

District of Columbia

REGISTER

HIGHLIGHTS

- DC Council passes Law 20-60, Elected Attorney General Implementation and Legal Service Establishment Amendment Act of 2013
- DC Council schedules a public hearing on Bill 20-602, Attorney General Partisan Election Implementation Amendment Act of 2013
- DC Council schedules a public hearing on Bill 20-642, Fair Criminal Record Screening Act of 2014
- Historic Preservation Review Board publishes tentative public hearing schedule for pending historic landmark and historic district nominations
- Board of Elections updates ballot regulations

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances (ODAI) publishes the *District of Columbia Register* (ISSN 0419-439X) (*D.C. Register*) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979 (25 DCR 6960). The policies which govern the publication of the *D.C. Register* are set forth in Title 1 of the District of Columbia Municipal Regulations, Chapter 3 (Rules of the Office of Documents and Administrative Issuances.) Copies of the Rules may be obtained from the Office of Documents and Administrative Issuances. Rulemaking documents are also subject to the requirements of the *District of Columbia Administrative Procedure Act*, District of Columbia Official Code, §§2-501 *et seq.*, as amended.

All documents published in the *D.C. Register* must be submitted in accordance with the applicable provisions of the Rules of the Office of Documents and Administrative Issuances. Documents which are published in the *D.C. Register* include (1) Acts and resolutions of the Council of the District of Columbia; (2) Notices of proposed Council legislation, Council hearings, and other Council actions; (3) Notices of public hearings; (4) Notices of final, proposed, and emergency rulemaking; (5) Mayor's Orders and information on changes in the structure of the District of Columbia government (6) Notices, Opinions, and Orders of District of Columbia Boards, Commissions and Agencies; (7) Documents having general applicability and notices and information of general public interest.

Deadlines for Submission of Documents for Publication

ODAI accepts electronic documents for publication using a Web-based portal at www.dcregs.dc.gov. To submit a document, obtain a username and password from your department's ODAI liaison. If you do not know your liaison, email ODAI at dcdocuments@dc.gov to request for your department's ODAI liaison. For guidelines on how to format and submit documents for publication, email ODAI at dcdocuments@dc.gov.

The deadline for receiving documents from the District of Columbia Agencies, Boards, Commissions, and Public Charter schools is TUESDAY, NOON of the week of publication. The deadline for receiving documents from the District of Columbia Council is WEDNESDAY, NOON of the week of publication. If an official District government holiday falls on Monday or Friday, the deadline for receiving documents remains the same as outlined above. If an official District government holiday falls on Tuesday, Wednesday or Thursday, the deadline for receiving documents is one day earlier from the deadlines outlined above.

Viewing the DC Register

ODAI publishes the *D.C. Register* ONLINE every Friday at www.dcregs.dc.gov. Copies of the *D.C. Register* are also available for public review at each branch of the District of Columbia Public Library and in each Advisory Neighborhood Commission office. There are no restrictions on the republication of any portion of the *D.C. Register*. News services are encouraged to publish all or part of the *D.C. Register*.

Legal Effect of Publication - Certification

Except in the case of emergency rules, no rule or document of general applicability and legal effect shall become effective until it is published in the *D.C. Register*. Publication creates a rebuttable legal presumption that a document has been duly issued, prescribed, adopted, or enacted and that the document complies with the requirements of the *District of Columbia Documents Act* and the *District of Columbia Administrative Procedure Act*. The Administrator of the Office of Documents hereby certifies that this issue of the *D.C. Register* contains all documents required to be published under the provisions of the *District of Columbia Documents Act*.

DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

441 4th STREET - SUITE 520 SOUTH - ONE JUDICIARY SQ. - WASHINGTON, D.C. 20001 - (202) 727-5090

VINCENT C. GRAY
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

PERIODICAL POSTAGE PAID AT WASHINGTON, D.C.
POSTMASTER: Send address changes to D.C. Register, 441 - 4th Street, N.W., Suite 520 South, Washington, D.C. 20001

CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. LAWS

L20-47 Community Renewable Energy Amendment Act of 2013000569

L20-48 Smoking Restriction Amendment Act of 2013.....000570

L20-49 Bicycle Safety Amendment Act of 2013000571

L20-50 Personal Property Robbery Prevention Amendment Act of 2013.....000572

L20-51 Older Adult Driver Safety Amendment Act of 2013000573

L20-52 Veteran Status Driver's License Designation Amendment Act of 2013.....000574

L20-53 Commercial Driver's License Tests Amendment Act of 2013000575

L20-54 Tax Lien Compensation and Relief Reporting Temporary Act of 2013.....000576

L20-55 District Real Property Tax Sale Temporary Act of 2013000577

L20-56 Fiscal Year 2014 Budget Support Technical Clarification Temporary Amendment Act of 2013000578

L20-57 Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Temporary Amendment Act of 2013000579

L20-58 Visitor Parking Pass Preservation Temporary Amendment Act of 2013.....000580

L20-59 Medical Marijuana Cultivation Center Amendment Act of 2013.....000581

L20-60 Elected Attorney General Implementation and Legal Service Establishment Amendment Act of 2013000582

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

ADOPTED CEREMONIAL RESOLUTIONS

ACR 20-140 District of Columbia's Official Shop Local Week
Recognition Resolution of 2013 000583 - 000584

ACR 20-141 Stead Park 60th Anniversary Recognition
Resolution of 2013..... 000585

ACR 20-142 Antonial Atkins Recognition Resolution of 2013..... 000586 - 000588

ACR 20-143 Richard Didden Posthumous Recognition
Resolution of 2013..... 000589 - 000590

ACR 20-144 Jose Andres Recognition Resolution of 2013..... 000591 - 000592

ACR 20-145 Raymond J. Wilson, Sr. and Mignon J. Kent Wilson
60th Wedding Anniversary Recognition
Resolution of 2013..... 000593 - 000594

ACR 20-146 Gail Edwards Recognition Resolution of 2013 000595 - 000596

ACR 20-147 DC Health Link Day Recognition Resolution of 2013 000597 - 000598

ACR 20-148 Second Baptist Church 165th Anniversary
Recognition Resolution of 2013 000599 - 000600

ACR 20-149 Adrienne R. Poteat Recognition Resolution of 2013 000601 - 000602

ACR 20-150 Comcast Philippines Relief Recognition Resolution of 2013..... 000603 - 000604

BILLS INTRODUCED AND PROPOSED RESOLUTIONS

Intent to Act on New Legislation -

Bills B20-646, and Proposed Resolutions PR20-623000605

COUNCIL HEARINGS

Notice of Public Hearings -

B20-563 District of Columbia Sports and Entertainment
Complex Feasibility Act of 2014..... 000606 - 000607

B20-602 Attorney General Partisan Election Implementation
Amendment Act of 2013.....000608

B20-640 District of Columbia Science, Technology, Engineering,
and Math Fund Establishment Act of 2014.....000609

B20-642 Fair Criminal Record Screening Act of 2014.....000610

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

COUNCIL HEARINGS CONT'D

Notice of Public Oversight Roundtable -

Shelter Provisions for Homeless Families During the
2013-2014 Hypothermia Season 000611

Notice of Public Roundtable -

PR20-619 Sense of the Council on the Need for the Washington
Metropolitan Area Transit Authority to Establish a
Returning Citizens Policy Resolution of 2014 000612 - 000613

OTHER COUNCIL ACTIONS

Reprogramming Requests -

20-147 Request to reprogram \$987,900 of Fiscal Year 2014
Local funds budget authority within the District of
Columbia Office on Aging (DCOA)000614

20-148 Request to reprogram \$2,000,000 of Capital funds
budget authority and allotment within the
Department of Parks and Recreation (DPR).....000614

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage Regulation Administration -

City Tap House - ANC 2C - Substantial Change..... 000615
Pulse Nightclub - ANC 5C - New..... 000616
Sweet Mango Cafe - ANC 4C - Substantial Change..... 000617

Health, Dept. of / Community Health Administration (CHA)

Annual Public Hearing - Preventive Health and
Health Services Block Grant 000618

Historic Preservation Review Board -

Pending Historic Landmark and Historic District
Nominations - Tentative Public Hearing Schedule 000619 - 000621

Public Charter School Board, DC -

Acquisition of Arts and Technology Academy PCS
by charter management operator 000622

Zoning Adjustment, Board of - March 18, Hearings

18729 Eva Volcikova Noone - ANC-4D..... 000623 - 000624
18730 Joseph and Janet Gregor - ANC-6C 000623 - 000624
18731 Horizon Hill Ventures - ANC-8E..... 000623 - 000624
18732 WSD Capital LLC - ANC-4B..... 000623 - 000624

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

FINAL RULEMAKING

- Elections, DC Board of – Amend 3 DCMR (Elections and Ethics),
 Ch. 5 (Voter Registration), Ch. 6 (Eligibility of Candidates),
 Ch. 7 (Election Procedures), Ch. 10 (Initiative and Referendum),
 Ch. 11 (Recall of Elected Officials),
 Ch. 13 (Filling Vacant Seats on Advisory Neighborhood Commissions),
 Ch. 14 (Candidates: Political Party Primaries for Presidential
 Preference and Convention Delegates),
 Ch. 15 (Candidates: Electors of President and Vice-President),
 Ch. 16 (Candidates: Delegate to the U.S. House of Representatives,
 Mayor, Chairman, Members of the Council of the District of
 Columbia, U.S. Senator, U.S. Representative, Members of the
 State Board of Education, and Advisory Neighborhood
 Commissioners),
 Ch. 17 (Candidates: Members and Officials of Local Committees of
 Political Parties and National Committee Persons), and
 Ch. 20 (Freedom of Information) to provide organizational and editorial
 changes and establish Ch. 12 (Ballots) 000625 - 000726

PROPOSED RULEMAKING

- Public Service Commission – Formal Case 945,
 In the Matter of the Investigation into Electric Services
 Market Competition and Regulatory Practices (Pepco’s
 proposed amendments to the Electricity Supplier
 Coordination Tariff to update loss factors) 000727 - 000729

EMERGENCY RULEMAKING

- Environment, District Department of the – Amend 16 DCMR
 (Consumers, Commercial Practices, and Civil Infractions),
 Ch. 36 (Department of Health (DOH) Infractions), Sec. 3646
 (Soil Erosion and Sediment Control and Stormwater Management
 Infractions) to establish fines for violations of the District’s
 soil erosion and sediment control and stormwater management
 regulations..... 000730 - 000736

NOTICES, OPINIONS, AND ORDERS

MAYOR’S ORDERS

- 2014-019 Temporary and Limited Suspension of the Enforcement
 of Certain Engine Idling Provisions of the District of
 Columbia Official Code and Municipal Regulations for
 Warming Buses Deployed by the District of Columbia
 During this Period of Extreme Cold 000737 - 000738

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

**NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES**

Alcoholic Beverage Regulation Administration -
ABC Board's Agenda – January 29, 2014 000739
ABC Board's Investigative Agenda – January 29, 2014..... 000740
ABC Board's Licensing Agenda – January 29, 2014 000741 - 000742

Community Affairs, Office of - Meeting
Commission of African American Affairs - January 27,2014 000743

DC International School - Invitation for Bid
Multiple Services (Accounting, Chromebooks,
Student Furniture, Mac Computers, Special Education) 000744

E.L. Haynes Public Charter School - Request for Proposals
Strategic Planning RFPP 000745

Education, Office of the State Superintendent of
Education Licensure Commission - Change in
Meeting Date - January 29, 2014 000746

Elsie Whitlow Stokes - Request for Proposals
Information and Communication Technology Services..... 000747

Health Benefit Exchange Authority, DC
Advisory Board Meeting - January 30, 2014 000748

Health Care Finance, Department of -
Pharmacy and Therapeutics Committee Meeting –
March 6, 2013 000749

Perry Street Prep Public Charter School - Request for Proposals
Early Childhood Program Support..... 000750

Secretary, Office of the - Appointment Recommendations
Notaries Public - Effective February 15, 2014..... 000751 - 000757

University of the District of Columbia - Meetings
Board of Trustees - January 28, 2014 000758

Joint Committee meeting (Academic Affairs Committee,
Audit, Administration and Governance Committee and
Student Affairs Committee) – January 30, 2014 000759

Water and Sewer Authority, DC - Meetings
Board of Directors Meeting - February 6. 2014..... 000760

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

**NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES CONT'D**

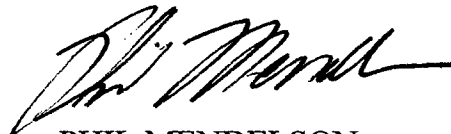
Zoning Adjustment, Board of -

18376-A	Cornelle Smith - ANC 1A	000761 - 000769
18695	Barrett C. Evans - ANC 1A	000770 - 000772
18703	Thomas E. Maloney - ANC 6A	000773 - 000775

COUNCIL OF THE DISTRICT OF COLUMBIA**NOTICE****D.C. LAW 20-47****“Community Renewable Energy Amendment Act of 2013”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-57 on first and second readings July 10, 2013 and October 1, 2013, respectively. Following the signature of the Mayor on October 17, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 20-186 and was published in the November 1, 2013 edition of the D.C. Register (Vol. 60, page 15138). Act 20-186 was transmitted to Congress on October 24, 2013 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-186 is now D.C. Law 20-47, effective December 13, 2013.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Oct. 24,25,28,29,30,31

Nov. 1,4,5,6,7,8,12,13,14,15,18,19,20,21,22

Dec. 2,3,4,5,6,9,10,11,12

COUNCIL OF THE DISTRICT OF COLUMBIA**NOTICE****D.C. LAW 20-48****“Smoking Restriction Amendment Act of 2013”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-95 on first and second readings July 10, 2013 and October 1, 2013, respectively. Following the signature of the Mayor on October 17, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 20-187 and was published in the November 1, 2013 edition of the D.C. Register (Vol. 60, page 15145). Act 20-187 was transmitted to Congress on October 24, 2013 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-187 is now D.C. Law 20-48, effective December 13, 2013.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Oct. 24,25,28,29,30,31

