

DISTRICT OF COLUMBIA BOARD OF ELECTIONS

DELEGATION OF AUTHORITY

Authority. This Delegation is adopted pursuant to D.C. Official Code Title 1, Chapter 10, Subchapter I, including but not limited to § 1-1001.05(a)(14), and the Board's authority to act through officers and staff except where statute expressly requires action by the Board itself.

Purpose and Construction. This Delegation clarifies the allocation of authority between the Board and agency officers and shall be construed liberally to permit the maximum delegation allowed by law and to ensure the efficient, continuous administration of the Board's statutory responsibilities.

Role of the Board. The Board is a governing body exercising policy-setting, certification, adjudicatory, and rulemaking authority. The Board does not itself perform operational or ministerial election functions. Election administration, voter registration, and other activities set forth in the election statute and other pertinent provisions of District of Columbia law are administered by the Board of Elections as an agency acting through the Office of the Executive Director, the Office of the General Counsel, and staff. Actions taken by the Office of the Executive Director, the Office of the General Counsel, and staff pursuant to this Delegation constitute actions of the Board unless otherwise expressly provided by law.

Non-Delegable Authority Reserved to the Board. The following require formal Board action:

- (1) the certification of election results and the numerical sufficiency of ballot measure petitions;
- (2) the adjudication of contests (including breaking ties), recounts, and contested case matters as defined by the D.C. Administrative Procedure Act, D.C. Official Code §2-501 et seq.;
- (3) the adoption, amendment, or repeal of regulations;
- (4) the issuance of advisory opinions and final orders disposing of matters before the Board;
- (5) the adoption of ballot question formulations; and
- (6) the appointment and removal of the Executive Director and General Counsel.

Delegation to the Office of the Executive Director. Except where Board action is required by law or the matter falls within the jurisdiction of the Office of Campaign Finance, the Board delegates to the Office of the Executive Director all authority necessary to administer and conduct elections and voter registration in the District of Columbia, including, but not limited to:

- (1) execution of the Board's personnel authority with respect to employees in the Office of the Executive Director and the design, establishment, and maintenance of the organizational systems, staffing, and procedures necessary for the efficient and effective administration of elections in the District of Columbia;
- (2) election administration operations, including processing ballot measures in coordination with the Office of the General Counsel;
- (3) voter list maintenance;

- (4) office management operations;
- (5) budget preparation and submission;
- (6) procurement and contracting within approved appropriations;
- (7) accounting and fiscal management;
- (8) management of data processing systems;
- (9) preparing and submitting documents and materials within its purview for publication in the District of Columbia Register and newspapers and posting on the Board's website and other Board-managed platforms;
- (10) responding to public inquiries; and
- (11) intergovernmental coordination.

Delegation to the Office of the General Counsel. Except where a Board vote is required or the matter falls within the jurisdiction of the Office of Campaign Finance, the Board delegates to the Office of the General Counsel full authority to act on behalf of the Board in all legal, quasi-legal, and administrative matters, including but not limited to:

- (1) execution of the Board's personnel authority with respect to employees in the Office of the General Counsel and the design, establishment, and maintenance of the organizational systems, staffing, and procedures necessary for the efficient and effective performance of legal work on behalf of the Board;
- (2) drafting Board orders, opinions, and regulations for Board approval and adoption;
- (3) processing ballot measures in coordination with the Executive Director;
- (4) preparing and submitting documents and materials within its purview for publication in the District of Columbia Register;
- (5) authorizing and/or monitoring representation of the Board by the Office of Attorney General in litigation;
- (6) responding to public inquiries; and
- (7) ensuring compliance with applicable District of Columbia laws.

Delegation to Staff. Under the supervision of the Executive Director and the Office of the General Counsel, staff may perform all ministerial, technical, and administrative functions necessary to implement Board decisions and delegated authority.

Emergency Authority. In the event of an emergency affecting election administration, the Executive Director, in consultation with the General Counsel, may take necessary actions that are consistent with the statute to protect voters, election integrity, and continuity of operations, subject to subsequent Board ratification where required by law.

Reliance, Ratification, and Severability. Actions taken pursuant to this Delegation are deemed actions of the Board; third parties may rely upon them; prior consistent actions are ratified; and if any provision is held invalid, the remainder shall remain in full force and effect.

Effective Date of Delegation. This delegation is effective upon publication in the District of Columbia Register and supersedes all previous delegations of authority.

FOR THE BOARD:



Gary Thompson
Chair

February 4, 2026