

DISTRICT OF COLUMBIA BOARD OF ELECTIONS

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Board of Elections, pursuant to the authority set forth in D.C. Official Code § 1-1001.05(a)(14), hereby gives notice of emergency and proposed rulemaking action to adopt amendments to Chapter 4, “Hearings;” and Chapter 5, “Voter Registration” in Title 3 of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendments to Chapters 4 is to clarify the Board’s hearing procedures, including those concerning challenges to petitions. The amendments mandate the use of a Board form for the proper submission and adjudication of petition challenges and establish and clarify deadlines for filing of various pleadings in petition challenge cases.

The purpose of the amendments to Chapter 5 is to (1) codify the Board’s longstanding practice of not permitting a power of attorney to effectuate a voter registration application or voter registration update notification and (2) clarify that applicants who are unable to affix their own signature to a voter registration application or voter registration update notification and call upon an assistant to complete their application or notification must also submit an Affidavit of Assistant Form.

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

Chapter 4, HEARINGS, of Title 3 of the DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS, is amended as follows:

Section 400, GENERAL PROVISIONS, is amended in its entirety to read as follows:

400 GENERAL PROVISIONS

- 400.1 The provisions of this chapter shall govern the procedures of the Board in all cases involving the following:
- (a) Challenges to petitions nominating candidates or challenges to petitions qualifying initiative, referendum, or recall measures for ballot access;
 - (b) Alleged violations of the District of Columbia Election Act, as amended;
 - (c) Alleged violations of the Campaign Finance Act of 2011, as amended;
 - (d) Alleged violations of Title III of the Help America Vote Act of 2002;
 - (e) Petitions requesting the promulgation, amendment, or repeal of any

regulation of the Board;

- (f) Applications requesting the approval of a political party name; or
- (g) Any other matter requiring the receipt of evidence and testimony in a contested case, complaint, or petition for action.

400.2 In any conflict within this chapter between general and specific provisions, the specific provisions shall govern.

400.3 In any conflict between this chapter and the D.C. Administrative Procedure Act, D.C. Official Code §§ 2-501 *et seq.* (2016 Repl.) the D.C. Administrative Procedure Act shall govern.

400.4 The General Counsel of the Board shall, following approval by the Board, issue and revise complaint and petition forms and instructions to ensure presentation of adequate information required for the understanding and processing of complaints and petitions.

400.5 The Board may, for good cause shown, waive any of the provisions of this chapter if, in the judgment of the Board, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.

400.6 A majority of the Board members shall constitute a quorum at a hearing, except that the Board has the discretion to hear any case brought before it under the District of Columbia Election Act or the Campaign Finance Act of 2011 by a one-member panel, pursuant to D.C. Official Code § 1-1001.05(g) (2016 Repl.).

400.7 Any member may participate in a hearing by means of a video conference, telephone conference or by any means of communication by which all persons participating in the hearing are able to hear one another, and such participation shall constitute presence in person at the hearing.

Section 401, COMPUTATION OF TIME, is amended in its entirety to read as follows:

401 COMPUTATION OF TIME

401.1 In computing any period of time prescribed or allowed by these rules or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included.

401.2 The last day of the computed period shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is not a Saturday, Sunday, or legal holiday.

- 401.3 When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation unless the matter concerns a challenge to a petition or an applicable statute expressly provides otherwise.
- 401.4 Repealed.
- 401.5 For the purposes of this chapter, "legal holiday" includes the following:
- (a) New Year's Day;
 - (b) Martin Luther King's Birthday;
 - (c) President's Day;
 - (d) District of Columbia Emancipation Day;
 - (e) Memorial Day;
 - (f) Independence Day (4th of July);
 - (g) Labor Day;
 - (h) Columbus Day;
 - (i) Veterans Day;
 - (j) Thanksgiving Day;
 - (k) Christmas Day; and
 - (l) Any other day designated a holiday by the President of the United States or the District of Columbia government.
- 401.6 [RESERVED]
- 401.7 When an act is required or allowed to be done at or within a specified time, the Board may, for cause shown, do either of the following when permissible under law:
- (a) With or without motion or notice, order the period enlarged, if a request for enlargement of time is made before the expiration of the period originally prescribed or as extended by a previous order; or
 - (b) Upon motion made after the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect.

