

CHAPTER 4 HEARINGS

410 GENERAL RULES OF PLEADING

- 410.1 There shall be the following pleadings in Board proceedings:
- (a) A complaint, to which there may be a response;
 - (b) A reply to a counter claim denominated as such;
 - (c) A third party complaint, if a person who was not an original party is allowed to intervene pursuant to § 414; and
 - (d) A third party answer, if a third party complaint is served.
- 410.2 A pleading which sets forth a violation of a provision of law shall contain the following:
- (a) A short and plain statement of the grounds upon which the Board's jurisdiction depends;
 - (b) The full names, residence addresses, and telephone numbers of the complainant and the respondent; and
 - (c) A clear and concise statement of facts which are alleged to constitute a violation of the law.
- 410.3 A pleading which sets forth a challenge to a nominating petition, initiative, referendum, or recall petition shall contain the following:
- (a) A short and plain statement of the grounds upon which the Board's jurisdiction depends;
 - (b) The full names, residence addresses, and telephone numbers of the complainant and respondent candidate, or the short title and serial number of the challenged initiative, referendum, or recall measure;
 - (c) The name(s), if legible, sheet and line number(s) of any challenged signature(s) and the basis for the challenge(s); and
 - (d) A clear and concise statement of any other facts which are alleged to constitute a petition defect.
- 410.4 A pleading which sets forth a challenge to the qualification of a candidate, or registered voter shall contain the following:

- (a) A short and plain statement of the grounds upon which the Board's jurisdiction depends;
- (b) The full names, residence address, and telephone number of the complainant and respondent candidate or registrant; and
- (c) A clear and concise statement of the grounds for the challenge.

410.5 A party shall state in short and plain terms his or her defenses to each charge or challenge asserted and shall admit or deny the averments upon which the adverse party relies.

410.6 Each allegation of a pleading shall be simple, concise, and direct.

410.7 If a party is without knowledge or information sufficient to form a belief as to the truth of an averment, he or she shall so state. This statement shall have the effect of a denial.

410.8 When a party intends in good faith to deny only a part or a qualification of an allegation, he or she shall specify so much of the allegation as is true and shall deny only the remainder.

410.9 A party may, unless he or she intends in good faith to controvert all the allegations of a pleading, deny as specific denials of designated allegations or paragraphs, or the party may generally deny all the allegations except the designated allegations or paragraphs as the party expressly admits.

410.10 When a party intends to controvert all the allegations of the preceding pleading, including allegations of the grounds upon which the Board's jurisdiction depends, the party may do so by general denial.

410.11 No technical forms of pleadings or motions shall be required.

410.12 A party may set forth two (2) or more statements of a charge, challenge, or defense alternately or hypothetically, either in one count or defense or in separate counts or defenses.

SOURCE: Final Rulemaking published at 45 DCR 432 (January 23, 1998).