

## **CHAPTER 10 INITIATIVE AND REFERENDUM**

### **1000 GENERAL PROVISIONS**

1000.1 This chapter governs the process by which registered qualified elector(s) of the District of Columbia may present initiative or referendum measures to the electorate for their approval or disapproval.

1000.2 For purposes of this chapter, unless otherwise provided, the following terms shall be defined as follows:

- (a) The term “Home Rule Act” means the “District of Columbia Self Government and Governmental Reorganization Act”, Public Law 93-198 (codified at D.C. Official Code § 1-201.01 *et seq.*), and any subsequent amendments.
- (b) The term “qualified petition circulator” means any individual who is:
  - (i) At least 17 years of age and who will be 18 years of age on or before the next general election; and
  - (2) Either a resident of the District of Columbia, or a resident of another jurisdiction who has registered as a petition circulator with the Board in accordance with this chapter.
- (c) The term “initiative” means the process by which the electors of the District of Columbia may propose laws (except laws appropriating funds) and present such proposed laws directly to the registered qualified electors of the District of Columbia for their approval or disapproval.
- (d) The term “referendum” means the process by which the registered qualified electors of the District of Columbia may suspend acts of the Council of the District of Columbia (except emergency acts, acts levying taxes, or acts appropriating funds for the general operation budget) until such acts have been presented to the registered qualified electors of the District of Columbia for their approval or rejection, provided that the Chairman of the Council has transmitted the Act to the Speaker of the House of Representatives, and the President of the Senate, under D.C. Official Code § 1-206.02(c)(1) (2006 Repl.).

- 1000.3 In order to commence the initiative or referendum process, a registered qualified elector(s) shall file the following documents in-person at the Board's office:
- (a) Five (5) printed or typewritten copies of the full text of the initiative or referendum measure;
  - (b) A summary statement of the measure not exceeding one hundred (100) words in length;
  - (c) A short title of the measure to be proposed by initiative or of the act or part of the act to be referred; and
  - (d) An affidavit under oath containing the name, telephone number, and residence address of the proposer, and a statement that the proposer is a registered qualified elector of the District of Columbia; and
  - (e) A copy of the statement of organization and report(s) of receipts and expenditures filed with the Office of Campaign Finance.
- 1000.4 Within one business day after the receipt of a proposed initiative or referendum measure, the Board shall request advisory opinions from the Attorney General and the General Counsel for the Council on whether the measure is a proper subject of initiative or referendum: provided that, advisory opinions regarding proposed initiatives are due within 15 business days after the request, and advisory opinions regarding proposed referenda are due within five business days after the request.
- 1000.5 A measure does not present a proper subject for initiative or referendum, and must be refused by the Board, if:
- (a) The measure presented would violate the Home Rule Act;
  - (b) The measure presented seeks to amend the Home Rule Act;
  - (c) The measure presented would appropriate funds;
  - (d) The measure presented would violate the U.S. Constitution;
  - (e) The statement of organization and the report(s) of receipts and expenditures have not been filed with the Office of Campaign Finance;

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- (f) The form of the measure does not include legislative text, a short title, or a summary statement containing no more than one hundred (100) words;
- (g) The measure authorizes or would have the effect of authorizing discrimination prohibited under the Human Rights Act of 1977 or any subsequent amendments; or
- (h) The measure would negate or limit an act of the Council enacted pursuant to § 446 of the Home Rule Act.

1000.6 Within ten (10) days after the refusal, the proposer(s) of a rejected initiative or referendum measure may petition the Superior Court of the District of Columbia for a writ in the nature of mandamus to compel the Board to accept the measure. The Board shall retain the submitted petition pending appeal.

1000.7 If the Board determines that the initiative or referendum measure presents a proper subject, or if the Superior Court of the District of Columbia grants a writ in the nature of mandamus compelling the Board to accept the measure, the Board shall accept the initiative or referendum measure as a proper subject matter and shall assign a serial number to the measure. In the case of an initiative, the Board shall also promptly request a fiscal impact statement from the Office of the Chief Financial Officer, who shall issue a fiscal impact statement within fifteen (15) business days after receipt of the request from the Board.