Section 404, SERVICE OF PAPERS, is amended in its entirety to read as follows:

404 SERVICE OF PAPERS

- 404.1 Any paper required to be served upon a party shall be served upon him or her or upon the representative designated by him or her or by law to receive service of papers.
- 404.2 When a party has appeared through an attorney or agent, service shall be made upon the attorney or agent of record.
- 404.3 Service may be made by personal delivery, by mail, by email, or as otherwise authorized by law.
- 404.4 Where there are numerous parties to a proceeding, the Board may make special provisions regarding the service of papers.
- 404.5 Service upon a party shall be completed, as follows:
- (a) By personal delivery, on handing the paper to the person to be served, or leaving it at his or her office with his or her clerk or other person in charge or, if there is no one in charge, leaving it in a conspicuous place in the office; or, if the office is closed or the person to be served has no office, by leaving it at his or her usual place of residence with some person of suitable age and discretion then residing in that place;
 - (b) By email, when properly addressed and consent to electronic service is obtained prior to delivery;
 - (c) By mail, on deposit in the United States mail, properly stamped and addressed; or
 - (d) Upon being served in the specific manner prescribed by an order of the Board made in any proceeding.
- 404.6 Proof of service, stating the name and address of the person on whom served and the manner and date of service, shall be shown for each document filed.
- 404.7 Proof of service may be made by any of the following means:
- (a) Written acknowledgment of the party served or his or her attorney of record;
 - (b) The certificate of the attorney of record if he or she has made the service; or

(c) The certificate of the person making the service.

404.8 For the purposes of this chapter, the phrase "filing with the Board," means the actual delivery to and physical receipt by the General Counsel to the Board of pleadings and other papers.

Section 406, REPEALED, is amended in its entirety to read as follows:

406 APPROVAL OF POLITICAL PARTY NAMES

406.1 Pursuant to the authority granted to the Board at D.C. Official Code § 1-1001.05 (a)(14), the rules of this section shall govern the process by which political parties apply for the approval of a political party name.

406.2 Application for approval of a political party name shall be made on a form prescribed by the Board.

406.3 The application for approval of a political party name shall include the name, address, telephone number, and voter registration number of the chairperson, treasurer, other principal officers, and each member of the duly authorized local committee of such party in the District.

406.4 The Board shall hold a hearing on the application for approval of a political party name pursuant to the rules of this chapter.

406.5 The Board may reject any political party name that, in the judgment of the Board, either:

(a) Confuses or misleads the public; or

(b) Contains any profane or derogatory language.

Section 407, EVIDENCE, is amended in its entirety to read as follows:

407 EVIDENCE

407.1 Evidence shall be taken in conformity with D.C. Code § 2-509(b) (2006 Repl.).

407.2 The Board may permit rebuttal evidence.

407.3 Any party objecting to the admissibility of evidence shall state the grounds of the objection(s) relied upon.

407.4 Any offer of proof made in connection with an objection taken to any ruling of the Board which rejects or excludes proffered oral testimony shall consist of a

statement for the record of the substance of the evidence which the person contends would be adduced by the testimony.

- 407.5 If excluded evidence consists of documentary evidence, a copy of the evidence shall be marked for identification and shall constitute the offer of proof.
- 407.6 The Board, in its discretion, may permit the withdrawal of original documents offered and received in evidence and substitute certified copies in place of the originals.
- 407.7 When relevant and material matters offered in evidence are embraced in a book, paper or document containing other matters, not material or relevant, the persons offering the same shall plainly designate the matter so offered, and the immaterial or irrelevant parts shall be excluded and shall be segregated insofar as practicable.
- 407.8 No document or other writing shall be accepted for the record after the close of the hearing, except with the consent of the Board after due notice to the opposing parties and only when the receipt of the document will not unfairly affect the interest of a party.
- 407.9 In a contested case conducted under § 423, witnesses may be examined or cross-examined by the Board, the complainant, respondent, or any party so determined by the Board pursuant to this chapter.
- 407.10 In a rulemaking case conducted under § 422, witnesses may be examined only by the Board.
- 407.11 The Board, in view of the fact that it shall hear and determine the validity of a challenge to a petition 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.

Section 408, COMMENCEMENT OF COMPLAINT, is amended in its entirety to read as follows:

408 COMMENCEMENT OF COMPLAINT

- 408.1 An action before the Board shall be commenced by the filing of a written complaint which shall be signed and sworn by the complainant.
- 408.2 Challenges to a registrant's qualifications, candidate's qualifications, or to the Board's formulation of the short title and summary statement of a proposed

Charter amendment shall be construed as an action before the Board and shall be captioned "complaint."