Nov. 1,4,5,6,7,8,12,13,14,15,18,19,20,21,22

Dec. 2,3,4,5,6,9,10,11,12

COUNCIL OF THE DISTRICT OF COLUMBIA**NOTICE****D.C. LAW 20-49****“Bicycle Safety Amendment Act of 2013”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-140 on first and second readings July 10, 2013 and October 1, 2013, respectively. Following the signature of the Mayor on October 17, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 20-188 and was published in the November 1, 2013 edition of the D.C. Register (Vol. 60, page 15148). Act 20-188 was transmitted to Congress on October 24, 2013 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-188 is now D.C. Law 20-49, effective December 13, 2013.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Oct. 24,25,28,29,30,31

Nov. 1,4,5,6,7,8,12,13,14,15,18,19,20,21,22

Dec. 2,3,4,5,6,9,10,11,12

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 20-50

“Personal Property Robbery Prevention Amendment Act of 2013”

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-143 on first and second readings July 10, 2013 and October 1, 2013, respectively. Following the signature of the Mayor on October 17, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 20-189 and was published in the November 1, 2013 edition of the D.C. Register (Vol. 60, page 15151). Act 20-189 was transmitted to Congress on October 24, 2013 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-189 is now D.C. Law 20-50, effective December 13, 2013.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Oct. 24,25,28,29,30,31

Nov. 1,4,5,6,7,8,12,13,14,15,18,19,20,21,22

Dec. 2,3,4,5,6,9,10,11,12

COUNCIL OF THE DISTRICT OF COLUMBIA**NOTICE****D.C. LAW 20-51****“Older Adult Driver Safety Amendment Act of 2013”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-177 on first and second readings July 10, 2013 and October 1, 2013, respectively. Following the signature of the Mayor on October 17, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 20-190 and was published in the November 1, 2013 edition of the D.C. Register (Vol. 60, page 15155). Act 20-190 was transmitted to Congress on October 24, 2013 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-190 is now D.C. Law 20-51, effective December 13, 2013.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Oct. 24,25,28,29,30,31

Nov. 1,4,5,6,7,8,12,13,14,15,18,19,20,21,22

Dec. 2,3,4,5,6,9,10,11,12

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 20-52

“Veteran Status Driver’s License Designation Amendment Act of 2013”

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-231 on first and second readings July 10, 2013 and October 1, 2013, respectively. Following the signature of the Mayor on October 17, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 20-191 and was published in the November 1, 2013 edition of the D.C. Register (Vol. 60, page 15157). Act 20-191 was transmitted to Congress on October 24, 2013 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-191 is now D.C. Law 20-52, effective December 13, 2013.


PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Oct. 24,25,28,29,30,31

Nov. 1,4,5,6,7,8,12,13,14,15,18,19,20,21,22

Dec. 2,3,4,5,6,9,10,11,12

COUNCIL OF THE DISTRICT OF COLUMBIA**NOTICE****D.C. LAW 20-53****“Commercial Driver’s License Tests Amendment Act of 2013”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-279 on first and second readings July 10, 2013 and October 1, 2013, respectively. Following the signature of the Mayor on October 17, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 20-192 and was published in the November 1, 2013 edition of the D.C. Register (Vol. 60, page 15159). Act 20-192 was transmitted to Congress on October 24, 2013 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-192 is now D.C. Law 20-53, effective December 13, 2013.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Oct. 24,25,28,29,30,31

Nov. 1,4,5,6,7,8,12,13,14,15,18,19,20,21,22

Dec. 2,3,4,5,6,9,10,11,12

COUNCIL OF THE DISTRICT OF COLUMBIA**NOTICE****D.C. LAW 20-54****“Tax Lien Compensation and Relief Reporting Temporary Act of 2013”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-442 on first and second readings September 17, 2013 and October 1, 2013, respectively. Following the signature of the Mayor on October 17, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 20-193 and was published in the November 1, 2013 edition of the D.C. Register (Vol. 60, page 15161). Act 20-193 was transmitted to Congress on October 24, 2013 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-193 is now D.C. Law 20-54, effective December 13, 2013.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Oct. 24,25,28,29,30,31

Nov. 1,4,5,6,7,8,12,13,14,15,18,19,20,21,22

Dec. 2,3,4,5,6,9,10,11,12

COUNCIL OF THE DISTRICT OF COLUMBIA**NOTICE****D.C. LAW 20-55****“District Real Property Tax Sale Temporary Act of 2013”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-450 on first and second readings September 17, 2013 and October 1, 2013, respectively. Following the signature of the Mayor on October 17, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 20-194 and was published in the November 1, 2013 edition of the D.C. Register (Vol. 60, page 15163). Act 20-194 was transmitted to Congress on October 24, 2013 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-194 is now D.C. Law 20-55, effective December 13, 2013.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Oct. 24,25,28,29,30,31

Nov. 1,4,5,6,7,8,12,13,14,15,18,19,20,21,22

Dec. 2,3,4,5,6,9,10,11,12

COUNCIL OF THE DISTRICT OF COLUMBIA**NOTICE****D.C. LAW 20-56****“Fiscal Year 2014 Budget Support Technical Clarification
Temporary Amendment Act of 2013”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-452 on first and second readings September 17, 2013 and October 1, 2013, respectively. Following the signature of the Mayor on October 17, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 20-195 and was published in the November 1, 2013 edition of the D.C. Register (Vol. 60, page 15165). Act 20-195 was transmitted to Congress on October 24, 2013 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-195 is now D.C. Law 20-56, effective December 13, 2013.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Oct. 24,25,28,29,30,31

Nov. 1,4,5,6,7,8,12,13,14,15,18,19,20,21,22

Dec. 2,3,4,5,6,9,10,11,12

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 20-57

“Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Temporary Amendment Act of 2013”

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-456 on first and second readings September 17, 2013 and October 1, 2013, respectively. Following the signature of the Mayor on October 17, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 20-196 and was published in the November 1, 2013 edition of the D.C. Register (Vol. 60, page 15168). Act 20-196 was transmitted to Congress on October 24, 2013 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-196 is now D.C. Law 20-57, effective December 13, 2013.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Oct. 24,25,28,29,30,31

Nov. 1,4,5,6,7,8,12,13,14,15,18,19,20,21,22

Dec. 2,3,4,5,6,9,10,11,12

COUNCIL OF THE DISTRICT OF COLUMBIA**NOTICE****D.C. LAW 20-58****“Visitor Parking Pass Preservation Temporary Amendment Act of 2013”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-458 on first and second readings September 17, 2013 and October 1, 2013, respectively. Following the signature of the Mayor on October 17, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 20-197 and was published in the November 1, 2013 edition of the D.C. Register (Vol. 60, page 15170). Act 20-197 was transmitted to Congress on October 24, 2013 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-197 is now D.C. Law 20-58, effective December 13, 2013.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Oct. 24,25,28,29,30,31

Nov. 1,4,5,6,7,8,12,13,14,15,18,19,20,21,22

Dec. 2,3,4,5,6,9,10,11,12

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 20-59

“Medical Marijuana Cultivation Center Amendment Act of 2013”

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-128 on first and second readings July 10, 2013 and October 1, 2013, respectively. The legislation was deemed approved without the signature of the Mayor on October 23, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 20-206 and was published in the November 8, 2013 edition of the D.C. Register (Vol. 60, page 15484). Act 20-206 was transmitted to Congress on October 24, 2013 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-206 is now D.C. Law 20-59, effective December 13, 2013.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Oct. 24,25,28,29,30,31

Nov. 1,4,5,6,7,8,12,13,14,15,18,19,20,21,22

Dec. 2,3,4,5,6,9,10,11,12

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 20-60

**“Elected Attorney General Implementation and
Legal Service Establishment Amendment Act of 2013”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-134 on first and second readings July 10, 2013 and October 1, 2013, respectively. The legislation was deemed approved without the signature of the Mayor on October 23, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 20-207 and was published in the November 8, 2013 edition of the D.C. Register (Vol. 60, page 15487). Act 20-207 was transmitted to Congress on October 24, 2013 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-207 is now D.C. Law 20-60, effective December 13, 2013.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Oct. 24,25,28,29,30,31

Nov. 1,4,5,6,7,8,12,13,14,15,18,19,20,21,22

Dec. 2,3,4,5,6,9,10,11,12

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-140

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2013

To recognize Think Local First DC’s work in increasing the resilience of the Washington, D.C.’s local economy by officially declaring November 20, 2013, through December 8, 2013, as “Shop Local Week” in the District of Columbia.

WHEREAS, Think Local First DC works with independent businesses, consumers, and policymakers to grow a sustainable, local economy in Washington, D.C.;

WHEREAS, the vision of Think Local First DC is an interconnected community of locally owned businesses who drive sustainable economic development in Washington, D.C.;

WHEREAS, Shop Local Week will urge District of Columbia residents to support local businesses and stimulate local commerce, highlighting the economic impact of shopping at locally owned businesses;

WHEREAS, Shop Local Week will promote locally owned, independent businesses in Washington, D.C. as the preferred outlet for consumers this gift-purchasing season;

WHEREAS, nearly two-thirds of the money spent at a locally owned business is reinvested in the community—funding jobs, schools, parks, and community organizations;

WHEREAS, Think Local First advocates for over 350 diverse, independently owned businesses and stakeholders in Washington, D.C.; and

WHEREAS, Think Local First DC is passionately and relentlessly devoted to making Washington, D.C. a national leader as an authentic, self-reliant, diverse, environmentally conscious, and prosperous community.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia’s Official Shop Local Week Recognition Resolution of 2013”.

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia recognizes and thanks Think Local First DC's work in increasing the resilience of the Washington D.C.'s local economy, and declares November 20, 2013, through December 8, 2013, as "Shop Local Week" in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-141

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2013

To recognize and honor Stead Park on the occasion of its 60th anniversary.

WHEREAS, Stead Park was opened November 12, 1953;

WHEREAS, Stead Park was given to the city by architect Robert Stead as a gift to the children of the District of Columbia;

WHEREAS, Stead Park was one of the first non-segregated playgrounds in the District of Columbia;

WHEREAS, Stead Park's stewardship is now guided by the 11-member Friends of Stead Park; and

WHEREAS, the Friends of Stead Park have worked with the District to start a major renovation project on the park's playing field to begin in 2014.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Stead Park 60th Anniversary Recognition Resolution of 2013".

Sec. 2. The Council of the District of Columbia congratulates Stead Park on the celebration of its 60th anniversary and recognizes and honors the Friends of Stead Park for its outstanding contributions and invaluable service to Stead Park and the people of the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-142

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2013

To recognize Antonial Atkins for being honored as the 2013 District of Columbia Metropolitan Police Department Officer of the Year.

WHEREAS, Antonial Atkins was born in Washington, D.C., on November 4, 1967;

WHEREAS, Antonial Atkins was raised and currently resides in the Ward 5 community of Woodridge;

WHEREAS, Antonial Atkins graduated from H.D. Woodson Senior High School, participated in the District of Columbia Summer Youth Employment Program, attended the University of the District of Columbia, and graduated from Tesst Technology Institute, obtaining a Computer Support Technician Certificate;

WHEREAS, Antonial Atkins served in the United States Army in Garlstedt, Germany, as a Combat Engineer from 1985-1987, where he attained the rank of Specialist and received several awards, medals, and ribbons, including a Good Conduct Medal;

WHEREAS, Antonial Atkins was employed as a Mail Carrier in the Government Mail Section in the United States Postal Service in 1988;

WHEREAS, Antoinal Atkins joined the Metropolitan Police Department (“MPD”) in 1989 and was assigned to the 4th District in early 1990;

WHEREAS, Antonial Atkins was then assigned to the 2nd District as a Patrol Officer, confronted challenges including burglaries, thefts, traffic issues, and robberies, and served as a bridge between residents, stakeholders, homeless individuals, university students, business leaders, and community leaders;

WHEREAS, Antonial Atkins brought innovated ideas to the community by proactively attending community meetings, creating a Crime Tip pamphlet, and circulating pamphlets to residents he encountered while on patrol;

ENROLLED ORIGINAL

WHEREAS, Antonial Atkins initiated the “Meet and Greet” Program in February 2012, which included holding meetings at residents’ homes, inviting police officers, police officials, homeless individuals, retail managers, and residents from the community to address quality of life issues, city services, crime patterns, and crime prevention methods;

WHEREAS, Antonial Atkins’s Meet and Greet program was so successful that meetings had to be held at a local park to accommodate the number of new participants;

WHEREAS, during the summer and fall of 2012, a rash of burglaries occurred in the community and Antonial Atkins initiated the “Vacant House Check Program” to encourage residents to inform MPD when homeowners would leave town;

WHEREAS, Antonial Atkins’s “Vacant House Check Program” yielded a 100% success rate, enabled the MPD to look after houses while residents were away from home, and required officers to report the disposition of homes to prevent burglaries;

WHEREAS, Antonial Atkins has been awarded a host of awards and recognized for his hard work and commitment to the residents of the District of Columbia, including MPD 2nd District Officer of the Month (August 2011), American Society for Security International National Capital Chapter Award of Merit (May 2012), MPD 2nd District Commanders Choice Award (September 2011), MPD 2nd District Patrol Service Area 206 Officer of the Year (October 2012), MPD 2nd District Officer of the Year (October 2012), Georgetown Business Association Joe Pozell Public Safety Award (December 2012), Metropolitan Police Department 13th Annual MPD Officer of the Year for the Entire City (February 2013), 12th Annual Morris and Gwendolyn Cafritz Awards for Distinguished DC Government Employee, Finalist (May 2013), and the Washington DC Police Foundation 8th Annual Law Enforcement Awards (June 2013);

WHEREAS, Antonial Atkins has demonstrated his dedication to civic engagement beyond his service in the MPD by participating as a football coach for children (2009-2011), Classroom Aide for Friendship Charter School (2008-Present), and Assistant Director of Security at Bethel World Outreach Church; and

WHEREAS, Antonial Atkins is the proud son of Dehavelin Atkins, brother to 3 siblings, and father to son Antonial Atkins Jr.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Antonial Atkins Recognition Resolution of 2013”.