1000.8 The first initiative measure shall be numbered one (1) in numerals. Succeeding measures shall be numbered consecutively 2, 3, 4, and so on ad infinitum.

1000.9 The first referendum measure shall be numbered 001 in numerals. Succeeding measures shall be numbered 002, 003, 004, and so on ad infinitum.

1000.10 Once assigned a serial number, an initiative or referendum measure shall be known and designated on all petitions, election ballots, and proceedings as "Initiative Measure No.     " or "Referendum Measure No.     ."

SOURCE: Final Rulemaking published at 43 DCR 103-4 (January 12, 1996); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014); as amended by Final Rulemaking published at 69 DCR 005226 (May 13, 2022); as amended by Final Rulemaking published at 70 DCR 012730 (September 22, 2023); as amended by Final Rulemaking published at 70 DCR 015793 (December 15, 2023); as amended by Final Rulemaking published at 71 DCR 005415 (May 10, 2024).

**1001 ADOPTION OF BALLOT LANGUAGE**

1001.1 Within twenty (20) calendar days of the date on which the Board accepts the initiative or referendum measure, the Board shall:

- (a) Prepare the following for adoption at a public meeting:
  - (i) An abbreviated and impartial summary statement, written in plain language, that does not exceed one hundred (100) words in length and which expresses the chief purpose of the proposed measure;
  - (ii) A short title for the measure not exceeding fifteen (15) words in length by which it will be readily identifiable and distinguishable from other measures which may appear on the ballot; and
  - (iii) The proper legislative form of the initiative or referendum measure, where applicable, similar to the form of an act that has completed the course of the legislative process within the District of Columbia government before transmittal to Congress.
- (b) Submit for publication in the *District of Columbia Register* notice of the public meeting to adopt the summary statement, short title, and legislative form of the measure which, in the case of an initiative measure, shall be held after the deadline for the Board's receipt of the fiscal impact statement described in Subsection 1000.7 of this chapter. The notice of the public meeting shall include the formulations prepared by the Board.

1001.2 For the purposes of this section, the following rules shall apply to the counting of words in the summary statement and short title:

- (a) Punctuation is not counted;
- (b) Each word shall be counted as one (1) word except as specified in this subsection;
- (c) All geographical names shall be considered as one (1) word; for example, "District of Columbia" shall be counted as one (1) word;
- (d) Each abbreviation for a word, phrase, or expression shall be counted as one (1) word;

- (e) Hyphenated words that appear in any generally available dictionary shall be considered as one (1) word. Each part of all other hyphenated words shall be counted as a separate word;
- (f) Dates consisting of a combination of words and digits shall be counted as two (2) words. Dates consisting only of a combination of digits shall be counted as one (1) word; and
- (g) Any number consisting of a digit or digits shall be considered as one (1) word. Any number which is spelled, such as "one," shall be considered as a separate word or words. "One" shall be counted as one (1) word whereas "one hundred" shall be counted as two (2) words. The number one hundred "100," shall be counted as one (1) word.

1001.3 Within twenty-four (24) hours after the public meeting at which the summary statement, short title, and legislative text are adopted, the Board shall:

- (a) Notify the proposer of the measure of the adopted language by email;
- (b) Submit the adopted language to the *District of Columbia Register* and at least one newspaper of general circulation for publication, and post it on its website; and
- (c) In the case of an initiative measure, publish the measure's fiscal impact statement in the *District of Columbia Register* and at least one newspaper of general circulation for publication, and post it on its website.

1001.4 Any registered qualified elector who objects to the adopted language formulated by the Board may petition the Superior Court of the District of Columbia for review within ten days from the date of publication in the *District of Columbia Register* in the case of an initiative measure, and within ten days from the date of publication in a newspaper of general circulation in the case of a referendum measure. If no review in the Superior Court is sought, the adopted language shall be considered certified at the expiration of the ten (10) day period for review and shall be provided to the proposer by certified mail and email.