- 408.3 Challenges to petitions nominating candidates to an elected office or qualifying initiative, referendum, or recall measures shall be construed as an action before the Board and shall be commenced pursuant to the rules of section 409 of this chapter.
- 408.4 The parties to a contested case proceeding before the Board shall be the following:
- (a) Complainant - one who initiates an action for relief or to enforce a law, rule, or regulation under the jurisdiction of the Board; and
 - (b) Respondent - the person against whom action or relief is sought, or the person who opposes the charge or prayer of the complaint because he or she has an interest in the subject of the complaint, such as a registered voter; candidate; or the proponent(s) of an initiative, referendum, or recall petition.
- 408.5 The Board may designate any other individual or group as an "intervenor," either upon its own initiative or motion filed pursuant to § 414.
- 408.6 The Board may consolidate complaints alleging violations of Title III of the Help America Vote Act of 2002 if they relate to the same actions or events or raise common questions of law or fact.
- 408.7 Upon the filing of a complaint, the Office of the General Counsel shall cause a true copy of the complaint to be made and served upon the respondent.

Section 409, REFERRALS AND REPORTS, is amended in its entirety to read as follows:

409 COMMENCEMENT OF A CHALLENGE TO A PETITION AND PLEADING RULES

- 409.1 The rules of this section shall govern the following complaint process:
- (a) For a complainant to properly commence a challenge to a candidate's nominating petition or any petition in support of an initiative, referendum, or recall measure;
 - (b) For a respondent to properly and timely respond to a challenge to a petition; and
 - (c) For a complainant to properly amend a challenge to a petition.

- 409.2 Any challenges received that do not meet the requirements of this section shall be considered improperly filed and not adjudicated. In order to properly commence a challenge to a petition, a challenge shall:
- (a) Be signed by a registered qualified elector and submitted in-person at the Board's office on a form prescribed by the Board at or before 5 PM on the final day of the public review and challenge specified under law or, in cases of special elections, within the public review and challenge period specified by the Board. For purposes of this subsection, "submitted" shall mean that all pages of the challenge shall be assembled, complete, and relinquished to a Board representative;
 - (b) Cite the name of the signatory or circulator being challenged and the specific reason or reasons for challenge; and
 - (c) Allege the minimum number of signature defects which, if valid, would render the candidate or proposed measure ineligible for ballot access.
- 409.3 Challenges to the same petition filed by multiple registered qualified electors shall be permitted. Challenges to the same petition may, in the discretion of the General Counsel, be consolidated.
- 409.4 Amendments to a challenge may be accepted if the amended challenge conforms to the requirements of a properly filed challenge, including that any such amendment be timely filed within the public review period. Any amendments filed after the close of the public review period shall not be accepted. If an amendment is properly filed, the challenge, in its entirety, shall be considered received on the date that the amendment was filed.
- 409.5 Within three (3) business days of receipt of a properly filed challenge, the General Counsel or his or her designee shall serve a copy of the challenge upon the respondent by first-class mail or email.
- 409.6 A respondent shall serve his or her written response to the challenge, if any, upon the Board and at the same time upon the challenger within ten (10) days after the filing date of the challenge or amended challenge, whichever is later.

Section 410, GENERAL RULES OF PLEADING, is amended in its entirety to read as follows:

410 GENERAL RULES OF PLEADING

- 410.1 Unless specified elsewhere in this chapter, the rules of this section shall govern pleadings in all actions under jurisdiction of the Board. Pleadings for challenges to petitions shall be governed by the rules contained in section 409.

- 410.2 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.
- 410.3 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.
- 410.4 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 Unless otherwise specified in this chapter, 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.

Section 411, SIGNING OF PLEADINGS, is amended in its entirety to read as follows:

411 SIGNING OF PLEADINGS AND OTHER PAPERS

- 411.1 In all actions before the Board, every pleading, written motion, or any other paper submitted must be signed by the attorney of record in the attorney's name or by a party personally if the party is unrepresented. The paper must state the signer's address, email address and telephone number.
- 411.2 Except when otherwise specifically provided by this title or statute, pleadings need not be verified or accompanied by affidavit.
- 411.3 The signed submission of any pleading, motion or other paper shall constitute a certified representation by the attorney or party that to the best of his or her knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:
- (a) It is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
 - (b) The claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;
 - (c) The factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further

investigation or discovery; and

- (d) The denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

411.4 If the Board determines that any submission from an attorney or party violates this section, the Board, on its own motion, may dismiss the complaint, reject the pleading, motion or paper, or take such other appropriate action to it deems necessary to conserve administrative resources.