Sec. 2. The Council of the District of Columbia recognizes and honors Antonial Atkins for his distinguished service and extensive contributions to the District of Columbia.

ENROLLED ORIGINAL

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-143

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2013

To posthumously recognize and celebrate the life of Richard A. Didden.

WHEREAS, Mr. Didden was Chairman and Chief Executive Officer of The National Capital Bank of Washington, and a Capitol Hill philanthropist, who died suddenly on Sunday, October 27, 2013, at the age of 65;

WHEREAS, Mr. Didden was born on October 21, 1948, in the District of Columbia;

WHEREAS, Mr. Didden attended St. John's College High School in the District of Columbia and graduated from Loyola College in Baltimore, Maryland;

WHEREAS, Mr. Didden was a gentle, generous, and caring man whose interest in the Capitol Hill community was deep;

WHEREAS, Mr. Didden served on the board of the Capitol Hill Community Foundation for the past 6 years, generously supporting its initiatives.

WHEREAS, Mr. Didden maintained the amazing legacy of great civic leadership on behalf of The National Capital Bank of Washington and his wonderful family;

WHEREAS, under Mr. Didden's leadership, The National Capital Bank of Washington supported CHAMPS Capitol Hill's Chamber of Commerce, Capitol Hill BID, Capitol Hill Community Foundation, Barracks Row Main Street, and Capitol Hill Group Ministries; and

WHEREAS, under Mr. Didden's leadership, The National Capital Bank of Washington donated \$200,000 to the Hill Center to underwrite the renovation of the Lincoln Room, which was the largest single corporate donation towards the Hill Center's creation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Richard Didden Posthumous Recognition Resolution of 2013".

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia honors Richard A. Didden for his many contributions to the Capitol Hill community and the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-144

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2013

To recognize the contributions of José Andrés to the District of Columbia on the occasion of opening his new restaurant in the District of Columbia, China Chilcano.

WHEREAS, José Andrés is internationally renowned for his culinary skills and his dedication to philanthropy in the District of Columbia;

WHEREAS, José Andrés has focused his philanthropy on the District of Columbia in multiple ways, reaching a diverse audience;

WHEREAS, José Andrés has been a vocal advocate against hunger, poverty, and childhood obesity, both in the District of Columbia and around the world;

WHEREAS, José Andrés' restaurants employ hundreds of people in the District of Columbia and have helped establish the District of Columbia as a center for the culinary arts;

WHEREAS, José Andrés founded the World Central Kitchen, a District of Columbia-based organization that empowers people in Central America, South America, and Africa to solve hunger and poverty;

WHEREAS, José Andrés taught a course at the George Washington University about how food shapes civilization;

WHEREAS, José Andrés served on the Urban Food Task Force, an initiative of George Washington University faculty, students, staff, and volunteers dedicated to food policy and healthy eating; and

WHEREAS, José Andrés serves as Chairs Emeritus of and volunteers at D.C. Central Kitchen, a District of Columbia-based organization that prepares meals for low-income residents and trains individuals for careers in the food service industry.

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “José Andrés Recognition Resolution of 2013”.

Sec. 2. The Council of the District of Columbia honors José Andrés for his many contributions to the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A RESOLUTION

20-145

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2013

To recognize and celebrate Raymond J. Wilson, Sr. and Mignon J. Kent Wilson on the occasion of their 60th wedding anniversary, on October 19, 2013.

WHEREAS, Raymond J. Wilson and Mignon J. Kent, both native Washingtonians, attended Francis Cardozo Senior High School and Armstrong Vocational High School, respectively;

WHEREAS, Raymond J. Wilson and Mignon J. Kent first met on Park Road in Northwest Washington near their family homes at the age of 18 and 13 years, respectively;

WHEREAS, Raymond J. Wilson joined the United States Navy, and served his country for 20 years as a Chief Petty Officer, retiring in 1974;

WHEREAS, from the union of Raymond and Mignon Wilson on October 19, 1953, 6 children were born: Reginald, Eric, Marc Stephanie, LaShawn, and Raymond II;

WHEREAS, Raymond J. Wilson was a revered local photographer who worked for the Greater Washington Urban League and the Coalition for the Homeless, capturing many pivotal moments in African American history;

WHEREAS, Raymond J. Wilson's photographs have appeared in magazines and periodicals such as: Jet Magazine, About Time Magazine, the Washington News Observer, the Washington Post, the San Francisco Observer, The Washington Informer, and the Capitol Spotlight, to name a few;

WHEREAS, Mignon J. Wilson, is a devoted mother, and worked as a nurse's aide and Capitol Hill staffer for elected officials from the states of Florida, New Jersey, and Ohio;

WHEREAS, Mignon J. Wilson retired as an office manager from a national law firm based in Thomas Circle in Washington, D.C.;

WHEREAS, Raymond and Mignon Wilson have lived on Hamilton Street in Riggs Park for 45 years;

ENROLLED ORIGINAL

WHEREAS, Raymond and Mignon Wilson have been loyal members of Union Wesley A.M.E. Zion Church in Ward 5 since 1972; and

WHEREAS, family and friends from all across the region will join Raymond and Mignon Wilson to revel in 60 years of loving matrimony.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Raymond J. Wilson, Sr. and Mignon J. Kent Wilson 60th Wedding Anniversary Recognition Resolution of 2013”.

Sec. 2. The Council of the District of Columbia commends and recognizes Raymond J. Wilson, Sr. and Mignon J. Kent Wilson on the occasion of their 60th wedding anniversary, on October 19, 2013.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-146

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2013

To recognize and honor the contributions of Gail Edwards to the District of Columbia on her retirement as the Executive Vice President of the District of Columbia Building Industry Association.

WHEREAS, Gail Edwards has provided over 40 years of service to the District of Columbia Building Industry Association (“DCBIA”) and earned the respect and love of all members of DCBIA as a tireless worker on behalf of the building industry;

WHEREAS, Gail Edwards started her career with DCBIA in 1972, when DCBIA’s predecessor, the District of Columbia Builders Association (“DCBA”) was chartered to represent the residential development community;

WHEREAS, Gail Edwards guided the fledgling association through the rough early days at a time when interest rates were high and very little construction was being done in the District;

WHEREAS, Gail Edwards led the consolidation of DCBA and the Commercial Industrial Council to create the new District of Columbia Building Industry Association;

WHEREAS, Gail Edwards led DCBIA through highs and lows of the District of Columbia real estate market in the 80s, 90s, and 2000s;

WHEREAS, under Gail Edwards’ leadership, DCBI has grown to over 475 members;

WHEREAS, Gail Edwards has served 15 Presidents of DCBIA’s Board of Directors, participated in 21 community improvement day events, and has overseen 29 Annual Awards Dinners;

WHEREAS, Gail Edwards was a founding member of what is now known as the DC Business Coalition;

ENROLLED ORIGINAL

WHEREAS, Gail Edwards' contributions to DCBIA as an institution and making DCBIA a leading voice for the real estate development industry are immeasurable; and

WHEREAS, Gail Edwards has committed her time, talents, and focused efforts in service to the betterment of the District of Columbia through her work for DCBIA.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Gail Edwards Recognition Resolution of 2013".

Sec. 2. The Council of the District of Columbia recognizes Gail Edwards for her outstanding contributions and invaluable service to the District of Columbia and DCBIA.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-147

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2013

To declare November 23, 2013, as “DC Health Link Day” in the District of Columbia.

WHEREAS, the DC Health Benefit Exchange Authority is hosting a city-wide Information Day and Enrollment Fair to provide opportunities for District residents, small business owners, and their employees to enroll in affordable health insurance plans and to highlight the importance of maintaining healthy lifestyles and the value of affordable health insurance now available through the online portal known as DC Health Link;

WHEREAS, the Affordable Care Act was signed into law on March 23, 2010 to protect consumers from unfair insurance industry practices, to give consumers more insurance options, and to give small business owners more clout;

WHEREAS, denying coverage based on pre-existing conditions, charging higher premiums for women of child-bearing age, placing caps on annual or lifetime coverage, and charging higher premiums to small businesses based on their industry are all no longer allowable or lawful insurance practices;

WHEREAS, all eligible health plans will now require coverage for doctor visits, hospital stays, emergency room care, maternity and newborn care, prescription drugs, lab tests, preventive tests and services, rehabilitative services and devices, mental health care, substance use disorder services, and dental and vision care for children; and

WHEREAS, this day is designed to raise awareness and encourage enrollment in DC Health Link through a variety of activities, some of which will include enrollment booths, system demonstrations, exhibits, information tables, health screenings, live music, and activities for children.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as “DC Health Link Day Recognition Resolution of 2013”.

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia recognizes the importance of educating the public on the importance of affordable health insurance and enrolling District residents into appropriate health plans.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-148

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2013

To recognize the 165th anniversary of the founding of Second Baptist Church of Washington, and commend Second Baptist Church on its contributions to the District of Columbia.

WHEREAS, on November 12, 1848, the Second Baptist Church of Washington (“Church”) was established when the Right Hand of Fellowship was given to William Bush, Lucinda Bush, Susan Bush, Samuel Watts, Eliza Stanford, William Rhone, and Lewis Batton;

WHEREAS, the Church was established a full 14 years before slavery was abolished in the District of Columbia, and was one of the few African-American churches in the District before the inauguration of President Abraham Lincoln;

WHEREAS, the Church is a recognized historical site under the protection of local and national registries;

WHEREAS, the Church led to the creation of several additional community churches, including Mount Carmel Baptist Church, Rehoboth Baptist Church, St. Paul Baptist Church, Mount Olive Baptist Church, and Ebenezer Baptist Church;

WHEREAS, the Church relocated to Howard University Church of Divinity and several other sites from 2008 to 2013, while its chapel was undergoing repairs and accommodating the construction of 2 adjacent, moderately sized buildings;

WHEREAS, the Church continues to maintain an active and dedicated following;

WHEREAS, the Church officially returned to its original location at 816 Third Street, N.W., on November 17, 2013;

WHEREAS, the Church inspires leadership, personal growth, and a stronger sense of community through an extensive fellowship program serving members of all ages;

ENROLLED ORIGINAL

WHEREAS, the Church is a long-standing advocate for and made critical contributions to improving the quality of education in the District; and

WHEREAS, the Church works tirelessly to protect the homeless and disadvantaged, reduce gun violence, and advance human rights in the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Second Baptist Church 165th Anniversary Recognition Resolution of 2013”.

Sec. 2. The Council of the District of Columbia recognizes and honors the Second Baptist Church of Washington for 165 years of outstanding service to its community and to the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-149

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2013

To recognize and honor the contributions of Adrienne R. Poteat to the Court Services and Offender Supervision Agency.

WHEREAS, Adrienne R. Poteat is a native Washingtonian;

WHEREAS, Adrienne R. Poteat is a graduate of Hampton Institute, now known as Hampton University in Hampton, Virginia;

WHEREAS, Adrienne R. Poteat is a former intake officer with the Hampton Police Department;

WHEREAS, Adrienne R. Poteat, in 1975, became the first woman correctional officer hired by the District of Columbia Department of Corrections;

WHEREAS, Adrienne R. Poteat served in a number of positions at the Department of Corrections, including case manager, unit manager, Deputy Warden, and Deputy Director;

WHEREAS, Adrienne R. Poteat was responsible for the care and custody of over 16,000 inmates and managed nearly 3,000 employees;

WHEREAS, Adrienne R. Poteat, in 2001, joined the United States Parole Commission as a Hearing Examiner;

WHEREAS, Adrienne R. Poteat, in 2002, became the Deputy Director of the Court Services and Offender Supervision Agency (“CSOSA”);

WHEREAS, Adrienne R. Poteat, was responsible for managing day-to-day operations for the federal agency responsible for the supervision of over 14,000 adults on probation, parole, and supervised released in the District of Columbia;

WHEREAS, Adrienne R. Poteat served as Acting Director of CSOSA for 3 ½ years; and

ENROLLED ORIGINAL

WHEREAS, Adrienne R. Poteat has received numerous awards for her work, including a 2012 Presidential Rank Award, the 2011 Chief of Police Merit Award (DC), the 2010 Innovative Use of GPS Technology Award, and the SAS 2008 Enterprise Intelligence Award.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Adrienne R. Poteat Recognition Resolution of 2013”.

Sec. 2. The Council of the District of Columbia recognizes and thanks Adrienne R. Poteat for her contributions to the residents of the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-150

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2013

To recognize Comcast Cable for providing free calls to the Philippines for its Xfinity Voice residential customers during the aftermath of Super Typhoon Haiyan.

WHEREAS, Super Typhoon Haiyan entered the Philippines on November, 6, 2013, and by November 7, 2013, generated winds of 195 miles per hour and gusts of wind reaching approximately 235 miles per hour;

WHEREAS, Super Typhoon Haiyan first struck Dulag and Tacloban and flooded these Filipino towns with almost 50 feet of water;

WHEREAS, Super Typhoon Haiyan devastated several areas in the Philippines with death tolls reaching 4,011 and missing persons reaching an estimated 1,602;

WHEREAS, Comcast is a media and technology company founded by Ralph Roberts in 1963, and over the years has brought TV, high-speed Internet, and digital phone to millions of people;

WHEREAS, Comcast has provided service to Washingtonians by way of one of its offices located in Ward 5 at 900 Michigan Ave, N.E., Washington, DC, 20017;

WHEREAS, Comcast has not only provided media and technology to Washingtonians but has also created the Comcast Cares Day, the company’s signature celebration of service and the nation’s largest single-day corporate volunteer effort;

WHEREAS, Comcast began Comcast Cares Day in 2001 and in 2013, a record 85,000-plus volunteers contributed more than half a million hours to improve more than 750 parks, schools, beaches, senior centers, and other vital community sites in 7 countries worldwide;

WHEREAS, since the first Comcast Cares Day, more than half a million volunteers have contributed more than 3 million service hours;

ENROLLED ORIGINAL

WHEREAS, Comcast's commitment to the community prompted its response to the devastation of Super Typhoon Haiyan, and Comcast provided free calls to the Philippines for its 10.5 million Xfinity Voice residential customers during the aftermath of Super Typhoon Haiyan between November 8th and November 30, 2013;

WHEREAS, Comcast sought to help unite families and friends in the aftermath of Super Typhoon Haiyan by crediting and waiving fees automatically without requiring customer action;

WHEREAS, Comcast also provided free texting to the Philippines through November 30, 2013, through the Xfinity Connect application; and

WHEREAS, Comcast expanded the offer to help customers stay better connected to news and updates in the wake of the Super Typhoon Haiyan by providing more access to the TV networks on the ground in the Philippines, worked with more Filipino channels, offered its network without subscription to all Xfinity TV digital customers through November 30 in areas where the channel is currently carried, and partnered with GMA Pinoy, another Filipino news network, to offer the channel to all Xfinity TV digital customers through November 30.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Comcast Philippines Relief Recognition Resolution of 2013".