1001.5 The certified short title shall be the title of the measure furnished with the petition, the title printed on the ballot, and the title used in any other proceedings relating to the measure.

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SOURCE: Final Rulemaking published at 43 DCR 103-4 (January 12, 1996); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014); as amended by Final Rulemaking published at 68 DCR 6164 (June 11, 2021); as amended by Final Rulemaking published at 69 DCR 005226 (May 13, 2022); as amended by Final Rulemaking published at 70 DCR 015793 (December 15, 2023).

**1002            PETITION FORM**

1002.1            Once the adopted language for the measure has been certified, the Board shall prepare and provide to the proposer at a public meeting an original petition form which shall contain the following:

- (a)            Numbered lines designed so that each signer may personally affix the date signed and his or her signature, printed name, residence address (giving street and number) and election ward;
- (b)            A statement requesting that the Board hold an election on the initiative or referendum measure contained in the petition, stating the measure's serial number and short title;
- (c)            The text of the official summary and short title of the measure printed on the front of the petition sheet;
- (d)            A warning statement declaring that only duly registered qualified electors of the District of Columbia may sign the petition;
- (e)            Instructions advising signatories of the proper method of signing the petition as follows: **EVERY PETITIONER MUST SIGN HIS OR HER OWN NAME. UNDER NO CIRCUMSTANCES IS ANY PERSON PERMITTED TO SIGN ANOTHER PERSON'S NAME OR SIGN MORE THAN ONCE. PRINT YOUR NAME AND RESIDENCE ADDRESS IN FULL;**
- (f)            The words "PAID FOR BY" followed by the name and address of the payer or the committee or other person, and its treasurer on whose behalf the material appears, in the right-hand corner of the front page; and
- (g)            A circulator's affidavit, providing space for the circulator of a petition to record his or her name and address and the dates between which the signatures on the sheet were obtained. By signing the affidavit, the circulator swears under oath or affirms that:
  - (i)            They are a qualified petition circulator;
  - (ii)           They were in the presence of each person who signed the petition at the time the petition was signed; and

- (iii) According to the best information available to the circulator, each signature is the genuine signature of the person whose name it purports to be.

SOURCE: Final Rulemaking published at 43 DCR 103 (January 12, 1996); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014); as amended by Final Rulemaking published at 65 DCR 5644 (May 18, 2018); as amended by Final Rulemaking published at 68 DCR 6164 (June 11, 2021); as amended by Final Rulemaking published at 69 DCR 001132 (February 11, 2022); as amended by Final Rulemaking published at 69 DCR 005226 (May 13, 2022).



**1003 SIGNATURE REQUIREMENTS**

- 1003.1 In order for an initiative or referendum measure to obtain ballot access, it must be supported by a petition filed with the Board that contains the valid signatures of at least five percent (5%) of the registered qualified electors of the District of Columbia, provided that the total number of signatures submitted shall include at least five percent (5%) of the registered qualified electors in at least five (5) of the eight (8) election wards.
- 1003.2 The maximum number of signatures that the Board will accept for filing is two (2) times the minimum number of signatures as required by this section. Working from the first page of a petition that has been serially numbered pursuant to Subsection 1005.2 of this chapter, the Board shall only accept for filing the maximum number of signatures that may be filed pursuant to this section.
- 1003.3 The Board shall use the latest official end-of-month count of registered qualified electors published in the District of Columbia Register that was made at least thirty (30) days prior to submission of the signatures for the particular initiative or referendum measure to determine the minimum number of signatures required for ballot access. Any subsequent changes in the District-wide or ward voter counts, including changes caused by any redistricting, shall not be grounds for challenging the number of signatures needed on a petition as calculated based on five percent (5%) of such published end-of-month count.

SOURCE: Final Rulemaking published at 43 DCR 103 (January 12, 1996); as amended by Final Rulemaking published at 47 DCR 6977 (August 27, 1999); as amended by Final Rulemaking published at 60 DCR 5582 (April 12, 2013); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014); as amended by Final Rulemaking published at 61 DCR 7021 (July 11, 2014); as amended by Final Rulemaking published at 70 DCR 015793 (December 15, 2023).

