

DISTRICT OF COLUMBIA BOARD OF ELECTIONS

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Board of Elections, pursuant to the authority set forth in the District of Columbia Election Code of 1955, approved August 12, 1955, as amended (69 Stat. 699; D.C. Official Code § 1-1001.05(a)(14) (2016 Repl. & 2019 Supp.)), hereby gives notice of proposed rulemaking action to adopt amendments to Chapter 5 (Voter Registration) of Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendments to these regulations is to clarify the address that may be used by unhoused D.C. residents for voter registration purposes and the process for challenging registered voter status.

The Board gives notice of its intent to take final rulemaking action to adopt these amendments in not less than thirty (30) days from the date of publication of this notice in the *District of Columbia Register*.

CHAPTER 5, VOTER REGISTRATION, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:

Section 503, REGISTRATION APPLICATION FORMS AND REQUIREMENTS, is amended as follows:

Paragraph 503.1(c) is amended to read as follows:

- (c) A Department of Motor Vehicles (DMV)-issued driver's license or non-driver's identification card application where the applicant does not decline to register to vote or update his or her voter registration information; or

Subsection 503.3 is amended to read as follows:

503.3 An applicant shall provide the following information on any voter registration application or voter registration update notification:

- (a) Applicant's complete name;
- (b) Applicant's current and fixed residence address in the District, provided that an unhoused applicant may provide the address that appears on a DMV-issued non-driver's identification card that has been issued to the applicant where the DMV has authorized the use of a certified social service provider's address for purpose of non-driver identification card issuance;
- (c) Applicant's date of birth;
- (d) Applicant's original signature; and

- (e) Applicant's DMV-issued identification number in the case of an applicant who has been issued a current and valid driver's license, or the last four (4) digits of the applicant's social security number (if any).

Section 504, REGISTRATION TIMELINESS AND EFFECTIVENESS, is amended to read as follows:

Subsection 504.7 is amended to read as follows:

504.7 Valid proof of residence is any official document showing the voter's name and a District of Columbia home address or, in the case of an unhoused voter, the address that appears on a DMV-issued non-driver's identification card that has been issued to the applicant where the DMV has authorized the use of a certified social service provider's address for the purpose of non-driver identification card issuance. Proof of residence shall either be presented in paper or electronic form. A proof of residence document in electronic form shall be presented on a voter-owned device. The Board shall not be responsible for providing an independent wireless connection for voters to access documents in electronic form. Acceptable forms of proof of residence include:

- (a) A copy of current and valid government-issued photo identification;
- (b) A utility bill for water, gas, electricity, cable, internet, telephone, or cellular phone service issued within the last ninety (90) days;
- (c) A savings, checking, credit, or money market account statement from a bank or credit union issued within the last ninety (90) days;
- (d) A paycheck, stub, or earning statement that includes the employer's name, address, and telephone number and was issued within the last ninety (90) days;
- (e) A government-issued document or check from a federal or District agency, other than the Board of Elections, issued within the last ninety (90) days;
- (f) A current residential lease or rental agreement;
- (g) An occupancy statement from a District homeless shelter issued within the last ninety (90) days; or
- (h) A tuition or housing bill from a District of Columbia college or university issued for the current academic or housing term.

Section 521, CANCELLATION OF VOTER REGISTRATION: CHALLENGE AND REQUEST FOR ADDITIONS TO REGISTRATION ROLL, is amended as follows:

Subsection 521.1 is amended to read as follows:

521.1 Any duly registered voter may:

- (a) "Challenge" the registration (but not pre-registration) of any person on the following grounds:
 - (i) The voter is fictitious;
 - (ii) The voter is deceased;
 - (iii) The voter, by the time of the primary election, will not be at least seventeen (17) years of age and will not be eighteen (18) on or before the next general election;
 - (iv) The voter will not be at least eighteen (18) years of age on or before the date of the general or special election;
 - (v) The voter will not have lived within the District for at least thirty (30) days preceding the next election;
 - (vi) The voter claims voting residence or the right to vote in any state, territory, or country; or
 - (vii) The voter has been adjudged legally incompetent to vote by a court of competent jurisdiction.
- (b) "Request" the addition of any person whose name has been erroneously omitted or cancelled from the registration roll.

Subsection 521.2 is amended to read as follows:

521.2 A voter registration challenge or request to add a person whose name has been erroneously omitted or cancelled shall not be accepted:

- (a) If, within three (3) business days of receipt of the challenge or request, the Board's General Counsel issues a determination that the challenge or request is insufficiently supported. In the event of such determination, the voter submitting the challenge or request may re-submit the challenge or request with additional support or, within three (3) business days of notice of the General Counsel's determination, appeal that determination in writing to the Board; or
- (b) If the challenge or request was submitted after the forty-fifth (45th) day preceding an election.

Subsection 521.5 is amended to read as follows:

521.5 If the General Counsel does not find that the challenge was insufficiently supported, the Board shall send notice to any person whose registration has been challenged at the address listed on the Board's record, along with a copy of any evidence filed in support of the challenge.

All persons desiring to comment on the subject matter of this rulemaking should file written comments by no later than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*. Comments should be filed with the Office of the General Counsel, Board of Elections, 1015 Half Street S.E., Suite 750, Washington D.C. 20003. Please direct any questions or concerns to the Office of the General Counsel at 202-727-2194 or ogc@dcboe.org. Copies of the proposed rules may be obtained at cost from the above address, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m.