Sec. 2. The Council of the District of Columbia recognizes Comcast for its relief efforts in the Philippines following the devastation caused by Super Typhoon Haiyan.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

COUNCIL OF THE DISTRICT OF COLUMBIA
NOTICE OF INTENT TO ACT ON NEW LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to consider the following legislative matters for final Council action in not less than **15 days**. Referrals of legislation to various committees of the Council are listed below and are subject to change at the legislative meeting immediately following or coinciding with the date of introduction. It is also noted that legislation may be co-sponsored by other Councilmembers after its introduction.

Interested persons wishing to comment may do so in writing addressed to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, NW, Room 5, Washington, D.C. 20004. Copies of bills and proposed resolutions are available in the Legislative Services Division, 1350 Pennsylvania Avenue, NW, Room 10, Washington, D.C. 20004 Telephone: 724-8050 or online at www.dccouncil.us.

=====

COUNCIL OF THE DISTRICT OF COLUMBIA	PROPOSED LEGISLATION
--	-----------------------------

BILL

B20-646 Medical Imaging Assistants Amendment Act of 2014

Intro. 01-13-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PROPOSED RESOLUTION

PR20-623 Board of Chiropractic Justin Palmer Confirmation Resolution of 2014

Intro. 01-14-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

Council of the District of Columbia
Committee on Economic Development
Notice of Public Hearing
1350 Pennsylvania Avenue, N.W. Washington, DC 20004

**COUNCILMEMBER MURIEL BOWSER, CHAIRPERSON
COMMITTEE ON ECONOMIC DEVELOPMENT**

ANNOUNCES A PUBLIC HEARING

ON

Bill 20-563, District of Columbia Sports and Entertainment Complex Feasibility Act of 2014

FEBRUARY 25, 2014

10:00 AM

ROOM 120

JOHN A. WILSON BUILDING

1350 PENNSYLVANIA AVENUE, N.W.

On February 25, 2014, Councilmember Muriel Bowser, Chairperson of the Committee on Economic Development will hold a public hearing to consider Bill 20-563, the District of Columbia Sports and Entertainment Complex Feasibility Act of 2014.

Bill 20-563 would require the mayor to conduct a feasibility study of the acquisition and development of the Robert F. Kennedy Stadium, Stadium-Armory, and Langston Golf Course, to determine the economic feasibility, economic impact, and costs of developing a 100,000 seat RFK domed stadium complex, an 18-hole championship golf course, a multimedia soundstage, a film and photography center, an indoor waterpark, and hotel accommodations. It would also require the mayor to study the parking and transportation needs for the proposed development, and make a report of his findings to the Council by February 15, 2015. Finally, the bill would require the mayor to produce three-dimensional models of the entertainment complex by February 15, 2016.

The public hearing will begin at 10:00 AM in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

Individuals and representatives of organizations wishing to testify should contact Rob Hawkins, Legislative Director for the Committee on Economic Development, at (202) 741-0921, or rhawkins@dccouncil.us and furnish their name, address, telephone number, and organizational affiliation, if any, by the close of business Monday, February 24, 2014. Persons presenting testimony may be limited to 3 minutes in order to permit each witness an opportunity to be heard.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to the Committee on Economic Development, Council of the District of Columbia, Suite 112 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC HEARING**
1350 Pennsylvania Avenue, NW, Washington, DC 20004

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING**

on

Bill 20-602, Attorney General Partisan Election Implementation Amendment Act of 2013

on

**Monday, February 10, 2014
11:00 a.m., Hearing Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces the scheduling of a public hearing of the Committee of the Whole on Bill 20-602, Attorney General Partisan Election Implementation Amendment Act of 2013. The hearing will be held at 11:00 a.m. on Monday, February 10, 2014 in Hearing Room 123 of the John A. Wilson Building.

The stated purpose of Bill 20-602 is to amend the District of Columbia Election Code of 1955 to provide for election of the Attorney General for the District of Columbia in a general election whereby a candidate for office is permitted to indicate a political party preference in reference to his or her candidacy and have that preference appear on the general election ballot in conjunction with his or her name; to amend the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010 to clarify the timeline for transition from an elected to appointed Attorney General; and to amend the Prohibition on Government Employee Engagement in Political Activity Act of 2010 to exempt attorneys employed by the District government from the prohibition of filing and campaigning for the position of Attorney General.

Those who wish to testify should contact Mr. Brian Moore at (202) 724-8196, or via e-mail at bmoore@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business Thursday, February 6, 2014. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on Thursday, February 6, 2014 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses. A copy of Bill 20-602 can be obtained through the Legislative Services Division of the Secretary of the Council's office or at <http://dcclims1.dccouncil.us/lims>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on February 24, 2014.

Council of the District of Columbia
Committee on Economic Development
Notice of Public Hearing
1350 Pennsylvania Avenue, N.W. Washington, DC 20004

**COUNCILMEMBER MURIEL BOWSER, CHAIRPERSON
COMMITTEE ON ECONOMIC DEVELOPMENT**

ANNOUNCES A PUBLIC HEARING

ON

**Bill 20-640, District of Columbia Science, Technology, Engineering, and Math Fund
Establishment Act of 2014**

FEBRUARY 12, 2014

10:00 AM

ROOM 120

JOHN A. WILSON BUILDING

1350 PENNSYLVANIA AVENUE, N.W.

On February 12, 2014, Councilmember Muriel Bowser, Chairperson of the Committee on Economic Development will hold a public hearing to consider Bill 20-640, the District of Columbia Science, Technology, Engineering, and Math Fund Establishment act of 2014.

Bill 20-640 would establish a fund administered by the Deputy Mayor for Planning and Economic Development to provide grants to eligible non-profit organizations for the purpose of promoting education and training programs that support careers, businesses, and economic development in fields related to science, technology, engineering, and math.

The public hearing will begin at 10:00 AM in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

Individuals and representatives of organizations wishing to testify should contact Rob Hawkins, Legislative Director for the Committee on Economic Development, at (202) 741-0921, or rhawkins@dccouncil.us and furnish their name, address, telephone number, and organizational affiliation, if any, by the close of business Tuesday, February 11, 2014. Persons presenting testimony may be limited to 3 minutes in order to permit each witness an opportunity to be heard.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to the Committee on Economic Development, Council of the District of Columbia, Suite 112 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY
NOTICE OF PUBLIC HEARING**

1350 Pennsylvania Avenue, NW, Washington, D.C. 20004

**COUNCILMEMBER TOMMY WELLS, CHAIRPERSON
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY**

ANNOUNCES A PUBLIC HEARING ON

BILL 20-642, THE “FAIR CRIMINAL RECORD SCREENING ACT OF 2014”

**Monday, February 10, 2014
11 a.m.**

**Room 120
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004**

Councilmember Tommy Wells, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public hearing on Monday, February 10, 2014, beginning at 11 a.m. in Room 120 of the John A. Wilson Building.

The purpose of this hearing is to receive public comment on a proposed amendment to the “Re-entry Facilitation Amendment of 2012”. This amendment would assist in the successful reintegration of formerly incarcerated individuals into the community by removing barriers to gainful employment; prohibit the consideration of a job applicant’s arrest record during the hiring process; restrict an employer’s inquiry into a job applicant’s prior convictions before a conditional offer of employment; establish fines for violations of this act; and give authority for enforcement to the Office of Human Rights.

The Committee invites the public to testify. Those who wish to testify should contact Tawanna Shuford at 724-7808 or tshuford@dccouncil.us, and furnish their name, address, telephone number, and organizational affiliation, if any, by 5 p.m. on Thursday, February 6, 2014. Testimony may be limited to 3 minutes for individuals and 5 minutes for those representing organizations or groups. Witnesses should bring 15 copies of their testimony. Those unable to testify at the public hearing are encouraged to submit written statements for the official record. Written statements should be submitted by 5 p.m. on Monday, February 17, 2014 to Ms. Shuford, Committee on the Judiciary and Public Safety, Room 109, 1350 Pennsylvania Ave., NW, Washington, D.C., 20004, or via email at tshuford@dccouncil.us.

Council of the District of Columbia

Committee on Human Services

PUBLIC OVERSIGHT ROUNDTABLE

1350 Pennsylvania Avenue, N.W., Room 116, Washington, D.C. 20004

THE COMMITTEE ON HUMAN SERVICES

JIM GRAHAM, CHAIRPERSON

ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON

**“SHELTER PROVISIONS FOR HOMELESS FAMILIES DURING THE 2013-
2014 HYPOTHERMIA SEASON”**

FRIDAY, JANUARY 24, 2014 -- 11:00 A.M.

ROOM 412

**THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004**

Councilmember Jim Graham, Chairperson of the Committee on Human Services, will convene a public oversight roundtable on “Shelter Provisions for Homeless Families During the 2013-2014 Hypothermia Season.” The roundtable will be held on Friday, January 24, 2014, at 11:00 a.m., in Room 412, of the John A. Wilson Building.

According to Emergency Shelter Nightly Census administered by The Community Partnership for the Prevention of Homelessness, as of January 15, 2014, there were 280 homeless families at DC General Shelter and 349 families in motel placements. The purpose of this roundtable is to discuss the Department of Human Services’ plan to ensure that homeless families in emergency shelter are receiving adequate case management, transportation, and other support services. The roundtable will also focus on the agency’s exit strategy for families in emergency shelter.

Those who wish to testify or have questions regarding the roundtable should contact Malcolm Cameron of the Committee on Human Services by e-mail at mcameron@dccouncil.us or by telephone at (202) 724-8191. E-mail contacts to Mr. Cameron should include the residential ward, full name, title, and affiliation -- if applicable -- of the person(s) testifying. Witnesses should bring 15 copies of their testimony to the roundtable. Representatives of organizations will be allowed a maximum of five (5) minutes for oral presentation and individuals will be allowed a maximum of three (3) minutes for oral presentation.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to the Committee on Human Services, 1350 Pennsylvania Avenue, N.W., Suite 116, Washington, D.C. 20004, no later than 6:00 p.m., Monday, February 4, 2014.

Council of the District of Columbia
Committee on Economic Development
Notice of Public Roundtable
1350 Pennsylvania Avenue, N.W. Washington, DC 20004

**COUNCILMEMBER MURIEL BOWSER, CHAIRPERSON
COMMITTEE ON ECONOMIC DEVELOPMENT**

ANNOUNCE A PUBLIC ROUNDTABLE

On

PR20-619, the Sense of the Council on the Need for the Washington Metropolitan Area Transit Authority to Establish a Returning Citizens Policy Resolution of 2014

FEBRUARY 19, 2014

9:00 AM

ROOM 412

JOHN A. WILSON BUILDING

1350 PENNSYLVANIA AVENUE, N.W.

On February 19, 2014, Councilmember Muriel Bowser, Chairperson of the Committee on Economic Development, will hold a public roundtable to consider Proposed Resolution 20-619, the Sense of the Council on the Need for the Washington Metropolitan Area Transit Authority to Establish a Returning Citizens Policy Resolution of 2014.

In the District, about 2,500 returning citizens are released from prison each year, and there are as many as 60,000 individuals—almost 1 in 10 residents—with a criminal record. Access to education, housing, and employment are significant challenges for returning citizens, and a key factor in recidivism rates. The Washington Metropolitan Area Transit Authority (“WMATA”) is an entity with more than 12,000 employees, and provides good work opportunities with job training and advancement potential. To ensure rider safety and protect WMATA assets, the Authority has a criminal background check policy that determines when an applicant’s criminal record will exclude them from being hired. The screening policy was amended in November 2011, resulting in a far more strict and punitive process that can permanently bar individuals from working for WMATA for relatively minor convictions, no matter how long ago they occurred. PR20-619 therefore urges WMATA to revise its background check policy to consider an applicant’s criminal record in a more holistic review process and make a greater effort to hire returning citizens.

The public hearing will begin at 9:00 AM in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

Individuals and representatives of community organizations wishing to testify should contact Judah Gluckman, Legislative Counsel to the Committee on Economic Development, at (202) 724-8025, or jgluckman@dccouncil.us and furnish their name, address, telephone number, and organizational affiliation, if any, by the close of business February 18, 2014. Persons presenting testimony may be limited to 3 minutes in order to permit each witness an opportunity to be heard. Please provide the Committee 20 copies of any written testimony.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to the Committee on Economic Development, Council of the District of Columbia, Suite 110 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

Pursuant to DC Official Code Sec 47-361 et seq. of the Reprogramming Policy Act of 1990, the Council of the District of Columbia gives notice that the Mayor has transmitted the following reprogramming request(s).

A reprogramming will become effective on the 15th day after official receipt unless a Member of the Council files a notice of disapproval of the request which extends the Council's review period to 30 days. If such notice is given, a reprogramming will become effective on the 31st day after its official receipt unless a resolution of approval or disapproval is adopted by the Council prior to that time.