**1004 NON-RESIDENT CIRCULATORS**

1004.1 Each petition circulator who is not a resident of the District of Columbia shall, prior to circulating a petition, complete and file in-person at the Board's office a Non-Resident Petition Circulator Registration Form in which he or she:

- (a) Provides the name of the measure in support of which he or she will circulate the petition;
- (b) Provides his or her name, residential address, telephone number, and email address;
- (c) Swears under oath or affirms that he or she is at least seventeen (17) years of age and will be eighteen (18) years of age on or before the next general election;
- (d) Acknowledges that he or she has received from the Board information regarding the rules and regulations governing the applicable petition circulation process, and that he or she will adhere to such rules and regulations;
- (e) Consents to submit to the Board's subpoena power and to the jurisdiction of the Superior Court of the District of Columbia for the enforcement of Board subpoenas.

1004.2 Each non-resident petition circulator shall present proof of residence to the Board at the time he or she files the Non-Resident Petition Circulator Registration Form. Valid proof of residence is any official document showing the circulator's name and residence address. Acceptable forms of proof of residence include:

- (a) A copy of a current and valid government-issued photo identification;
- (b) A copy of a current (the issue, bill, or statement date is no earlier than ninety (90) days before the beginning of the petition circulation period) utility bill, bank statement, government check, or paycheck;
- (c) A copy of a government-issued document; or
- (d) A copy of any other official document, including leases or residential rental agreements, occupancy statements from homeless shelters, or tuition or housing bills from colleges or universities.

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SOURCE: Final Rulemaking published at 43 DCR 103 (January 12, 1996); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014); as amended by Final Rulemaking published at 62 DCR 14744 (November 13, 2015); as amended by Final Rulemaking published at 71 DCR 005415 (May 10, 2024).

**1005        FILING PETITIONS**

1005.1        All pages of an initiative petition shall be submitted in hard copy for filing no later than 5:00 p.m. on the one hundred and eightieth (180th) calendar day following the date upon which the Board provided the original petition form. All pages of a referendum petition shall be submitted in hard copy for filing no later than 5:00 p.m. on the last business day before the act, or any part of the act, which is the subject of the referendum has become law. A petition, or any sheet comprising the petition, that is not timely submitted shall not be accepted for filing.

1005.2        All timely submitted petitions shall be received by the Executive Director or his or her designee. When a petition is offered for filing, the Executive Director shall:

- (a)        Count the petition pages and issue a receipt for the total number of petition pages submitted;
- (b)        Shall serially number the pages and obliterate any blank lines appearing on each petition page; and
- (c)        Prepare an initial total count, broken down by ward, of the signatures submitted pursuant to the rules of this section.

1005.3        A signature shall not be accepted, and shall not be included in the Executive Director's initial total count, if it:

- (a)        Appears on a page that is not a proper reproduction of the paper form provided by the Board;
- (b)        Appears on a page which does not have a completed circulator affidavit;
- (c)        Appears on a page that was circulated by an individual who is not a qualified petition circulator; or
- (d)        Is the signature of a registered voter who submitted a notarized request to disallow his or her signature from being counted on the petition, provided that the request was received prior to the time the petition is filed.

1005.4        If the initial total count indicates that a petition contains at least five percent (5%) of registered qualified electors in the District, the Executive Director shall accept the petition, post the petition for public inspection and challenge, and proceed with

registration verification of petition signers in accordance with the rules of this chapter. If the petition does not contain at least five percent (5%) of registered qualified electors in the District, the Executive Director shall refuse to accept the petition and shall notify the proposer(s) in writing of the refusal.

1005.5 If the accepted petition is for a referendum, the Executive Director shall request that the custodian of the act return it to the Chairman of the Council of the District of Columbia.

1005.6 Within ten (10) days after a refusal, the proposer(s) of a rejected initiative or referendum petition may petition the Superior Court of the District of Columbia for a writ in the nature of mandamus to compel the Board to accept the petition. The Board shall retain the submitted petition pending appeal.

