatures of at least ten percent (10%) of the registered qualified electors of the ward from which the official was elected.
- 1103.3 A petition to recall an elected official from a Single-Member District shall contain the valid signatures of at least ten percent (10%) of the registered qualified electors of the Single-Member District from which the official was elected.
- 1103.4 The maximum number of signatures that the Board will accept for filing with respect to an office is two (2) times the minimum number of signatures as required for that office by this section. Working from the first page of a petition that has been serially numbered pursuant to Subsection 1105.2 of this chapter, the Board shall only accept for filing the maximum number of signatures that may be filed pursuant to this section.
- 1103.5 The Board shall use the latest official end-of-month count of registered qualified electors published in the *District of Columbia Register* that was made at least thirty (30) days prior to submission of the signatures for the particular recall measure to determine the minimum number of signatures required for ballot access. Any subsequent changes in the District-wide or ward voter counts, including changes caused by any redistricting, shall not be grounds for challenging the number of signatures needed on a petition as calculated based on five percent (5%) of such published end-of-month count.

SOURCE: Final Rulemaking published at 42 DCR 4419, 4424 (August 18, 1995); as amended by Final Rulemaking published at 57 DCR 4277 (May 14, 2010); 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); as amended by Final Rulemaking published at 70 DCR 015793 (December 15, 2023); as amended by Final Rulemaking published at 71 DCR 005415 (May 10, 2024).

1104 NON-RESIDENT CIRCULATORS

1104.1 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 the measure in support of which he or she will circulate the petition;
- (b) Provides his or her name, residential address, telephone number, and email address;
- (c) Swears under oath or affirms that he or she is at least eighteen (18) years of age;
- (d) Acknowledges that he or she has received from the Board information regarding the rules and regulations governing the applicable petition circulation process, and that he or she will adhere to such rules and regulations; and
- (e) Consents to submit to the Board's subpoena power and to the jurisdiction of the Superior Court of the District of Columbia for the enforcement of Board subpoenas.

1104.2 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 42 DCR 4419, 4425-26 (August 18, 1995); 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).

1105 FILING PETITIONS

1105.1 Where the elected official sought to be recalled is an elected official other than an Advisory Neighborhood Commissioner, all pages of a recall petition shall be submitted in hard copy for filing no later than 5:00 p.m. on the one hundred and eightieth (180th) calendar day following the date upon which the Board provided the original petition form. Where the elected official sought to be recalled is an Advisory Neighborhood Commissioner, all pages of a recall petition shall be submitted in hard copy for filing no later than 5:00 p.m. on the sixtieth (60th) calendar day following the date upon which the Board provided the original petition form. A petition, or any sheet comprising the petition, that is not timely submitted shall not be accepted for filing

1105.2 All timely submitted petitions shall be received by the Executive Director or his or her designee. When a petition is offered for filing, the Executive Director shall:

- (a) Count the petition pages and issue a receipt for the total number of petition pages submitted;
- (b) Serially number the pages and obliterate any blank lines appearing on each petition page; and
- (c) Prepare an initial total count, broken down by ward, of the signatures submitted.

1105.3 A signature shall not be accepted, and shall not be included in the Executive Director's initial total count, if it:

- (a) Appears on a page that is not a proper reproduction of the paper form provided by the Board;
- (b) Appears on a page which does not have a completed circulator affidavit;
- (c) Appears on a page that was circulated by an individual who is not a qualified petition circulator; and
- (d) Is the signature of a registered voter who submitted a notarized request to disallow his or her signature from being counted on the petition, provided that the request was received prior to the time the petition is filed.

