

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.)), hereby gives notice of proposed rulemaking action to adopt amendments to Chapter 9, “Filling Vacancies”, of Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendments to these regulations is to: 1) recognize the determination by the Council of the District of Columbia (*see* Sec. 9, Council Resolution 26-0017, approved February 4, 2025) that the Council’s expulsion of a member results in a vacancy that triggers the procedures for filing vacancies; and 2) provide clarity regarding the date upon which vacancies occur.

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 *D.C. Register*.

CHAPTER 9, FILLING VACANCIES, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:

Subsection 900.2 of Section 900, FILLING VACANCIES, is amended to read as follows:

- 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;
 - (c) Declaration of vacancy by a court; or
 - (d) In the case of any Member of the Council of the District of Columbia, removal through expulsion.

Section 902, VACANCY IN THE OFFICE OF CHAIRMAN OF THE COUNCIL, is amended to read as follows:

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, effective as of the date of the death, 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.
- 902.7 When a vacancy in the office of Chairman of the Council occurs as the result of the Council's expulsion of the Chairman, the Board shall, as soon as practicable after the Council's vote to expel, certify the seat vacant, effective as of the date of the expulsion vote, and issue the appropriate notification as provided in this chapter.

Section 903, VACANCY IN THE OFFICE OF MEMBER OF THE COUNCIL, is amended to read as follows:

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, effective as of the date of the death, 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.
- 902.7 When a vacancy in the office of Member of the Council occurs as the result of the Council's expulsion of the Member, the Board shall, as soon as practicable after the Council's vote to expel, certify the seat vacant, effective as of the date of the expulsion vote, and issue the appropriate notification as provided in this chapter.

Section 904, VACANCY IN THE OFFICE OF ATTORNEY GENERAL FOR THE DISTRICT OF COLUMBIA, is amended to read as follows:

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, effective as of the date of the death, 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.

Section 905, VACANCY IN THE OFFICE OF ELECTED MEMBER OF THE STATE BOARD OF EDUCATION, is amended to read as follows:

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, effective as of the date of the death, 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.

Section 906, VACANCY IN THE OFFICE OF DELEGATE TO THE HOUSE OF REPRESENTATIVES, is amended to read as follows:

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, effective as of the date of the death, 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.