Comments should be addressed to the Secretary to the Council, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Room 5 Washington, D.C. 20004. Copies of reprogramming requests are available in Legislative Services, Room 10.
Telephone: 724-8050

Reprog. 20-147: Request to reprogram \$987,900 of Fiscal Year 2014 Local funds budget authority within the District of Columbia Office on Aging (DCOA) was filed in the Office of the Secretary on January 16, 2014. This reprogramming ensures that DCOA will be able to provide funding to subgrantees providing critical services to the District of Columbia's elderly and disabled residents.

RECEIVED: 14 day review begins January 17, 2014

Reprog. 20-148: Request to reprogram \$2,000,000 of Capital funds budget authority and allotment within the Department of Parks and Recreation (DPR) was filed in the Office of the Secretary on January 16, 2014. This reprogramming is needed to support the cost of rehabilitation and modernization of the Southeast Tennis and Learning Center.

RECEIVED: 14 day review begins January 17, 2014

Reprog. 20-149: Request to reprogram \$1,021,556 of Fiscal Year 2014 Local funds budget authority within the Department of Forensic Sciences (DFS) was filed in the Office of the Secretary on January 16, 2014. This reprogramming ensures that DFS expenditures are properly aligned for forensic science equipment, supplies, and contracts necessary to perform critical public safety duties in an efficient and effective manner.

RECEIVED: 14 day review begins January 17, 2014

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: January 24, 2014

Petition Date: March 10, 2014

Hearing Date: March 24, 2014

License No.: ABRA-093546

Licensee: Tap House 901, LLC

Trade Name: City Tap House

License Class: Retailer's Class "C" Restaurant

Address: 901 9th Street, NW

Contact: Erin Sharkey 202-686-7600

WARD 2

ANC 2C

SMD 2C01

Notice is hereby given that this applicant has applied for a substantial change to its license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Request is for a new Entertainment Endorsement. The Premise capacity is 230.

CURRENT HOURS OF OPERATION/SALES/SERVICE/CONSUMPTION

Sunday through Thursday 11 am – 2 am Friday and Saturday 11 am -3 am

CURRENT HOURS OF OPERATION/SALES/SERVICE/CONSUMPTION/SIDEWALK CAFE

Sunday through Saturday 11 am -12 am

HOURS OF ENTERTAINMENT - NO DANCING OR COVER CHARGE

Sunday through Saturday 6 pm – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: January 24, 2014
Petition Date: March 10, 2014
Roll Call Hearing Date: March 24, 2014
Protest Hearing Date: May 14, 2014

License No.: ABRA-094074
Licensee: Pulse Nightclub LLC
Trade Name: Pulse Nightclub
License Class: Retailer's Class "C" Nightclub
Address: 2142 Queens Chapel Road NE
Contact: Emanuel N. Mpras, 703-642-9042

WARD 5

ANC 5C

SMD 5C02

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for May 14, 2014 at 1:30pm.

NATURE OF OPERATION

New nightclub serving bar food with dance floor in the main room, sometimes providing live performances by artists, bands and DJ's. Total Load 2000. Sidewalk Café with 100 seats.

HOURS OF OPERATION FOR INSIDE PREMISES, AND SIDEWALK CAFÉ

Sunday through Saturday 8am-5am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE AND CONSUMPTION FOR INSIDE PREMISES, AND SIDEWALK CAFÉ

Sunday through Thursday 8am-2am, Friday and Saturday 8am-3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: January 24, 2014
Petition Date: March 10, 2014
Hearing Date: March 24, 2014

License No.: ABRA-072512
Licensee: Sweet Mango Cafe Corporation
Trade Name: Sweet Mango Cafe
License Class: Retailer's Class "C" Restaurant
Address: 3701 New Hampshire Avenue, NW
Contact: Reginald James 202-726-2646

WARD 4

ANC 4C

SMD 4C08

Notice is hereby given that this applicant has applied for a substantial change to its license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Request is for a new Entertainment Endorsement. The Premise capacity is 200.

CURRENT HOURS OF OPERATION/ SUMMER GARDEN

Sunday through Thursday 10 am – 12 am Friday and Saturday 10 am -2 am

CURRENT SALES/SERVICE/CONSUMPTION/SUMMER GARDEN

Sunday through Thursday 11 am – 12 am Friday and Saturday 11 am -2 am

HOURS OF ENTERTAINMENT - NO DANCING OR COVER CHARGE

Sunday through Thursday 6 pm – 12 am Friday and Saturday 6 pm – 2 am

**D.C. DEPARTMENT OF HEALTH (DOH)
Community Health Administration (CHA)
Preventive Health and Health Services (PHHS)
Block Grant Public Advisory Committee**

NOTICE OF ANNUAL PUBLIC HEARING

Preventive Health and Health Services Block Grant

The D.C. Department of Health (DOH), Community Health Administration (CHA) and the Preventive Health and Health Services Block Grant Advisory Committee are conducting a public hearing on the Preventive Health and Health Services Block Grant prior to submission of the Fiscal Year 2014 application to the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (DHHS), U.S. Public Health Service.

The public hearing is being held to assure that all citizens have the opportunity to present their views concerning funding priorities. The Grant supports preventive health programs operated by the Department of Health and community-based organizations. Health areas receiving support in previous fiscal years included increasing access to health services, improving capacity to deliver health care services; reducing the incidence of preventable deaths and injuries, disabilities, chronic diseases and cancer; and improving the quality of life for all residents.

The hearing will take place on Wednesday, February 12, 2014 from 6:00pm to 8:00pm at 899 North Capitol Street, NE, Community Health Administration, 4th Floor Conference Room (407).

Those who wish to present testimony are requested to provide a name, address, telephone number and organization name (when applicable) prior to the public hearing. Written testimonies no longer than (3) pages and double spaced may be submitted for the record until 4:45 p.m. on Tuesday, February 11, 2014 at 899 North Capitol Street, N.E., 3rd Floor. All oral presentations are limited to five minutes. An electronic copy of all oral testimonies and/or written submissions is also requested. Contact Sherry Billings at (202) 442-9173 or e-mail sherry.billings@dc.gov and/or Valerie Brown at (202) 442-9386 or by email Valerie2.Brown@dc.gov.

Parking is available under the building at a cost. There is limited neighborhood parking. Check WMATA <http://www.wmata.com/> for other transportation options. The nearest Metro stop is Union Station.

**DISTRICT OF COLUMBIA
HISTORIC PRESERVATION REVIEW BOARD**

**PENDING HISTORIC LANDMARK AND HISTORIC DISTRICT NOMINATIONS
TENTATIVE PUBLIC HEARING SCHEDULE**

(All hearing dates are subject to change)

<u>Property</u>	<u>Case Number</u>	<u>Scheduled Hearing Date</u>
Walter Reed Army Medical Center HD 6900 Georgia Avenue NW	10-08	March 2014
King David Masonic Lodge No. 28 3501 12 th Street NE	14-05	March 2014
District of Columbia Municipal Center 300 Indiana Avenue/301 C Street NW	14-02	April 2014
E Street Complex 2430 E Street/2301 Constitution Avenue NW	14-03	April 2014
First Church of Christ, Scientist 1770 Euclid Street NW	08-13	May 2014
West Heating Plant 1051/1055 29 th Street NW	14-04	May 2014
Scheele-Brown Farmhouse 2207 Foxhall Road NW	13-22	June 2014
District Pound and Stable 820 South Capitol Street SW	13-18	June 2014
James Ormond Wilson Normal School 1100 Irving Street NW	13-20	July 2014
Blanche K. Bruce School 770 Kenyon Street NW	13-21	July 2014
Editors Building 1729 H Street, NW	13-02	September 2014
The Denrike Building 1010 Vermont Avenue NW	10-16	September 2014
Southern Railway Building 1500 K Street NW	11-05	September 2014

Real Estate Trust Company 1343 H Street NW	11-02	September 2014
B.F. Saul Building 925 15 th Street NW	11-03	September 2014
INTELSAT Headquarters Building 3400 International Drive/4000 Connecticut Avenue NW	14-06	October 2014
C&P Telephone Cleveland Emerson Exchange 4268 Wisconsin Avenue NW	09-06	October 2014
Union Station amendment (interior and boundary) 50 Massachusetts Avenue NE	12-08	November 2014
Williams-Addison House amendment 1645 31 st Street NW	07-38	November 2014
Round House 1001 Irving Street NE	13-06	November 2014
Capitol Park Towers 301 G Street SW	13-05	December 2014
Hill Building 839 17th/1636 I Street NW	11-06	December 2014
Corcoran Gallery of Art amendment (interior) 1700 New York Avenue/500 17 th Street NW	13-01	2015
1007, 1009, 1011, 1015 and 1017 K Street NW	09-02	2015
Western Bus Garage 5230 Wisconsin Avenue NW	06-03	2015
Recorder of Deeds Building 515 D Street NW	11-19	2015
Lunch Room and Oyster Shucking Shed 1100 Maine Avenue SW	12-03	2015
Old Naval Observatory Historic District 2300 E Street NW, Reservation 4	11-21	2015
Dunblane 4340 Nebraska Avenue NW	08-11	2015
U Street Historic District expansion Most of Square 441	08-12	2015

Kennedy-Warren Apartments amendment 3131-3133 Connecticut Avenue NW	09-03	2015
Suter Properties 511 and 521 G Street NW	09-01	2015
Brookland Bowling Alley 3726 10 th Street NE	09-08	2015
Sheridan Theater and Park 'n' Shop 6201 (6201-6221) Georgia Avenue NW	07-01	2015
Barney Circle Historic District Squares 1092, 1092-S, 1092-W and most of Squares 1077 and 1091-S	08-01	2015
Barney Circle Historic District amendment Squares 1092, 1092-S, 1092-W and most of Squares 1077 and 1091-S	10-19	2015
Downtown Historic District expansion Parts of Squares 404, 405, 428, 453, 454 and 486	13-08	2015

For additional information, including monthly hearing notice and agendas, please see the HPO and HPRB website at www.preservation.dc.gov. For inquiries about a particular property, please contact Tim Dennee, Landmarks Coordinator, at timothy.dennee@dc.gov or 202-442-8847.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTIFICATION OF PUBLIC HEARING**

The District of Columbia Public Charter School Board (“PCSB”) hereby gives notice, dated Wednesday, January 15, 2014, of a public hearing regarding the potential acquisition of Arts and Technology Academy PCS by a high-quality charter management operator. The hearing will be held on Thursday, February 13, 2014 at 6:00 PM at PCSB’s offices, located at 3333 14th Street, NW, Suite 210. For further information, please contact Ms. Sarah Medway, Charter Agreement Specialist, at 202-328-2660.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, MARCH 18, 2014
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

9:30 A.M. MORNING HEARING SESSION

A.M.

WARD SIX

18730 **Application of Joseph and Janet Gregor**, pursuant to 11 DCMR
ANC-6C § 3104.1, for a special exception for a rear addition to a one-family row
dwelling under section 223, not meeting the lot occupancy (section 403)
and nonconforming structure (subsection 2001.3) requirements in the R-4
District at premises 651 F Street, N.E. (Square 861, Lot 204).

WARD FOUR

18732 **Application of WSD Capital LLC**, pursuant to 11 DCMR § 3104.1, for a
ANC-4B special exception under section 223, not meeting the lot occupancy
requirements under section 403, the side yard requirements under section
405.9, and nonconforming structure requirements under subsection
2001.3, for a second story addition to an existing one-family detached
dwelling in the R-1-B District at premises 859 Venable Place, N.W.
(Square 2971, Lot 39).

WARD FOUR

18729 **Application of Eva Volcikova Noone**, pursuant to 11 DCMR § 3103.2,
ANC-4D for a variance from the lot area requirements under subsection 401.3, to
allow the construction of a new one-family row dwelling in the R-3
District at premises 5316 9th Street, N.W. (Square 2998, Lot 25).

WARD EIGHT

18731 **Application of Horizon Hill Ventures**, pursuant to 11 DCMR §§ 3104.1
ANC-8E and 3103.2, for a special exception under section 353, and variances from
the parking requirements under subsection 2101.1, loading requirements
under subsection 2201.1, aisle width requirements under subsection
2117.5, and nonconforming structure requirements under section 2001.3,

BZA PUBLIC HEARING NOTICE

MARCH 18, 2014

PAGE NO. 2

to construct additions to two existing apartment buildings and renovation of a third building in the R-5-A District at the intersection of Savannah Street, S.E. and 13th Street, S.E., known as 3232-3242, 3310-3318 13th Street, S.E. and 1301-1305 Savannah Street, S.E. (Square 5914, Lot 1 and Square 5915, Lots 1 and 2).

PLEASE NOTE:

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of Chapter 31 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to Subsection 3117.4, of the Regulations, the Board will impose time limits on the testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.** This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning's website at: www.dcoz.dc.gov. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

LLOYD J. JORDAN, CHAIRMAN, S. KATHRYN ALLEN, VICE CHAIRPERSON, JEFFREY L. HINKLE AND A MEMBER OF THE ZONING COMMISSION ----- BOARD OF ZONING ADJUSTMENT, CLIFFORD W. MOY, SECRETARY TO THE BZA, SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS

NOTICE OF FINAL RULEMAKING

The District of Columbia Board of Elections, pursuant to the authority set forth in D.C. Code § 1-1001.05 (a)(14), hereby gives notice of final rulemaking action to adopt amendments to the following chapters in Title 3, "Elections and Ethics", of the District of Columbia Municipal Regulations (DCMR): Chapter 5, "Voter Registration"; Chapter 6, "Eligibility of Candidates"; Chapter 7, "Election Procedures"; Chapter 10, "Initiative and Referendum"; Chapter 11, "Recall of Elected Officials"; Chapter 13, "Filling Vacant Seats on Advisory Neighborhood Commissions"; Chapter 14, "Candidates: Political Party Primaries for Presidential Preference and Convention Delegates"; Chapter 15, "Candidates: Electors of President and Vice-President"; Chapter 16, "Candidates: Delegate to the U.S. House of Representatives, Mayor, Chairman, Members of the Council of the District of Columbia, U.S. Senator, U.S. Representative, Members of the State Board of Education, and Advisory Neighborhood Commissioners"; Chapter 17, "Candidates: Members and Officials of Local Committees of Political Parties and National Committee Persons"; and Chapter 20, "Freedom of Information."