- 1105.4 If the initial total count indicates that the petition contains the signatures of at least ten percent (10%) of the registered qualified electors residing in the political subdivision from which the elected official sought to be recalled is elected, the Executive Director shall accept the petition, post the petition for public inspection and challenge, and proceed with registration verification of petition signers in accordance with the rules of this chapter. If the petition does not contain the signatures of at least ten percent (10%) of the registered qualified electors residing in the political subdivision from which the elected official sought to be recalled is elected, the Executive Director shall refuse to accept the petition and shall notify the proposer(s) in writing of the refusal.
- 1105.5 Within ten (10) days after the refusal, the proposer(s) of a refused petition may, pursuant to D.C. Code § 1-1001.17(j)(1) (2016 Repl.), petition the Superior Court of the District of Columbia for a writ in the nature of mandamus to compel the Board to accept the petition.

SOURCE: Final Rulemaking published at 42 DCR 4419, 4426-28 (August 18, 1995); 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 65 DCR 5644 (May 18, 2018); as amended by Final Rulemaking published at 70 DCR 015793 (December 15, 2023).

1106 PETITION CHALLENGES

1106.1 The Executive Director or his or her designee shall post all timely submitted 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 (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 petitions are filed. A challenge to a recall petition that is not properly submitted to the Board within the challenge period shall not be accepted.

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 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 within the ten (10)-day posting period;
- (c) It alleges the minimum number of signature defects which, if valid, would render the proposed measure 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 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 sets forth concisely a procedural or other defect that is not based on the merits of the reasons for or against the recall.

1106.3 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 proposer by first-class mail or email. In addition, the Board's General Counsel may schedule a pre-hearing conference between the parties.

- 1106.4 After receipt of a properly filed challenge that is based on allegedly invalid signatures, the Board's staff shall search the Board's registration records to prepare a recommendation to the Board as to the validity of the challenge.
- 1106.5 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.
- 1106.6 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 petition; and
 - (b) Objections and specifications of such objections, if any, to the petition challenge.
- 1106.7 Based upon the evidence received, the Board shall either reject or uphold the challenge, and accordingly grant or deny ballot access to the proposed measure whose petition was challenged.
- 1106.8 If a one (1)-member Board panel makes a determination on the validity of a challenge, either the challenger or the proposer 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.

SOURCE: Final Rulemaking published at 42 DCR 4419, 4428-30 (August 18, 1995); 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 Notice of Final Rulemaking published at 59 DCR 4773, 4776 (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 70 DCR 015793 (December 15, 2023).

1107 VALIDITY OF SIGNATURES

1107.1 A petition 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 and has failed to file a change of address form that is received by the Board on or before the date that the petition is filed;
- (c) The signature is a duplicate of a valid signature;
- (d) The signature is not dated;
- (e) The petition does not include the address of the signer;
- (f) The petition does not include the name of the signer where the signature is not sufficiently legible for identification;
- (g) The circulator of the petition sheet was not a qualified petition circulator at the time the petition was signed;
- (h) The circulator of the petition failed to complete all required information in the circulator's affidavit;
- (i) The signature is not made by the person whose signature it purports to be, provided that registered voters who are unable to sign their names may make their marks in the space for signature. These marks shall not be counted as valid signatures unless the persons witnessing the marks shall attach to the petition affidavits that they explained the contents of the petitions to the signatories and witnessed their marks;
- (j) [REPEALED];
- (k) The signature was obtained outside of the presence of the circulator;
- (l) The signature was obtained on a petition sheet that was submitted on behalf of a previously filed petition that was rejected or found to be numerically insufficient; or

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

SOURCE: Final Rulemaking published at 42 DCR 4419, 4428-30 (August 18, 1995); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014); as amended by Final Rulemaking published at 67 DCR 7896 (June 26, 2020).