SOURCE: Final Rulemaking published at 43 DCR 103 (January 12, 1996); as amended by Final Rulemaking published at 60 DCR 5582 (April 12, 2013); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014); as amended by Final Rulemaking published at 65 DCR 5644 (May 18, 2018); as amended by Final Rulemaking published at 70 DCR 015793 (December 15, 2023).

**1006 PETITION CHALLENGES**

1006.1 The Executive Director or his or her designee shall post all timely submitted petitions, or facsimiles thereof, in the Board’s office for public inspection and opportunity for challenge on the basis of an insufficient number of valid signatures or any other grounds (except as to the merits of the measure) by any qualified elector(s) for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petitions are filed. A challenge to an initiative or referendum petition that is not properly submitted to the Board within the challenge period shall not be accepted.

1006.2 Except as provided in this section, the Board shall adjudicate the validity of each properly filed challenge in accordance with the procedures prescribed in Chapter 4 of this title. A challenge to the validity of the signatures on the petition is properly filed if:

- (a) It cites the alleged signature or circulator requirement defects, as set forth in the signature validity rules of this chapter, by line and page;
- (b) It is signed and submitted in-person at the Board’s office by a qualified elector within the ten (10)-day posting period;
- (c) It alleges the minimum number of signature defects which, if valid, would render the proposed measure ineligible for ballot access; and
- (d) It appears on its face to be based on a good faith review of each signature and circulator affidavit. An absence of good faith may be determined where the Board’s review of the challenge indicates that the defect(s) alleged for a substantial number of signatures and/or circulator affidavits could not reasonably be found to apply to such signatures and /or circulator affidavits.

A challenge on grounds other than the alleged invalidity of any petition signature will be properly filed if sets forth concisely a procedural or other defect that is not based on the merits of the legislative change sought.

1006.3 Upon the receipt of a properly filed challenge, the General Counsel or his or her designee shall promptly serve a copy of the challenge upon the proposer, by first-class mail, or email. In addition, the Board’s General Counsel may schedule a pre-hearing conference between the parties.

- 1006.4 After receipt of a properly filed challenge that is based on allegedly invalid signatures, the Board's staff shall search the Board's registration records to prepare a recommendation to the Board as to the validity of the challenge.
- 1006.5 The Board shall receive evidence in support of and in opposition to the challenge and shall rule on the validity of the challenge no more than twenty (20) days after the challenge has been filed. The Board shall consider any other evidence as may be submitted, including but not limited to, documentary evidence, affidavits, and oral testimony.
- 1006.6 The Board, in view of the fact that it shall hear and determine the validity of the challenge 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.
- 1006.7 Based upon the evidence received, the Board shall either reject or uphold the challenge, and accordingly grant or deny ballot access to the proposed measure whose petition was challenged.
- 1006.8 If a one (1)-member Board panel makes a determination on the validity of a challenge, either the challenger or the proposer may apply to either the full Board or the District of Columbia Court of Appeals for a review of such determination within three (3) days after the announcement of the one (1)-member panel determination; provided that any appeal to the full Board must be made in time to permit the Board to resolve the matter by no later than twenty (20) days after the challenge has been filed. An appeal from a full Board determination to the Court of Appeals shall be made within three (3) days.

SOURCE: Final Rulemaking published at 43 DCR 103 (January 12, 1996); as amended by Final Rulemaking published at 47 DCR 6977 (August 27, 1999); as amended by Final Rulemaking published at 60 DCR 5582 (April 12, 2013); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014); as amended by Final Rulemaking published at 70 DCR 012730 (September 22, 2023); as amended by Final Rulemaking published at 70 DCR 015793 (December 15, 2023).

