

**CHAPTER 9 FILLING VACANCIES**

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900.1 This chapter governs the procedures of the District of Columbia Board of Elections in the event a vacancy occurs in any of the following offices prior to the expiration of the term of office:

- (a) The Mayor of the District of Columbia;
- (b) The Chairman of the Council of the District of Columbia;
- (c) At-large and ward Members of the Council of the District of Columbia;
- (d) The Attorney General for the District of Columbia;
- (e) At-large and ward members of the State Board of Education; and
- (f) Delegate to the House of Representatives.

900.2 A vacancy shall exist in the offices specified in this section when any of the following occurs during the public official's term of office:

- (a) Resignation;
- (b) Death; or
- (c) Declaration of vacancy by a court.

900.3 A vacancy shall also exist in the offices of Mayor, Member of the Council of the District of Columbia, Attorney General, or Member of the State Board of Education whenever a recall election is conducted and, as a result of that recall election, an elected officer is removed from office.

SOURCE: Final Rulemaking published at 28 DCR 1726 (April 17, 1981), incorporating the text of Proposed Rulemaking published at 28 DCR 403 (January 23, 1981); 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 57 DCR 584 (January 15, 2010); as amended by Final Rulemaking published at 58 DCR 8058 (September 16, 2011); as amended by Final Rulemaking published at 62 DCR 14744 (November 13, 2015).

**901 VACANCY IN THE OFFICE OF MAYOR**

- 901.1 When the Mayor resigns his or her office prior to expiration of the term, the resignation shall be in writing and in duplicate.
- 901.2 The Mayor shall forward one (1) duplicate original of the resignation to the Chairman of the Council and one (1) duplicate original to the Chairman of the D.C. Board of Elections (Board).
- 901.3 Within five (5) working days of receipt of the duplicate resignation, the Board shall certify the seat vacant, effective as provided by the resignation, and issue notification as provided in this chapter.
- 901.4 When the Mayor dies while still serving his or her term of office, the Board shall, within five (5) working days of notice of the death of the Mayor, certify the seat vacant and issue the appropriate notification as provided in this chapter.
- 901.5 When a vacancy in the office of Mayor is declared by court order, the Board shall, as soon as practicable after a court declaration, notify the Chairman of the Council of the vacancy by registered mail.
- 901.6 When a vacancy in the office of Mayor occurs as a result of a recall election, the Board shall, as soon as practicable after certification of the election results, certify the seat vacant and issue the appropriate notification as provided in this chapter.

SOURCE: Final Rulemaking published at 28 DCR 1726 (April 17, 1981), incorporating the text of Proposed Rulemaking published at 28 DCR 403 (January 23, 1981); as amended by Final Rulemaking published at 58 DCR 8058 (September 16, 2011); as amended by Final Rulemaking published at 62 DCR 14744 (November 13, 2015).

**902 VACANCY IN THE OFFICE OF CHAIRMAN OF THE COUNCIL**

- 902.1 When the Chairman resigns his or her office prior to expiration of the term, the resignation shall be in writing and in duplicate.
- 902.2 The Chairman shall forward one (1) duplicate original of the resignation to the Mayor and one (1) duplicate original to the Chairperson of the D.C. Board of Elections.
- 902.3 Within five (5) working days of receipt of the duplicate resignation, the Board shall certify the seat vacant, effective as provided by the resignation, and issue notification as provided in this chapter.
- 902.4 When the Chairman dies while still serving his or her term of office, the Board shall, within five (5) working days of notice of the death of the Chairman, certify the seat vacant and issue the appropriate notification as provided in this chapter.
- 902.5 When a vacancy in the office of Chairman of the Council is declared by court order, the Board shall, as soon as practicable after the court declaration, notify the Mayor of the vacancy by registered mail.
- 902.6 When a vacancy in the office of Chairman of the Council occurs as a result of a recall election, the Board shall, as soon as practicable after certification of the election results, certify the seat vacant and issue the appropriate notification as provided in this chapter.