Section 412, DEFENSES AND OBJECTIONS, is amended in its entirety to read as follows:

412 RESPONSIVE PLEADINGS

412.1 Unless law or Board rule prescribe an alternate date by which to serve an answer in the adjudication of a specific type of complaint, a respondent shall serve his or her answer upon the Board and other parties within thirty (30) days after the service of the complaint upon him or her. The General Counsel shall be authorized to establish a schedule for the timely submission of responsive pleadings, motions, and or any other documents for the Board's consideration of any complaint.

412.2 No defense or objection is waived by being joined with one or more other defenses or objections in a responsive pleading or motion.

412.3 Each defense, in law or fact, to a charge of a violation in any pleading, shall be asserted in the responsive pleading, if one is required, except that the following defenses, at the option of the pleader, may be made by Motion to Dismiss, which may be filed before pleading, if a further pleading is permitted:

- (a) Lack of jurisdiction over the subject matter;
- (b) Lack of jurisdiction over the person;
- (c) Insufficiency of process;
- (d) Insufficiency of service of process; or
- (e) Failure to state a claim upon which relief can be granted.

Section 413, AMENDED PLEADINGS, is amended in its entirety to read as follows:

413 AMENDED PLEADINGS

413.1 Except as provided otherwise in this section, a party may amend his or her pleading only by leave of the Board or by written consent of the adverse party.

- 413.2 A party may amend his or her pleading as a matter of course at any time before a responsive pleading is served.
- 413.3 If the pleading is one to which no responsive pleading is permitted and the action has not been scheduled for a hearing before the Board, a party may amend it at any time within twenty (20) days after it is served.
- 413.4 A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within ten (10) days after service of the amended pleading, whichever period is longer, unless the Board otherwise orders.

Section 423, CONTESTED CASE HEARING, is amended in its entirety to read as follows:

423 CONTESTED CASE HEARING

- 423.1 The rules of procedure set forth in this section shall apply to contested case hearings.
- 423.2 All parties have the right to produce evidence and witnesses on their behalf and to rebut or explain testimony or evidence against them.
- 423.3 All parties have the right to cross-examine other parties and witnesses and to offer argument or explanation in support of their positions or contentions.
- 423.4 A party may cross-examine any other party or person, except the Board; provided, that the Chairperson may rule a question out of order when it is irrelevant, immaterial, or unduly repetitious.
- 423.5 In all cases involving violations of the Campaign Finance Act of 2011, the Office of Campaign Finance has the burden of proving a violation with reliable, probative and substantial evidence.
- 423.6 Witnesses shall be examined and cross-examined orally under oath or affirmation.
- 423.7 Evidence shall be taken in conformity with D.C. Code § 2-509(b) (2006 Repl.).
- 423.8 There shall be substantial evidence adequate to support pertinent and necessary findings of fact.
- 423.9 The order of procedure for presenting evidence at the hearing shall be as follows:
- (a) Call to order and opening statement by the Chairperson;
 - (b) Introductory statement by Board's staff;

- (c) Consideration of pending motions and procedural matters;
- (d) The complainant's or agency's case;
- (e) The respondent's case;
- (f) The intervenor's case, if any; and
- (g) Rebuttal by complainant or agency.

423.10 If there is more than one party within any category, the parties within the category shall stipulate their order of presentation. If the parties are unable to agree, the Board shall set the order.

423.11 In a contested case proceeding under this chapter, no decision or order of the Board on a complaint or petition shall be made except upon the exclusive record of the proceedings before the Board.

Section 428, FINAL DECISION, is amended in its entirety to read as follows:

428 FINAL DECISION

428.1 Within a reasonable time after the conclusion of the hearing and the closing of the record, and in accordance with the deadlines for adjudication of certain matters prescribed in law, the Board shall render its decision. A member absent at the decision vote may cast an absentee vote only if the member attended all of the hearings on the complaint or petition. A member attending the decision vote and having read the transcript and reviewed the complete record may vote even though that member may not have attended any or all of the prior meetings or hearings on the complaint or petition.

428.2 A Board decision on the validity of a challenge to a petition shall be entered no more than twenty (20) days after the challenge has been filed. Based upon the evidence received, the Board shall either reject or uphold the challenge, and accordingly grant or deny ballot access to the candidate or proposed measure.

428.3 The Board's decision shall be memorialized by a written decision setting forth findings of fact and conclusions of law and giving the reasons for the decision and ordering appropriate action, if necessary.

428.4 The conclusions or opinion in the decision shall be governed by and based upon all the evidence adduced at the hearing.