**1007            VALIDITY OF SIGNATURES**

1007.1            A petition signature shall not be counted as valid in any of the following circumstances:

- (a)            The signer’s voter registration was designated as inactive on the voter roll at the time the petition was signed;
- (b)            The signer, according to the Board’s records, is not registered to vote at the address listed on the petition at the time the petition was signed and has failed to file a change of address form that is received by the Board on or before the date that the petition is filed;
- (c)            The signature is a duplicate of a valid signature;
- (d)            The signature is not dated;
- (e)            The petition does not include the address of the signer;
- (f)            The petition does not include the name of the signer where the signature is not sufficiently legible for identification;
- (g)            The circulator of the petition sheet was not a qualified petition circulator at the time the petition was signed;
- (h)            The circulator of the petition failed to complete all required information in the circulator’s affidavit;
- (i)            The signature is not made by the person whose signature it purports to be, provided that registered voters who are unable to sign their names may make their marks in the space for signature. These marks shall not be counted as valid signatures unless the persons witnessing the marks shall attach to the petition affidavits that they explained the contents of the petitions to the signatories and witnessed their marks;
- (j)            [REPEALED];
- (k)            The signature was obtained outside of the presence of the circulator; or
- (l)            The signature was obtained on a petition sheet that was submitted on behalf of a previously filed petition that was rejected or found to be numerically insufficient.



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SOURCE: Final Rulemaking published at 43 DCR 103 (January 12, 1996); as amended by Final Rulemaking published at 47 DCR 6977 (August 27, 1999); as amended by Final Rulemaking published at 60 DCR 5582 (April 12, 2013); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014); as amended by Final Rulemaking published at 67 DCR 7896 (June 26, 2020).

**1008 WATCHERS**

- 1008.1 Two (2) persons representing the proposer(s) and two (2) persons representing any committee(s) registered with the Office of Campaign Finance and organized in opposition to a proposed initiative or referendum measure may be present during the counting and validation procedures and shall be deemed watchers.
- 1008.2 To secure the presence of watchers, the proposer, or any committee registered in opposition, shall file a petition for credentials for watchers, within three (3) days from the date the initiative or referendum petition is submitted for filing.
- 1008.3 Each petition for credentials shall be on a form furnished by the Board and shall contain the following:
- (a) The name, address, telephone number, and signature of the proposer(s) or the committee(s), together with the title of the proposed measure and its serial number;
  - (b) The names, addresses, and telephone numbers of the persons authorized to represent the proposer(s) or the committee(s) and receive the badges from the Board; and
  - (c) A certificate that each proposed watcher shall conform to the regulations of the Board concerning watchers and the conduct of the counting and validation process.
- 1008.4 Watchers shall report to the Board's offices no later than the first business day following the submission of the credential petition, at which time the Board shall issue a badge for each authorized watcher, with space for the watcher's name, the serial number of the measure, and the name of the proposer(s) or political committee(s) represented by the watcher.
- 1008.5 Board staff shall notify the persons authorized to represent the proposer(s) or the committee(s) of the schedule for the administration of the counting and validation procedures, which may occur after the close of business, on weekends, and on scheduled holidays, and of any amendments to such schedule. Such notice shall include instructions on the time by which watchers must report to the Board's offices in order to observe the process. Watchers who report after the stated time may be denied the opportunity to observe the process on that day.

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- 1008.6 Badges shall be worn by the authorized watcher at all times when observing the counting and validation process.
- 1008.7 An authorized alternate watcher may, in the discretion of the proposer(s) or the political committee(s), be substituted for a watcher at any time during the counting and validation process; provided, that notice is first given to the designated representative of the Board who is present.
- 1008.8 No watcher shall at any time during the counting and validation process do the following:
- (a) Touch any official record of the Board; or
  - (b) Interfere with the progress of the counting and validation process or obstruct in any way the process.
- 1008.9 If a watcher has any questions or claims any discrepancy, inaccuracy, or error in the conduct of the procedures, he or she shall direct his or her question or complaint to the Board designee in charge.
- 1008.10 Any watcher who, in the judgment of the Board or its designated representative, has failed to comply with any of the rules in this section may be requested to leave the area where the verification process is being conducted, and the watcher's credentials shall be deemed canceled. An authorized alternate watcher may be substituted.

SOURCE: Final Rulemaking published at 43 DCR 103 (January 12, 1996); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014); as amended by Final Rulemaking published at 70 DCR 015793 (December 15, 2023).