SOURCE: Final Rulemaking published at 28 DCR 1726 (April 17, 1981), incorporating the text of Proposed Rulemaking published at 28 DCR 403 (January 23, 1981); as amended by Final Rulemaking published at 58 DCR 8058 (September 16, 2011); as amended by Final Rulemaking published at 62 DCR 14744 (November 13, 2015).

**903 VACANCY IN THE OFFICE OF MEMBER OF THE COUNCIL**

- 903.1 When a member of the Council resigns his or her office prior to the expiration of the term, the resignation shall be in writing and in duplicate.
- 903.2 The resigning member of the Council shall forward one (1) duplicate original of the resignation to the Mayor and one (1) duplicate original to the Chairperson of the D.C. Board of Elections.
- 903.3 Within five (5) working days of receipt of the duplicate resignation, the Board shall certify the seat vacant, effective as provided by the resignation, and issue the appropriate notification as provided in this chapter.
- 903.4 When a member of the Council dies while still serving his or her term of office, the Board shall, within five (5) working days of notice of the death of the member of the Council, certify the seat vacant and issue the appropriate notification as provided in this chapter.
- 903.5 When a vacancy in the office of Member of the Council is declared by court order, the Board shall, as soon as practicable after the court declaration, notify the Chairman of the Council of the vacancy by registered mail and provide any other notice as required in this chapter.
- 903.6 When a vacancy occurs in the office of Member of the Council as a result of a recall election, the Board shall, as soon as practicable after certification of the election results, certify the seat vacant and issue the appropriate notification as provided in this chapter.

SOURCE: Final Rulemaking published at 28 DCR 1726 (April 17, 1981), incorporating the text of Proposed Rulemaking published at 28 DCR 403 (January 23, 1981); as amended by Final Rulemaking published at 58 DCR 8058 (September 16, 2011); as amended by Final Rulemaking published at 62 DCR 14744 (November 13, 2015).

**904 VACANCY IN THE OFFICE OF ATTORNEY GENERAL FOR THE DISTRICT OF COLUMBIA**

904.1 When the Attorney General resigns his or her office prior to expiration of the term, the resignation shall be in writing and in triplicate.

904.2 The resigning Attorney General shall forward one (1) triplicate original of the resignation to the Mayor, one (1) triplicate original to the Chief Deputy Attorney General, and one (1) triplicate original to the Chairperson of the D.C. Board of Elections.

904.3 Within five (5) working days of receipt of the resignation, the Board shall certify the seat vacant, effective as provided by the resignation, and issue the appropriate notification as provided in this chapter.

904.4 When the Attorney General dies while still serving his or her term of office, the Board shall, within five (5) working days of notice of the death, certify the seat vacant and issue the appropriate notification as provided in this chapter.

904.5 When a vacancy in the office of Attorney General is declared by court order, the Board shall, as soon as practicable after the court declaration, notify the Chief Deputy Attorney General of the vacancy by registered mail.

904.6 When a vacancy in the office of Attorney General occurs as a result of a recall election, the Board shall, as soon as practicable after certification of the election results, do the following:

- (a) Certify the seat vacant;
- (b) Notify the Chief Deputy Attorney General; and
- (c) Issue the appropriate notification as provided in this chapter.

SOURCE: Final Rulemaking published at 39 DCR 4166-67 (June 12, 1992); 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 57 DCR 584, 585 (January 15, 2010); as amended by Final Rulemaking published at 58 DCR 8058, 8061 (September 16, 2011); as amended by Final Rulemaking published at 62 DCR 14744 (November 13, 2015).

**905 VACANCY IN THE OFFICE OF ELECTED MEMBER OF THE STATE BOARD OF EDUCATION**

905.1 When a member of the State Board of Education resigns his or her office prior to expiration of the term, the resignation shall be in writing and in duplicate.

905.2 The resigning member of the State Board of Education shall forward one (1) duplicate original of the resignation to the Mayor and one (1) duplicate original to the Chairperson of the D.C. Board of Elections.

905.3 Within five (5) working days of receipt of the duplicate resignation, the Board shall certify the seat vacant, effective as provided by the resignation, and issue the appropriate notification as provided in this chapter.