With some exceptions, the amendments to Chapters 6, 7, 10, 11 and 13 – 17 are largely organizational and editorial changes to enhance readability and consistency within and across chapters. To effectuate the organizational changes, rules concerning ballots were removed from these chapters and placed in a proposed Chapter 12, "Ballots." Chapters 10, 11, and 13-17 include amendments concerning non-resident petition circulators which would bring the rules into conformity with the Board of Elections Petition Circulation Requirements Amendment Act of 2013, effective October 17, 2013 (D.C. Law 20-0031; 60 DCR 11535). The amendments to Chapter 5 revise the effective date of changes to party affiliation status on applications received fewer than 30 days prior to a primary to be the date following the scheduled primary. The amendments to Chapter 20 revise rules to mirror the processing procedures of FOIA requests at subordinate agencies.

A Notice of Emergency and Proposed Rulemaking with respect to these amendments was published in the *D.C. Register* on November 22, 2013, at 60 DCR 016081. No written comments on the proposed rules were received during the public comment period, and no substantive changes have been made to the regulations as proposed. The Board took final rulemaking action with respect to these amendments at a regular meeting on Wednesday, January 8, 2014.

These final rules will become effective upon publication of this notice in the *D.C. Register*.

Section 500 (General Requirements and Qualifications) of Chapter 5 of Title 3 of the District of Columbia Municipal Regulations (DCMR) is amended in its entirety to read as follows:

500 GENERAL REQUIREMENTS AND QUALIFICATIONS

- 500.1 No person shall be registered to vote in the District of Columbia unless he or she:
- (a) Is a qualified elector as defined by D.C. Official Code § 1-1001.02(2) (2011 Repl.); and
 - (b) Executes a voter registration application by signature or mark on a form approved by the Board or by the Election Assistance Commission attesting that he or she meets the requirements as a qualified elector.
- 500.2 A person is a "qualified elector" if he or she:
- (a) For a primary election, is at least seventeen (17) years of age and will be eighteen (18) on or before the next general election, or for a general or special election, is at least eighteen (18) years of age on or before the date of the general or special election;
 - (b) Is a citizen of the United States;
 - (c) Is not incarcerated for the conviction of a crime that is a felony in the District;
 - (d) Has maintained a residence in the District for at least thirty (30) days preceding the next election and does not claim voting residence or the right to vote in any state or territory; and
 - (e) Has not been adjudged legally incompetent to vote by a court of competent jurisdiction.
- 500.3 An applicant shall provide the following information on a voter registration application:
- (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 driver's license 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 an applicant for voter registration has not been issued a current and valid driver's license or a social security number, the Board shall assign

the applicant a unique identifying number which shall serve to identify the applicant for voter registration purposes.

- 500.4 A person who is otherwise a qualified elector may pre-register on or after his or her sixteenth (16th) birthday, but he or she shall not vote in any primary election unless he or she is at least seventeen (17) years of age and will be eighteen (18) on or before the next general election or in any general or special election unless he or she is at least eighteen (18) years of age on or before the date of the general or special election.
- 500.5 An applicant for voter registration who is unable to sign or to make a mark on a voter registration application due to a disability may apply with the assistance of another person as long as the individual's voter registration application is accompanied by a signed affidavit from the person assisting the applicant which states the following:
- (a) That he or she has provided assistance to the applicant;
 - (b) That the applicant is unable to sign the registration form or to make a mark 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.
- 500.6 If the applicant is unable to sign his or her name, the applicant may place his or her mark in the space provided for his or her signature and have that mark witnessed by the person assisting by having the witness also sign the voter registration application.
- 500.7 If an applicant for voter registration fails to provide the information required for registration, 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.
- 500.8 Unless otherwise specified in this chapter, a voter registration application, or a notice of change of name, address, or party affiliation status, is considered to be received by the Board upon acknowledgement of receipt by the Board's date-stamp.

- 500.9 Unless otherwise specified in this chapter, the effective date of registration, or updates thereto, shall be the date that the application was received.
- 500.10 The current and fixed residence address provided by a voter will be used to send any official communications required by law to the voter unless the voter provides an alternative mailing address.
- 500.11 The information that the voter provides to the Board, such as that voter's current and fixed residence, shall be sufficiently precise to enable the Board to assign the voter to the appropriate Ward, Precinct, and Advisory Neighborhood Commission Single-Member District.
- 500.12 Any applicant who provides on a voter registration application 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.
- 500.13 Any applicant utilizing these procedures to fraudulently attempt to register shall be subject to the same criminal sanctions pursuant to D.C. Official Code § 1-1001.14 (a) (2011 Repl.).
- 500.14 The Board's official Voter Registration Application cannot be altered in any way for use by another individual or organization for the purpose of registering electors in the District of Columbia.

Section 510 (Voter Registration Application Processing: In-Person at the Board of Elections and Ethics or a Voter Registration Agency (VRA)) of Chapter 5 of Title 3 of the District of Columbia Municipal Regulations (DCMR) is amended in its entirety to read as follows:

- 510 VOTER REGISTRATION APPLICATION PROCESSING: IN-PERSON AT THE BOARD OF ELECTIONS' OFFICE OR A VOTER REGISTRATION AGENCY (VRA)**
- 510.1 Prior to the thirtieth (30th) day preceding an election, a qualified elector (pursuant to § 500.2), or a person who is qualified to pre-register (pursuant to § 500.4), may appear in-person at the Board's office, and by extension, a voter registration agency (VRA), and do the following:
- (a) Submit a voter registration application; or
 - (b) Submit a notice of a change of name, address, or party affiliation status.
- 510.2 On or after the thirtieth (30th) day preceding an election, a qualified elector may submit a voter registration application or a notice of change of name or address at

the Board's office or a VRA. On or after the thirtieth (30th) day preceding a primary election, a qualified elector shall not change his or her party affiliation status. Requests for change of party affiliation status received during the thirty (30) days that precede a primary election shall be held and processed after the election. A change in party affiliation status occurs when a voter:

- (a) Changes his or her party registration from one political party to another;
- (b) Changes his or her party registration from "no party (independent)" to a political party; or
- (c) Changes his or her party registration from a political party to "no party (independent)."

510.3 A qualified elector may appear in person at the Board's office to complete and sign the Board's official Voter Registration Application between the hours of 8:30 a.m. and 4:45 p.m., Monday through Friday. The Executive Director, or his or her designee, may expand the weekly hours, and may specify other days on which the Board may accept voter registration applications, based on the level of registration activity. Public notice of the expansion of weekly hours shall be provided at least twenty-four (24) hours in advance.

510.4 A voter registration application or a notice of a change of name, address, or party affiliation status that is submitted in-person at the Board's office or a VRA shall be considered to be received by the Board on the date that it is submitted at the Board's office or the voter registration agency.

Section 513 (Voter Registration Application Processing: At the Polls, Early Voting Centers, and During In-Person Absentee Voting) of Chapter 5 of Title 3 of the District of Columbia Municipal Regulations (DCMR) is amended in its entirety to read as follows:

513 VOTER REGISTRATION APPLICATION PROCESSING: AT THE POLLS, EARLY VOTING CENTERS, AND DURING IN-PERSON ABSENTEE VOTING

513.1 A qualified elector may register during the in-person absentee voting period specified in § 717 of this title, at an early voting center designated by the Board, or on Election Day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing the Board's official Voter Registration Application.

513.2 Valid proof of residence is any official document showing the voter's name and a District of Columbia home 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 utility bill, bank statement, government check, paycheck; or
- (c) A government-issued document that shows the name and address of the voter; or
- (d) Any other official document that shows the voter's name and District of Columbia residence address, including leases or residential rental agreements, occupancy statements from District homeless shelters, and tuition or housing bills from colleges or universities in the District.

513.3 Voters who fail to provide valid proof of residence during the in-person absentee voting period, at an early voting center, or on Election Day must provide such proof in order to complete registration.

513.4 Registered voters shall be permitted to submit notices of change of address or change of name during the in-person absentee voting period, at an early voting center, or at a polling place on Election Day.

513.5 A registered voter shall not change his or her party affiliation status during the in-person absentee voting period, at an early voting center, or at a polling place on Election Day during a primary election. Requests for change of party affiliation status received during the in-person absentee voting period, at an early voting center, or at a polling place on Election Day during a primary election shall be held and processed after the election. A change in party affiliation status occurs when a voter:

- (a) Changes his or her party registration from one political party to another;
- (b) Changes his or her party registration from "no party (independent)" to a political party; or
- (c) Changes his or her party registration from a political party to "no party (independent)."

513.6 A voter registration application, or a notice of change of name, address, or party affiliation status, received pursuant to this section is considered to be received by the Board upon acknowledgement of receipt by the Board's date-stamp.

Section 514 (Notification of Acceptance of Registration or Change of Registration) of Chapter 5 of Title 3 of the District of Columbia Municipal Regulations (DCMR) is amended in its entirety to read as follows:

514 NOTIFICATION OF ACCEPTANCE OF REGISTRATION OR CHANGE OF REGISTRATION

- 514.1 Within nineteen (19) calendar days after the receipt of a voter registration application, the Registrar shall mail a non-forwardable voter registration notification to the applicant advising him or her of the acceptance or rejection of the registration application. If the application is rejected, the notification shall include the reason or reasons for the rejection and shall inform the voter of his or her right to either submit additional information as requested by the Board, or appeal the rejection pursuant to D.C. Official Code § 1-1001.07(f) (2011 Repl.).
- 514.2 In the event that the notification advising the applicant of acceptance of his or her voter registration is returned to the Board as undeliverable, the Registrar shall mail the notice provided in D.C. Official Code § 1-1001.07(j)(1)(B) (2011 Repl.).
- 514.3 As soon as practicable after the election, the Board shall mail each registered voter who filed a change of address at the polls on Election Day a non-forwardable address confirmation notice to the address provided in the written affirmation on the Special Ballot Envelope. If the United States Postal Service returns the address confirmation notification as "undeliverable" or indicating that the registrant does not live at the address provided in the written affirmation on the Special Ballot Envelope, the Board shall notify the Attorney General of the District of Columbia.

Section 515 (Changes in Registration: Name) of Chapter 5 of Title 3 of the District of Columbia Municipal Regulations (DCMR) is amended in its entirety to read as follows:

515 CHANGES IN REGISTRATION: NAME

- 515.1 A registered voter shall notify the Board in writing of a name change due to marriage, divorce, or by order of a court within thirty (30) days of the applicable event.
- 515.2 The Board shall process name changes received pursuant to the monthly report furnished by the Superior Court of the District of Columbia in accordance with D.C. Official Code § 1-1001.07(k)(3) (2011 Repl.).
- 515.3 Prior to the thirtieth (30th) day preceding an election, a registered voter may give notice of change of name by:
- (a) Completing a change of name on a voter registration application;

- (b) Filing a change of name by signed letter or postal card which includes the following information;
 - (1) Former and current name;
 - (2) Address; and
 - (3) Date of birth;
- (c) Filing a change of name through the DMV or a voter registration agency (VRA) pursuant to D.C. Official Code § 1-1001.07(d) (2011 Repl.); or
- (d) Completing any other form prescribed for this purpose by the Board.

515.4 On or after the thirtieth (30th) day preceding an election, a registered voter may change his or her name in-person at the Board’s office or a VRA. Requests for change of name other than those made in-person during the thirty (30) days that immediately precede and include the date of the election shall be held and processed after the election.

Section 516 (Changes in Registration: Address) of Chapter 5 of Title 3 of the District of Columbia Municipal Regulations (DCMR) is amended in its entirety to read as follows:

516 CHANGES IN REGISTRATION: ADDRESS

516.1 A registered voter who moves from the address at which he or she is registered to vote shall notify the Board, in writing, of the current residence address.

516.2 Prior to the thirtieth (30th) day preceding an election, a registered voter may give notice of change of address by:

- (a) Mailing to the Board or filing in-person at the Board’s office a completed voter registration application;
- (b) Mailing to the Board a signed letter or postal card which includes the following information;
 - (1) The voter’s name;
 - (2) Former and current address; and
 - (3) Date of birth;

- (c) Completing and filing a voter registration application through the DMV or a voter registration agency (VRA) pursuant to D.C. Official Code § 1-1001.07(d) (2011 Repl.); or
- (d) Completing any other form prescribed for this purpose by the Board.

516.3 On or after the thirtieth (30th) day preceding an election, a registered voter may change his or her address in-person at the Board's office, a VRA, an early voting center, or on Election Day at the polling place serving the current residence pursuant to D.C. Official Code § 1-1001.07(i)(4)(A) (2011 Repl.). Requests for change of address other than those made in-person during the thirty (30) days that immediately precede and include the date of the election shall be held and processed after the election.

Section 517 (Changes in Registration: Political Party) of Chapter 5 of Title 3 of the District of Columbia Municipal Regulations (DCMR) is amended in its entirety to read as follows:

517 CHANGES IN REGISTRATION: POLITICAL PARTY

517.1 Prior to the thirtieth (30th) day preceding a primary election, a registered voter may give notice of change of party affiliation status by:

- (a) Completing a change of party affiliation status on a Voter Registration Application;
- (b) Filing a change of party affiliation status by signed letter or postal card which includes the following information:
 - (1) The voter's name;
 - (2) Former and new party affiliation status;
 - (3) Address; and
 - (4) Date of birth;
- (c) Filing a change of party affiliation status through the DMV or a voter registration agency pursuant to D.C. Official Code § 1-1001.07(d) (2006 Repl.); or
- (d) Completing any other form prescribed for this purpose by the Board.

517.2 Requests for changes to a political party affiliation status considered received during the thirty (30) days that immediately precede and include the date of the

primary election shall be held and processed after the election. The effective date for changes made pursuant to such requests shall be the day after the primary election.

517.3 A change in party affiliation status occurs when a voter:

- (a) Changes his or her party registration from one political party to another;
- (b) Changes his or her party registration from “No Party (Independent)” to a political party;
- (c) Changes his or her party registration from a political party to “No Party (Independent).”