**1009 PETITION CERTIFICATION**

1009.1 Within thirty (30) calendar days after the acceptance of an initiative or referendum petition for filing, the Board shall determine whether the petition contains the number of valid signatures necessary, in terms of percentage and ward distribution requirements, to be certified for ballot access.

1009.2 Upon the acceptance of a petition, the Executive Director or his or her designee shall:

- (a) Verify the registration of each petition signer; and
- (b) Determine the number of signatures of verified registrants.

1009.3 The signatures of the verified registrants shall comprise the universe of signatures from which a random sample will be drawn for purposes of verifying the signatures' authenticity ("random sample universe").

1009.4 A signature will not be counted and included in the random sample universe if:

- (a) The signer's voter registration was designated as inactive on the voter roll at the time the petition was signed;
- (b) The signer, according to the Board's records, is not registered to vote at the address listed on the petition at the time the petition was signed, except that, if the Board's records indicate that the voter filed a change of address after the date on which the petition was signed but that was received on or before the petition was submitted, the signature shall be included in the random sample universe;
- (c) The signature is a duplicate of a valid signature;
- (d) The signature is not dated;
- (e) The petition does not include the printed or typed address of the signer;
- (f) The petition does not include the printed or typed name of the signer where the signature is not sufficiently legible for identification;
- (g) The circulator of the petition sheet was not a qualified petition circulator at the time the petition was signed;

- (h) The circulator of the petition failed to complete all required information in the circulator's affidavit;
- (i) [REPEALED]; or
- (j) The signature was obtained on a petition sheet that was submitted on behalf of a previously filed initiative or referendum petition that was rejected or found to be numerically insufficient.

1009.5 Each signature in the random sample universe shall be ascribed to the ward in which the signer was a duly registered voter on the date the petition was signed regardless of whether any subsequent redistricting causes the voter to be assigned to a new ward, except that if the Board's records indicate that the voter filed a change of address after the date on which the petition was signed, but that was received on or before the petition was submitted, the signature shall be included in the ward of the voter's new address.

1009.6 If the number of signatures in the random sample universe does not meet or exceed the established ward and District-wide requirements, the Board shall reject the petition as numerically insufficient.

1009.7 If the number of signatures in the random sample universe meets or exceeds the established minimum ward and District-wide requirements, the Board shall supply the Data Analysis and Visualization Division of the Office of Planning with the signatures in the random sample universe, broken down by ward. The Data Analysis and Visualization Division shall draw and identify for the Board a sample of one hundred (100) signatures from each ward to be verified, except where:

- (a) The Data Analysis and Visualization Division determines that sampling the signatures of a given ward would not be necessary for the Board to make a determination to accept or reject the petition; or
- (b) The Data Analysis and Visualization Division determines that a sample larger than one hundred (100) must be drawn in order for the Board to make a determination to accept or reject the petition, and thus draws and identifies an appropriate sample size. If necessary to reach the required levels of statistical certainty, the Data Analysis and Visualization Division may draw progressively larger sample sizes or, at the discretion of the Board, the entire random sample universe of signatures may be tested.

- 1009.8 In making the determination as to the authenticity of a signature, the Board shall disqualify a signature if the signature appearing on the petition does not match the signature on file in the Board's records.
- 1009.9 The Board shall report the number of authentic signatures in each ward sample ("random sample results") to the Data Analysis and Visualization Division. Using the random sample results, the Data Analysis and Visualization Division shall employ formulas from the fields of probability and statistics to determine the following:
- (a) Whether a ward equals or exceeds the required number of authentic signatures with ninety-five percent (95%) confidence, and should thus be accepted;
  - (b) Whether a ward does not equal or exceed the required number of authentic signatures with ninety-five percent (95%) confidence, and should thus be rejected; or
  - (c) Whether a larger sample should be drawn since no decision could be made with ninety-five percent (95%) confidence from the sample used.
- 1009.10 If is the Data Analysis and Visualization Division determines that at least five (5) of the eight (8) election wards have the required number of valid signatures, then it shall use a stratified random sampling formula to combine the figures from all wards which were sampled to determine whether the entire number of authentic signatures appearing on the petition is equal in number to five percent (5%) of the registered electors in the District of Columbia with ninety-five percent (95%) confidence. The Data Analysis and Visualization Division shall request that the Board verify additional signatures for authenticity if a larger sample is needed to make a determination, unless the Board in the exercise of its discretion requires that the entire random sample universe of signatures shall be tested.
- 1009.11 If the total number of authentic signatures equals or exceeds the ward and District-wide signature requirements with ninety-five percent (95%) confidence, the Board shall certify the petition as numerically sufficient for ballot access.
- 1009.12 If the total number of authentic signatures fails to equal or exceed the ward and District-wide signature requirements with ninety-five percent (95%) confidence, the Board shall certify the petition as numerically insufficient to qualify for ballot access.