428.5 A decision shall be supported by substantial evidence on the record. Pursuant to the substantial evidence rule, courts will uphold an administrative determination

of fact if on the entire record the determination is rationally supportable and could have been arrived at reasonably.

- 428.6 The decision shall be served promptly on all parties or their representatives.
- 428.7 If the Board determines that there is a violation of any provision of Title III of the Help America Vote Act of 2002, the Board shall provide the appropriate remedy.
- 428.8 If the Board determines that there is no violation of Title III of the Help America Vote Act of 2002, the Board shall dismiss the complaint and publish the results of the hearing on the Board's website.
- 428.9 The Board shall render final determinations with respect to complaints alleging violations of Title III of the Help America Vote Act of 2002 prior to the expiration of the 90-day period which begins on the date the complaint is filed, unless the complainant consents to a longer period for making such a determination. If the Board fails to make a timely determination, the complaint shall be resolved within 60 days under alternative dispute resolution procedures established pursuant to Section 432 of this chapter. The record and other materials from any proceedings conducted under standard Board complaint procedures shall be made available for use under the alternative dispute resolution procedures.

Subsection 433.5 of Section 433, APPEALING DECISIONS FROM ONE MEMBER PANELS, is repealed.

Chapter 5, VOTER REGISTRATION, of Title 3 of the DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS, is amended as follows:

Section 503, REGISTRATION APPLICATION FORMS AND REQUIREMENTS, is amended in its entirety to read as follows:

503 REGISTRATION APPLICATION FORMS AND REQUIREMENTS

- 503.1 A qualified elector may apply to register to vote, or make subsequent updates to his or her voter registration information, with any of the following Board-approved forms. Any of the following registration forms may be submitted in-person at the Board's office or designated voter registration agency, by mail, or electronically:
- (a) The Board's Voter Registration Application (in printed format or digital application);
 - (b) The National Voter Registration Application (or such nationally recognized form approved by the Election Assistance Commission);

- (c) A 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
- (d) For qualified military and overseas voters, a Federal Post Card Application (FPCA) or the declaration accompanying a Federal Write-In Absentee Ballot (FWAB declaration).

503.2 The Board's official Voter Registration Application shall not be considered valid if altered in any way for use by another individual, governmental agency, or organization for the purpose of registering electors in the District of Columbia.

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;
- (c) Applicant's date of birth;
- (d) Applicant's original signature; and
- (e) Applicant's Department of Motor Vehicles (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).

503.4 An applicant's signature captured digitally, or stored digitally at another voter registration agency, and transmitted to the Board shall be sufficient to constitute an original signature and effectuate registration and updates thereto.

503.5 Except as provided in this section, an applicant shall affix his or her own signature to a voter registration application or voter registration update notifications. A power of attorney shall not be considered effective to execute a voter registration application or voter registration update notification on behalf of an applicant.

503.6 An applicant who is unable to affix his or her own signature to a voter registration application or voter registration update notification may apply with the assistance of another person as long as the applicant's voter registration application or voter registration update notification is accompanied by a signed affidavit from the person assisting the applicant ("Affidavit of Assistant Form") which states the following:

- (a) That he or she has provided assistance to the applicant;
- (b) That the applicant is unable to complete the application without assistance or sign in the space provided for his or her signature;
- (c) That he or she has read or explained the information contained in the application and the voter declaration to the applicant, if the applicant cannot read the information; and
- (d) That he or she has read or explained the penalties for providing false information on the registration application, if the applicant cannot read the information.

503.7 Any applicant who provides on a voter registration application or voter registration update notification a registration address to which mail cannot be delivered by the U.S. Postal Service shall additionally provide to the Board a designated mailing address to facilitate any official communications required by law.

503.8 An applicant may include an alternate mailing address in their voter registration application or voter registration update notification. All official communications required by law shall be sent to the voter at the residence address unless the voter provides an alternate mailing address.

503.9 A residence address provided by the applicant shall be sufficiently precise to enable the Board to assign the voter to the appropriate Ward and Advisory Neighborhood Commission Single-Member District (“ANC SMD”) for voting purposes.

503.10 If an applicant fails to provide the information required for registration or to make an update thereto, the Registrar or his or her designee shall make reasonable attempts to notify the applicant of the failure. A reasonable attempt to notify the applicant may include a phone call, letter, or email. The Registrar shall choose the most efficient method of communication based upon the contact information provided by the applicant.

All persons desiring to comment on the subject matter of this proposed rulemaking should file written comments by no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Office of the General Counsel, Board of Elections, 1015 Half Street SE, Washington DC 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.