905.4 When a member of the State Board of Education dies while still serving his or her term of office, the Board shall, within five (5) working days of notice of the death of the member of the State Board of Education, certify the seat vacant and issue the appropriate notification as provided in this chapter.

905.5 When a vacancy in the office of Member of the State Board of Education is declared by court order, the Board shall, as soon as practicable after the court declaration, notify the President of the State Board of Education of the vacancy by registered mail.

905.6 When a vacancy in the office of Member of the State Board of Education occurs as a result of a recall election, the Board shall, as soon as practicable after certification of the election results, do the following:

- (a) Certify the seat vacant;
- (b) Notify the State Board of Education; and
- (c) Issue the appropriate notification as provided in this chapter.

SOURCE: Final Rulemaking published at 28 DCR 1726 (April 17, 1981), incorporating the text of Proposed Rulemaking published at 28 DCR 403 (January 23, 1981); as amended by Final Rulemaking published at 58 DCR 8058 (September 16, 2011); as amended by Final Rulemaking published at 62 DCR 14744 (November 13, 2015).

**906 VACANCY IN THE OFFICE OF DELEGATE TO THE HOUSE OF REPRESENTATIVES**

- 906.1 When the Delegate to the House of Representatives resigns his or her office prior to expiration of the term, the resignation shall be in writing and in triplicate.
- 906.2 The Delegate shall forward one (1) triplicate original of the resignation to the Mayor, one (1) triplicate original to the Speaker of the House of Representatives, and one (1) triplicate original to the Chairperson of the D.C. Board of Elections.
- 906.3 Within five (5) working days of receipt of the resignation, the Board shall certify the seat vacant effective as provided by the resignation and issue the appropriate notification as provided in this chapter.
- 906.4 When the Delegate to the House of Representatives dies while still serving his or her term of office, the Board shall within five (5) working days of notice of the death of the Delegate to the House of Representatives, certify the seat vacant, and issue the appropriate notification as provided in this chapter.
- 906.5 When a vacancy in the office of Delegate to the House of Representatives is declared by court order, the Board shall, as soon as practicable after the court declaration, notify the Mayor of the vacancy by registered mail.

SOURCE: Final Rulemaking published at 28 DCR 1726 (April 17, 1981), incorporating the text of Proposed Rulemaking published at 28 DCR 403 (January 23, 1981); as amended by Final Rulemaking published at 39 DCR 4166, 4167 (June 12, 1992); as amended by Final Rulemaking published at 58 DCR 8058 (September 16, 2011); as amended by Final Rulemaking published at 62 DCR 14744 (November 13, 2015).

**907 PUBLIC NOTICE OF VACANCY AFTER BOARD CERTIFICATION**

907.1 As soon as practicable after a formal order by the D.C. Board of Elections or a court declaring any vacancy in the offices enumerated in § 900.1, the Board publish notice of the vacancy in the *D.C. Register* and on the Board's website.

907.2 If a formal order by the Board or a court is entered declaring a vacancy in a party-affiliated at-large seat on the Council, the Board shall inform the Chairperson of the party to which the Councilmember belongs of the vacancy by registered mail and of the rules directing the required action.

907.3 If a formal order by the Board or a court is entered declaring a vacancy in a non-party-affiliated at-large seat on the Council, the Board shall inform the Council of the District of Columbia of the vacancy and of the rules relating to the appropriate action.

SOURCE: Final Rulemaking published at 28 DCR 1726 (April 17, 1981), incorporating the text of Proposed Rulemaking published at 28 DCR 403 (January 23, 1981); as amended by Final Rulemaking published at 58 DCR 8058 (September 16, 2011); as amended by Final Rulemaking published at 62 DCR 14744 (November 13, 2015).



**908 APPOINTMENT PENDING SPECIAL ELECTION: PARTY-AFFILIATED AT-LARGE COUNCIL SEAT**

908.1 Within a reasonable period after receiving notice from the D.C. Board of Elections of a vacancy in a party-affiliated at-large council seat, the central (state) committee of that party shall appoint a qualified elector registered with the same party to fill the office until the D.C. Board of Elections holds a special election and certifies the winner as provided by D.C. Official Code § 1-204.01(d)(2) (2012 Repl.).