## District of Columbia Municipal Regulations

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(May 11, 2012); as corrected by an Errata Notice published at 59 DCR 5193 (May 18, 2012); as amended by Final Rulemaking published at 60 DCR 5582 (April 12, 2013); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014); as amended by Final Rulemaking published at 69 DCR 005226 (May 13, 2022); as amended by Final Rulemaking published at 70 DCR 015793 (December 15, 2023).

**1010 DATE OF ELECTION**

- 1010.1 After it certifies that an initiative petition is numerically sufficient for ballot access, the Board shall conduct an election on the initiative measure during the next primary, general or city-wide special election held at least 90 days after the date on which the petition was certified as numerically sufficient.
- 1010.2 After it certifies that an initiative petition is numerically sufficient for ballot access, the Board shall conduct an election on the referendum measure within one hundred and fourteen (114) days after the date on which the petition was certified as numerically sufficient, provided that if a previously scheduled primary, general, or special election will occur between 54 and 114 days after the date the measure has been certified as numerically sufficient, the Board may conduct the election on the referendum measure during that election.
- 1010.3 The Board shall publish the established legislative text in no less than two (2) newspapers of general circulation in the District of Columbia within thirty (30) calendar days after the date of certification of the initiative or referendum petition as numerically sufficient for ballot access.

SOURCE: Final Rulemaking published at 43 DCR 103 (January 12, 1996); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014); as amended by Final Rulemaking published at 70 DCR 012730 (September 22, 2023).



**1011            RETENTION OF RECORDS**

- 1011.1            The Board shall preserve initiative and referendum petitions for one (1) year after the date of the election for which the petition was certified as numerically sufficient or insufficient.
  
- 1011.2            Initiative and referendum petitions shall be destroyed following the lapse of the one (1) year period unless legal action relating to the petitions is pending.

SOURCE: Final Rulemaking published at 43 DCR 103, 118 (January 12, 1996); as amended by Final Rulemaking published at 47 DCR 5927 (July 28, 2000); as amended by Emergency and Proposed Rulemaking published at 58 DCR 10752 (December 16, 2012) [EXPIRED]; as amended by Final Rulemaking published at 58 DCR 941, 970 (February 10, 2012); as amended by Final Rulemaking published at 60 DCR 5582 (April 12, 2013); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014).

**1012 PROPOSER SUBSTITUTION**

1012.1 The proposer of an initiative or referendum measure shall serve as the proposer of record until such time as a proposer substitution occurs.

1012.2 A proposer substitution occurs when the proposer of record and the substitute proposer complete and sign the Proposer's Affidavit of Resignation and Substitution and affirm the following:

- (a) The proposer of record consents to no longer receiving official correspondence from the Board concerning the initiative or referendum; and
- (b) The substitute proposer is a registered qualified elector of the District.

SOURCE: Final Rulemaking published at 43 DCR 103, 118 (January 12, 1996); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014).

**1013 [REPEALED]**

SOURCE: Final Rulemaking published at 43 DCR 103, 119 (January 12, 1996); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014).

**1014 [REPEALED]**

SOURCE: Final Rulemaking published at 43 DCR 103, 120 (January 12, 1996); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014).

**1015 [REPEALED]**

SOURCE: Final Rulemaking published at 43 DCR 1928 (April 12, 1996); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014).