1108 WATCHERS

- 1108.1 Two (2) persons representing the proposer(s) and two (2) persons representing the elected official sought to be recalled may be present during the counting and validation procedures and shall be deemed watchers.
- 1108.2 To secure the presence of watchers, the proposer or elected official shall file a petition for credentials for watchers within three (3) days from the date the initiative or referendum petition is submitted for filing.
- 1108.3 Each petition for credentials shall be on a form furnished by the Board and shall contain the following:
- (a) The name, address, telephone number, and signature of the proposer(s) or elected official;
 - (b) The names, addresses, and telephone numbers of the persons authorized to represent the proposer(s) or elected official and receive the badges from the Board; and
 - (c) A certificate that each proposed watcher shall conform to the regulations of the Board concerning watchers and the conduct of the counting and validation process.
- 1108.4 Watchers shall report to the Board's offices no later than the first business day following the submission of the credential petition, at which time the Board shall issue a badge for each authorized watcher, with space for the watcher's name, the serial number of the measure, and the name of the proposer(s) or political committee(s) represented by the watcher.
- 1108.5 Board staff shall notify the persons authorized to represent the proposer(s) or the elected official of the schedule for the administration of the counting and validation procedures, which may occur after the close of business, on weekends, and on scheduled holidays, and of any amendments to such schedule. Such notice shall include instructions on the time by which watchers must report to the Board's offices in order to observe the process. Watchers who report after the stated time may be denied the opportunity to observe the process on that day.
- 1108.6 Badges shall be worn by the authorized watcher at all times when observing the counting and validation process.

- 1108.7 An authorized alternate watcher may, in the discretion of the proposer(s) or the elected official, be substituted for a watcher at any time during the counting and validation process; provided, that notice is first given to the designated representative of the Board who is present.
- 1108.8 No watcher shall at any time during the counting and validation process do the following:
- (a) Touch any official record of the Board; or
 - (b) Interfere with the progress of the counting and validation process or obstruct in any way the process.
- 1108.9 If a watcher has any questions or claims any discrepancy, inaccuracy, or error in the conduct of the procedures, he or she shall direct his or her question or complaint to the Board designee in charge.
- 1108.10 Any watcher who, in the judgment of the Board or its designated representative, has failed to comply with any of the rules in this section may be requested to leave the area where the verification process is being conducted, and the watcher's credentials shall be deemed canceled. An authorized alternate watcher may be substituted.

SOURCE: Final Rulemaking published at 42 DCR 4419, 4431-32 (August 18, 1995); as amended by Final Rulemaking published at 47 DCR 5927 (July 28, 2000); 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 58 DCR 941, 971 (February 10, 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 70 DCR 015793 (December 15, 2023).

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

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.

SOURCE: Final Rulemaking published at 42 DCR 4419, 4431-32 (August 18, 1995); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014); as amended by Final Rulemaking published at 70 DCR 015793 (December 15, 2023).

1110 DATE OF ELECTION

1110.1 After it certifies that a recall petition is numerically sufficient for ballot access, the Board shall conduct a special election on the recall within one hundred and fourteen (114) days after the date on which the petition was certified as numerically sufficient, provided that if a previously scheduled general or special election will occur between 54 and 114 days after the date the measure has been certified as numerically sufficient, the Board may call for the measure to be included on the ballot for that election.

1110.2 If the certified recall petition proposes to recall an Advisory Neighborhood Commissioner, the Board may, in its discretion, conduct a special election by postal ballot.

SOURCE: Final Rulemaking published at 42 DCR 4419, 4433-34 (August 18, 1995); 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).

1111 RETENTION OF RECORDS

- 1111.1 The Board shall preserve recall petitions for one (1) year after the date of the election for which the petition qualified or attempted to qualify for placement on the ballot.
- 1111.2 Recall petitions shall be destroyed following the lapse of the one (1) year period unless legal action relating to the petitions is pending.

SOURCE: Final Rulemaking published at 42 DCR 4419, 4433-34 (August 18, 1995); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014).

1112 PROPOSER SUBSTITUTION

1112.1 The proposer of a recall measure shall serve as the proposer of record until such time as a proposer substitution occurs.

1112.2 A proposer substitution occurs when the proposer of record and the substitute proposer complete and sign the Proposer's Affidavit of Resignation and Substitution and affirm the following:

- (a) The proposer of record consents to no longer receiving official correspondence from the Board concerning the measure; and
- (b) The substitute proposer is a registered qualified elector of the District.

SOURCE: Final Rulemaking published at 43 DCR 1928 (April 12, 1996); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014).