Chapter 6 of Title 3 of the District of Columbia Municipal Regulations (DCMR) is amended in its entirety to read as follows:

CHAPTER 6 CANDIDACY

600 GENERAL PROVISIONS

601 DECLARATION OF CANDIDACY

602 AFFIRMATION OF WRITE-IN CANDIDACY OF AN APPARENT WINNER

603 WITHDRAWAL OF CANDIDATES

600 GENERAL PROVISIONS

600.1 This chapter governs the process by which candidates for elected office declare and withdraw their candidacy and the process by which candidates are determined to be eligible to hold the particular office sought. Acceptance by the Board or the Office of Campaign Finance of reports and statements required to be filed by a candidate pursuant to D.C. Code §§ 1-1101.01 *et seq.* (2011 Repl.), shall not be construed as a determination by the Board that the candidate is eligible for the particular office which he or she seeks.

600.2 For purposes of this chapter, unless otherwise provided, the following term shall have the meaning ascribed:

- (a) The term "candidate for nomination" means an individual who is seeking to win a party primary or is seeking ballot access in a general or special election by having registered voters sign a nominating petition to have his or her name printed directly on the ballot;
- (b) The term "candidate for election" means an individual who has won a party primary or survived the challenge period (D.C.

Official Code § 1-1001.08(o) (2011 Repl.)) after filing a petition to have his or her name printed directly on the general election ballot;

- (c) The term "write-in nominee" means an individual whose name is written on the ballot by a voter in a primary, general, or special election and whose eligibility as a candidate in the election has not been determined by the Executive Director or his or her designee;
- (d) The term "write-in candidate" means an individual who has been nominated by at least one write-in vote and who has perfected his or her candidacy by filing an Affirmation of Write-In Candidacy form with the Board prior to the statutory deadline; and
- (e) The term "eligible," when used with the term "candidate," includes an individual who is not ineligible to be a candidate pursuant to D.C. Official Code § 1-1001.15(b) (2011 Repl.), and who meets or is capable of meeting those statutory requirements necessary to serve in the particular office sought.
- (f) The term "elected office" means any of the following elected party, District, or federal offices:
 - (i) National committeemen and national committeewomen of political parties, and alternates, when the party has requested the inclusion of these offices at a regularly scheduled primary election in a presidential election year;
 - (ii) Delegates to conventions and conferences of political parties, and alternates, when the party has requested the inclusion of these offices at a regularly scheduled primary election in a presidential election year;
 - (iii) Members and officials of local committees of political parties when the party has requested the inclusion of these offices at a regularly scheduled primary election in a presidential election year;
 - (iv) Electors of President and Vice President of the United States;
 - (v) Delegate to the House of Representatives;
 - (vi) Members of the State Board of Education;

- (vii) Members of the Council of the District of Columbia, including Chairman;
- (viii) Attorney General for the District of Columbia;
- (ix) Mayor of the District of Columbia;
- (x) United States Senator;
- (xi) United States Representative; and
- (xii) Advisory Neighborhood Commissioner.

601 DECLARATION OF CANDIDACY

601.1 Each candidate for nomination to elected office shall declare his or her candidacy on an affidavit form prescribed by the Board (after this, “Declaration of Candidacy”).

601.2 The Declaration of Candidacy filed by the candidate shall contain the following information:

- (a) The name, and address of the candidate;
- (b) The office that the candidate seeks;
- (c) The date of the election;
- (d) The ward or Advisory Neighborhood Commission Single-Member District from which the candidate seeks election, where applicable;
- (e) The candidate’s party affiliation, where applicable;
- (f) The candidate’s residence addresses for the applicable period to determine eligibility;
- (g) The candidate’s designation of how he or she would like his or her name to be listed on the ballot;
- (h) A statement that the candidate meets the qualifications for holding the office sought; and
- (i) A notice of the penalties for making false representations as to one’s qualifications for holding elective office.

- 601.3 Each candidate shall swear under oath or affirm before a District notary or Board official that the information provided in the Declaration of Candidacy is true to the best of the candidate's knowledge and belief.
- 601.4 The Declaration of Candidacy shall also contain sufficient space for the candidate to print his or her email address and phone number. By providing an email address, the candidate consents to receiving official communication by email at the address provided.
- 601.5 The deadline for filing the Declaration of Candidacy shall be the same date as the deadline for filing nominating petitions for the particular office sought, except that in the event the nomination of candidates for election to the office of presidential elector is made by message to the Board pursuant to D.C. Code § 1-1001.08(d) (2011 Repl.), the deadline for filing the Declaration of Candidacy shall be the same date as the deadline for making nominations by message.
- 601.6 Within three (3) business days after the deadline for filing the Declaration of Candidacy for any office, the Executive Director or his or her designee shall issue a preliminary determination as to the eligibility of the declarant to be candidate for the particular office sought.
- 601.7 Notice of the Executive Director's preliminary determination shall be served immediately by email or first-class mail upon each declarant and upon the chairperson of any political committee(s) registered as supporting that individual's candidacy.
- 601.8 The preliminary determination of eligibility shall be based solely upon information contained in the Declaration of Candidacy and upon information contained in other public records and documents as may be maintained by the Board. The criteria used for determining eligibility to be a candidate shall be limited to the appropriate statutory qualifications for the particular office sought.
- 601.9 The preliminary determination of eligibility shall in no way be deemed to preclude further inquiry into or challenge to the eligibility of an individual for candidacy or office made prior to the certification of election results. The Executive Director or his or her designee may reverse a preliminary determination of eligibility based upon evidence which was not known to the Executive Director at the time of the preliminary determination or upon evidence of changed circumstances.
- 601.10 In the event that the Executive Director determines that an individual is ineligible to be a candidate for the particular office sought, the individual's nominating petition shall nevertheless be posted for the challenge period specified in D.C. Code § 1-1001.08(o) (2011 Repl.), along with the Executive Director's preliminary determination.

- 601.11 Within three (3) days of receipt of notice of an adverse determination of eligibility, a declarant aggrieved by the decision may file a written notice of appeal with the Board, duly signed by the declarant and specifying concisely the grounds for appeal.
- 601.12 The Board shall hold a hearing on the appeal within three (3) days after receipt of the appeal notice.
- 601.13 The hearing shall be conducted in accordance with the procedures provided in the District of Columbia Administrative Procedure Act, D.C. Official Code §§ 2-501 *et seq.* (2011 Repl.), and may be heard by a one-member panel (D.C. Official Code § 1-1001.05(g) (2011 Repl.)).
- 601.14 Any appeal from a decision of a one-member panel to the full Board shall be taken in the manner prescribed by D.C. Official Code § 1-1001.05(g) (2011 Repl.); however, in no case shall the time allowed for the appeal exceed fourteen (14) calendar days from the date of decision of the one-member panel.

602 AFFIRMATION OF WRITE-IN CANDIDACY OF AN APPARENT WINNER

- 602.1 In the case of a primary election, a write-in nominee who is an apparent winner and wishes to perfect his or her candidacy shall file with the Board an Affirmation of Write-in Candidacy on a form provided by the Board not later than 4:45 p.m. on the third (3rd) day immediately following the election.
- 602.2 In the case of a general or special election, a write-in nominee who is an apparent winner and wishes to perfect his or her candidacy shall file with the Board an Affirmation of Write-in Candidacy on a form provided by the Board not later than 4:45 p.m. on the seventh (7th) day immediately following the election.
- 602.3 Nothing in this section shall prohibit an individual seeking to declare write-in candidacy from filing an Affirmation of Write-in Candidacy prior to write-in nomination, provided that the determination of the write-in candidate's eligibility shall proceed in accordance with this chapter. Write-in nominees who fail to submit the documents required by this section within the prescribed times shall be deemed to be ineligible candidates.
- 602.4 The Affirmation of Write-in Candidacy form shall contain the same information required for the Declaration of Candidacy described in this chapter.
- 602.5 Each write-in candidate shall swear under oath or affirm before a District of Columbia notary or Board official that the information provided in the Affirmation of Write-in Candidacy is true to the best of his or her knowledge and belief.

- 602.6 If a write-in nominee is an apparent winner of an election contest, the Executive Director or his or her designee shall issue a preliminary determination as to the eligibility of the write-in nominee if such nominee has perfected his or her candidacy prior to the prescribed deadline. No eligibility determination shall be made for affirmants who are not apparent winners.
- 602.7 Notice of the determination shall be served immediately by mail upon any affirmant found to be ineligible.
- 602.8 The determination of eligibility shall be based solely upon information contained in the Affirmation of Write-In Candidacy and upon information contained in other public records and documents as may be maintained by the Board. The criteria used for determining eligibility to be a candidate shall be limited to the appropriate statutory qualifications for the particular office sought.
- 602.9 The determination shall in no way be deemed to preclude further inquiry into or challenge to such individual's eligibility for candidacy or office made prior to the certification of election results by the Board and based upon information which is not known to the Board at the time of the preliminary determination, or upon evidence of changed circumstances.
- 602.10 If a write-in winner is declared ineligible after the election, no winner shall be declared.

603 WITHDRAWAL OF CANDIDATES

- 603.1 Except as provided in this section, a candidate shall withdraw his or her candidacy by executing and filing with the Board a notarized affidavit which states that the candidate irrevocably withdraws the candidacy for the office to which he or she has been nominated or is seeking nomination. The withdrawal shall be irrevocable only for the office sought and for the election at issue,
- 603.2 In the case of a presidential candidate who publically withdraws during a primary election and no affidavit of withdrawal is received from the candidates for delegate in support of that presidential candidate, the Board may remove the names of such candidates from the ballot.
- 603.3 The Executive Director or his or her designee shall provide public notice of all withdrawals.
- 603.4 The affidavit of withdrawal shall be filed with the Board no later than 5 p.m. on the 54th day before Election Day. If a candidate withdraws after the 54th day before Election Day, his or her name may still appear on the official ballot or separate handout (in the case of a presidential preference primary, pursuant to party rule). In this case, notice of the candidate's withdrawal shall also be posted in the early voting centers and the affected polling places.

Section 700 (Ballot Form and Content) of Chapter 7 (Election Procedures) of Title 3 of the District of Columbia Municipal Regulations (DCMR) is repealed.

Section 701 (Fictitious and Sample Ballots) of Chapter 7 (Election Procedures) of Title 3 of the District of Columbia Municipal Regulations (DCMR) is repealed.

Section 702 (Candidates Names on Ballots) of Chapter 7 (Election Procedures) of Title 3 of the District of Columbia Municipal Regulations (DCMR) is repealed.

Section 706 (Poll Watchers and Election Observers) of Chapter 7 (Election Procedures) of Title 3 of the District of Columbia Municipal Regulations (DCMR) is amended in its entirety to read as follows:

706 POLL WATCHERS AND ELECTION OBSERVERS

- 706.1 Each candidate and each proponent or opponent of a proposed ballot measure may petition the Board for credentials authorizing poll watchers at any early voting centers, polling places and/or ballot counting places.
- 706.2 Persons who wish to witness the administration of elections, including nonpartisan or bipartisan, domestic or international organizations, who are not affiliated with a candidate or ballot measure may petition the Board for credentials authorizing election observers at any early voting center, polling place, and/or ballot counting place.
- 706.3 Each petition shall be filed with the Board, not less than two (2) weeks before each election and shall be on a form furnished by the Board. Less than two (2) weeks before each election, the Board reserves the right to accept additional petitions based upon available space.
- 706.4 At the time of filing, the poll watcher petition form shall contain the following information:
- (a) The name, address, telephone number, and signature of the candidate or ballot measure proponent or opponent (“applicant”);
 - (b) The office for which the applicant is a candidate or the short title of the measure which the applicant supports or opposes;
 - (b) The name, address, and telephone number of the poll watcher supervisor, if a person is designated by the candidate, proponent, or opponent;
 - (c) The locations where access credentials are sought;

- (d) The names, addresses and telephone numbers of at least two (2) and not more than three (3) persons who are authorized to collect the poll watcher badges from the Board on behalf of the candidate or ballot measure proponent or opponent for distribution to the authorized poll watchers; and
- (e) A certificate from the applicant that each poll watcher selected shall conform to the regulations of the Board with respect to poll watchers and the conduct of the election.

706.5 At the time of filing, the election observer petition form shall contain the following:

- (a) The name, address, and telephone number of the organization or individual seeking credentials;
- (b) The name, address, and telephone number of the election observer supervisor, if a person is designated by an organization;
- (c) The names, addresses, and telephone numbers of all observers who will be receiving badges;
- (d) The locations where access credentials are sought;
- (e) The names, addresses, and telephone numbers of at least one (1) and not more than three (3) persons who are authorized to collect the election observer badges from the Board on behalf of the organization or individual seeking credentials for distribution to the authorized election observers; and
- (f) A certificate from the applicant that each election observer selected shall conform to the regulations of the Board with respect to election observers and the conduct of the election.

706.6 The Board may limit the number of poll watchers or election observers to ensure that the conduct of the election will not be obstructed or disrupted, except that:

- (a) Each qualified candidate shall be entitled to one (1) poll watcher in each of the precincts where his or her name appears on the ballot.
- (b) Each proponent or opponent of a ballot measure who has timely filed a verified statement of contributions with the Office of Campaign Finance shall be entitled to one (1) poll watcher in each precinct where the ballot measure appears on the ballot.