908.2 The central (state) committee of the party appointing a registered qualified elector affiliated with its party shall be currently registered as a political committee with the D.C. Board of Elections and have on file with the Board a certified copy of the organization's current constitution and by-laws.

SOURCE: Final Rulemaking published at 28 DCR 1726 (April 17, 1981), incorporating the text of Proposed Rulemaking published at 28 DCR 403 (January 23, 1981); as amended by Final Rulemaking published at 58 DCR 8058 (September 16, 2011); as amended by Final Rulemaking published at 62 DCR 14744 (November 13, 2015); as amended by Final Rulemaking published at 70 DCR 015793 (December 15, 2023).

**909 APPOINTMENT PENDING SPECIAL ELECTION: NON-PARTY AFFILIATED AT-LARGE COUNCIL SEAT**

909.1 Within a reasonable period of time after receiving notice from the D.C. Board of Elections of a vacancy in a non-party affiliated at-large seat, the Council of the District of Columbia shall appoint a qualified elector who is not affiliated with any political party.

909.2 The elector appointed Councilmember at-large shall fill the office until the D.C. Board of Elections holds a special election and certifies the winner, as provided by D.C. Official Code § 1-204.01(d)(2) (2012 Repl.).

SOURCE: Final Rulemaking published at 28 DCR 1726 (April 17, 1981), incorporating the text of Proposed Rulemaking published at 28 DCR 403 (January 23, 1981); as amended by Final Rulemaking published at 58 DCR 8058 (September 16, 2011); as amended by Final Rulemaking published at 62 DCR 14744 (November 13, 2015); as amended by Final Rulemaking published at 70 DCR 015793 (December 15, 2023).

**910 SPECIAL ELECTIONS**

- 910.1 The D.C. Board of Elections shall conduct a special election in order to elect an individual to serve the unexpired portion of the term of office vacated, except that no special election shall be conducted when:
- (a) A vacancy occurs in the office of Delegate on or after May 1st of the last year of the Delegate's term of office; or
  - (b) A vacancy occurs in the office of member of the State Board of Education on or after February 1st of the last year of the term of the affected office.
- 910.2 At the time of the certification of a vacancy, the Board shall, if applicable, call a special election. A call for a special election shall include the following:
- (a) The date upon which the special election is to be held;
  - (b) The date upon which nomination petition forms will be made available to candidates; and
  - (c) Other relevant election calendar information.
- 910.3 A special election held pursuant to this chapter shall be held on a Tuesday occurring at least seventy (70) days and not more than one hundred seventy-four (174) days after the date on which such vacancy occurs, which the Board determines, based on a totality of the circumstances, taking into account, *inter alia*, cultural and religious holidays and the administrability of the election, will provide the opportunity for the greatest level of voter participation.
- 910.4 Within seven (7) days after the certification of a vacancy, the Board shall make available nomination petition forms to candidates seeking nomination to fill the vacancy.
- 910.5 The qualifications for ballot access of candidates and the rules governing the access in any special election held to fill a vacancy shall be the same as those for direct nomination to the office in any general election, as provided for in D.C. Official Code § 1- 1001.08(j) (2012 Repl.) and Chapter 16 of this title.
- 910.6 All elections provided in this section are special elections, even though the balloting may be at the same time as a previously scheduled primary or general election.

## District of Columbia Municipal Regulations

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SOURCE: Final Rulemaking published at 36 DCR 7820 (November 10, 1989); as amended by Final Rulemaking published at 39 DCR 4166, 4167 (June 12, 1992); as amended by Final Rulemaking published at 58 DCR 8058, 8065 (September 16, 2011); as amended by Emergency and Proposed Rulemaking published at 59 DCR 627 (January 27, 2012)[EXPIRED]; as amended by Final Rulemaking published at 59 DCR 4780 (May 11, 2012); as amended by Final Rulemaking published at 62 DCR 2008 (February 13, 2015); as amended by Final Rulemaking published at 62 DCR 14744 (November 13, 2015); as amended by Final Rulemaking published at 70 DCR 012730 (September 22, 2023).