- 706.7 The Executive Director shall make a ruling on poll watcher and election observer petitions not less than ten (10) days prior to an election.
- 706.8 In making a determination of the number of watchers or observers allowed, the Executive Director shall consider the following:
- (a) The number of candidates or requesting organizations;
 - (b) Whether the candidates are running as a slate;
 - (c) The number of proponents and opponents of measures and proposed Charter amendments;
 - (d) The physical limitations of the polling places and counting place; and
 - (e) Any other relevant factors.
- 706.9 Within twenty-four (24) hours of a denial, the Executive Director shall issue a public notice with respect to any denial of a petition for credentials.
- 706.10 If a place cannot accommodate all those seeking credentials, the Board may grant preference to poll watchers over election observers, and organizations over individuals.
- 706.11 The Board shall issue a badge for each authorized poll watcher or election observer, with space for the watcher's or observer's name and the name of the candidate or party represented by the watcher, or any organization being represented by the observer. Badges shall also be issued for each authorized watcher representing the proponents or opponents of ballot measures.
- 706.12 Badges shall be numbered consecutively, and consecutive numbers issued to each candidate, organization, proponent, or opponent.
- 706.13 All badges shall be worn by the authorized poll watcher or election observer in plain view at all times when on duty at the polling place or counting place.
- 706.14 An authorized alternate poll watcher or election observer may, in the discretion of the watcher or observer supervisor, be substituted for a watcher or observer at any time; provided, that notice is first given to the designated representative of the Board at the polling place or counting place.
- 706.15 A poll watcher shall be allowed to perform the following acts:
- (a) Observe the count;

- (b) Unofficially ascertain the identity of persons who have voted;
- (c) Report alleged discrepancies to the Precinct Captain; and
- (d) Challenge voters in accordance with the procedures specified in this chapter, if the watcher is a registered qualified elector.

706.16 An election observer shall be allowed to perform the following acts:

- (a) Observe the count;
- (b) Unofficially ascertain the identity of persons who have voted; and
- (c) Report alleged discrepancies to the Precinct Captain.

706.17 No poll watcher or election observer shall, at any time, do any of the following:

- (a) Touch any official record, ballot, voting equipment, or counting form;
- (b) Interfere with the progress of the voting or counting;
- (c) Assist a voter with the act of voting;
- (d) Talk to any voter while the voter is in the process of voting, or to any counter while the count is underway; provided, that a watcher or observer may request that a ballot be referred for ruling on its validity to a representative of the Board;
- (e) In any way obstruct the election process; or
- (f) Use any video or still cameras inside the polling place while the polls are open for voting, or use any video or still camera inside the counting center if such use is disruptive or interferes with the administration of the counting process

706.18 A candidate may not serve as a poll watcher in any early voting center or polling place.

706.19 If a poll watcher or election observer has any question, or claims any discrepancy or error in the voting or the counting of the vote, the watcher or observer shall direct the question or complaint to the election official in charge. In each polling place, the Precinct Captain shall be the representative of the Board to whom the poll watchers or election observers shall direct all questions and comments. In counting places, the Executive Director shall identify those representatives to

whom poll watchers and election observers shall direct all questions and comments.

- 706.20 Any poll watcher or election observer who, in the judgment of the Board or its designated representative, has failed to comply with any of the rules contained in this section, or has engaged in some other prohibited activity or misconduct, may be requested to leave the polling place or the counting center.
- 706.21 If a poll watcher or election observer is requested to leave, that watcher's or observer's authorization to use credentials shall be cancelled, and he or she shall leave the polling place or counting place forthwith.
- 706.22 An authorized alternate poll watcher or election observer may be substituted for a watcher or observer who has been removed.

Section 707 (Polling Place Officials Liaison with Poll Watchers and Election Observers) of Chapter 7 (Election Procedures) of Title 3 of the District of Columbia Municipal Regulations (DCMR) is repealed.

Section 709 (Control of Activity at Early Voting Centers, Polling Places, and Ballot Counting Places) of Chapter 7 (Election Procedures) of Title 3 of the District of Columbia Municipal Regulations (DCMR) is amended in its entirety to read as follows:

709 CONTROL OF ACTIVITY AT EARLY VOTING CENTERS, POLLING PLACES, AND BALLOT COUNTING PLACES

- 709.1 The Precinct Captain shall have full authority to maintain order, pursuant to the Election Act, the regulations contained in this section, and directives of the Executive Director, General Counsel and their designees, including full authority to request police officials to enforce lawful orders of the Precinct Captain.
- 709.2 The only persons who shall be permitted to be present in early voting centers, polling places, or ballot counting places are the following:
- (a) Designated representatives of the Board;
 - (b) Police officers;
 - (c) Duly qualified poll watchers and election observers;
 - (d) Persons actually engaged in voting; and
 - (e) Other persons authorized by the Board.
- 709.3 The only activity which shall be permitted in the portion of any building used as an early voting center, polling place, or ballot counting place shall be the conduct of the election. No partisan or nonpartisan political activity, or any other activity

which, in the judgment of the Precinct Captain, may directly or indirectly interfere with the orderly conduct of the election, shall be permitted in, on, or within a reasonable distance outside the building used as an early voting center, polling place, or ballot counting place.

709.4 For the purposes of this section, the term "political activity" shall include, without limitation, any activity intended to persuade a person to vote for or against any candidate or measure or to desist from voting.

709.5 The distance deemed "reasonable" shall be approximately fifty feet (50 ft.) from any door used to enter the building for voting. The exact distance shall be determined by the Precinct Captain, depending on the physical features of the building and surrounding area. Wherever possible, the limits shall be indicated by a chalk line, or by some other physical marker at the polling place.

709.6 A person shall be warned to cease and desist his or her conduct upon any instance of the following:

- (a) Violation of the Election Act or regulations contained in this section;
- (b) Failure to obey any reasonable order of the Board or its representative(s); or
- (c) Acting in a disorderly manner in, or within a reasonable distance outside the building used as an early voting center, polling place, or ballot counting place.

709.7 If the person committing the violation(s) fails to cease and desist, a member of the Metropolitan Police Department of the District of Columbia shall be requested to evict the person or take other appropriate action.

Chapter 10 of Title 3 of the District of Columbia Municipal Regulations (DCMR) is amended in its entirety to read as follows:

CHAPTER 10 INITIATIVE AND REFERENDUM

- 1000 GENERAL PROVISIONS**
- 1001 ADOPTION OF BALLOT LANGUAGE**
- 1002 PETITION FORM**
- 1003 SIGNATURE REQUIREMENTS**
- 1004 NON-RESIDENT CIRCULATORS**
- 1005 FILING PETITIONS**
- 1006 PETITION CHALLENGES**
- 1007 VALIDITY OF SIGNATURES**
- 1008 WATCHERS**

- 1009** **PETITION CERTIFICATION**
- 1010** **DATE OF ELECTION**
- 1011** **RETENTION OF RECORDS**
- 1012** **PROPOSER SUBSTITUTION**

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 18 years of age; and
 - (ii) 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 The General Counsel shall provide notice in the *D.C. Register* of the measure's receipt and the Board's intent to review the measure at a public hearing to determine whether it presents a proper subject for initiative or referendum, whichever is applicable ("Notice of Public Hearing: Receipt and Intent to Review").
- 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;
 - (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.
- 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. ."

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 prepare and formally adopt the following at a public meeting:
- (a) An abbreviated and impartial summary statement not exceeding one hundred (100) words in length expressing the chief purpose of the proposed measure;
 - (b) 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
 - (c) 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.

- 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 five (5) days of formally adopting the summary statement, short title, and legislative text, the Board shall do the following:
- (a) Notify the proposer of the measure of the adopted language by certified mail; and
 - (b) Submit the adopted language to the *D.C. Register* for publication.
- 1001.4 Within ten (10) days from the date of its publication in the *D.C. Register*, 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. If no review in the Superior Court is sought, the adopted language shall be considered to be certified at the expiration of the ten (10) day period for review.
- 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.

1002 PETITION FORM

1002.1 The Board shall prepare and provide to the proposer at a public meeting an original petition form which the proposer shall reproduce at his or her own expense for use in circulating the petition. Each reproduced petition sheet shall be printed in its entirety on white paper of good writing quality of the same size as the original petition form prepared by the Board and shall be double-sided.

1002.2 The original petition form prepared by the Board shall contain the following:

- (a) Numbered lines for twenty (20) names, 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; and
- (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.

1002.3 The second page of each petition form shall include 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:

- (a) He or she is a qualified petition circulator;
- (b) He or she was in the presence of each person who signed the petition at the time the petition was signed;

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

1002.4 No petition sheets may be circulated prior to the Board’s provision of the original petition form.

1003 SIGNATURE REQUIREMENTS

1003.1 An initiative or referendum petition shall be signed by registered voters equal in number to five percent (5%) of the registered qualified electors of the District of Columbia, provided that the total signatures submitted include five percent (5%) of the registered qualified electors in each of five (5) or more of the eight (8) election wards.

1003.2 The number of registered qualified electors used for computing the signature requirements shall be based upon the latest official count of registered qualified electors made by the Board that was issued at least thirty (30) days prior to submission of the signatures for the particular initiative or referendum petition.

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 eighteen (18) years of age;
- (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 utility bill, bank statement, government check, 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.

1005 FILING PETITIONS

1005.1 An initiative petition must be submitted 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. A referendum petition shall be submitted 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 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.

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 reproduction of the form provided by the Board;
- (b) Appears on a page which does not have a completed circulator affidavit;

- (c) Was collected by someone who is not a qualified petition circulator; and
- (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.

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 for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petitions are filed.

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 is properly filed if it:

- (a) Cites the alleged signature or circulator requirement defects, as set forth in the signature validity rules of this chapter, by line and page;
- (b) Is signed and submitted in-person at the Board's office by a qualified elector within the ten (10)-day posting period; and
- (c) Alleges the minimum number of signature defects which, if valid, would render the proposed measure ineligible for ballot access.

1006.3 Within three (3) working 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 proposer, by first-class mail, or email.

1006.4 After receipt of a properly filed challenge, 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.

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) The signer was also the circulator of the same petition sheet where the signature appears.
- (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.

1008 WATCHERS

- 1008.1 Two (2) persons representing the proposer(s) and two (2) persons representing any political committee or committees 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 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 Badges shall be worn by the authorized watcher at all times when observing the counting and validation process.
- 1008.6 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.
- 1008.7 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.
- 1008.8 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.
- 1008.9 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.

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) The signer was also the circulator of the same petition sheet where the signature appears; 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, 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 Management Division of the Office of Planning with the signatures in the random sample universe, broken down by ward. The Data Management 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 Management 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 Management 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.

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 Management Division. Using the random

sample results, the Data Management 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 Management 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 Management Division shall request that the Board verify additional signatures for authenticity if a larger sample is needed to make a determination.

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.

1010 DATE OF ELECTION

1010.1 At the time the Board certifies an initiative petition as numerically sufficient for ballot access, the Board shall call for the initiative measure to be included on the ballot for 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 At the time the Board certifies a referendum petition as numerically sufficient for ballot access, the Board shall call a special election to occur 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 call for the referendum measure to be included on the ballot for 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.

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.

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.

Chapter 11 of Title 3 of the District of Columbia Municipal Regulations (DCMR) is amended in its entirety to read as follows:

CHAPTER 11 RECALL OF ELECTED OFFICIALS

- 1100 GENERAL PROVISIONS**
- 1101 RESERVED**
- 1102 PETITION FORM**
- 1103 SIGNATURE REQUIREMENTS**
- 1104 NON-RESIDENT CIRCULATORS**
- 1105 FILING PETITIONS**
- 1106 PETITION CHALLENGES**
- 1107 VALIDITY OF SIGNATURES**
- 1108 WATCHERS**
- 1109 PETITION CERTIFICATION**
- 1110 DATE OF ELECTION**

1111 RETENTION OF RECORDS
1112 PROPOSER SUBSTITUTION

1100 GENERAL PROVISIONS

1100.1 This chapter governs the process by which the qualified electors of the District of Columbia may call for the holding of an election to remove or retain an elected official of the District of Columbia (except the Delegate to the House of Representatives) prior to the expiration of his or her term (“recall”).

1100.2 For purposes of this chapter, unless otherwise provided, the following terms shall have the meaning ascribed:

(a) The term “elected official” means any of the following office holders:

- (i) Mayor of the District of Columbia;
- (ii) Members of the Council of the District of Columbia;
- (iii) Attorney General for the District of Columbia;
- (iv) United States Senator;
- (v) United States Representative;
- (vi) Members of the State Board of Education; and
- (vii) Advisory Neighborhood Commissioner.

(b) The term “qualified petition circulator” means an individual who is:

- (i) At least 18 years of age; and
- (ii) 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.

1100.3 In order to commence recall proceedings against an elected official, a registered qualified elector shall file a Notice of Intent to Recall (“Recall Notice”) in-person at the Board’s office. A Recall Notice shall be considered properly filed under the following conditions:

- (a) If the elected official sought to be recalled is either the Mayor, Chairman or Member of the Council; Attorney General, Senator, Representative, or Member of the State Board of Education, the Recall Notice is not filed within the first or last three hundred sixty-five (365) days of the elected official’s term of office or within three hundred sixty-five (365) days of a recall election that was decided in the official’s favor;
- (b) If the elected official sought to be recalled is an Advisory Neighborhood Commissioner, the Recall Notice is not filed within the first or last six (6) months of the Commissioner’s term of office or within six (6) months of a recall election that was decided in the Commissioner’s favor;
- (c) If the elected official sought to be recalled was elected from a ward or Single-Member District, each recall proposer is a registered qualified elector in the ward or Single-Member of the elected official sought to be recalled;
- (d) Only one elected official is listed as the subject of the Recall Notice;
- (e) The Recall Notice includes a statement of not more than two hundred (200) words giving the reasons for the proposed recall;
- (f) The name, telephone number, email address, and residence address of each recall proposer is included and legible in the Recall Notice; and
- (g) The Recall Notice is accompanied by a copy of the statement of organization and report(s) of receipts and expenditures that have been filed with the Office of Campaign Finance.

1100.4 Upon submission of a properly filed Recall Notice, the Executive Director or his or her designee shall issue a receipt to the proposer or his or her representative.

1100.5 Within five (5) calendar days after a Recall Notice has been properly filed, the General Counsel or his or her designee shall serve, personally or by certified mail, a copy of the Recall Notice on the elected official sought to be recalled. The elected official sought to be recalled may, within ten (10) calendar days after the Recall Notice was filed, submit a response of no more than two hundred (200) words to the Board. The General Counsel shall serve a copy of any response submitted on the recall proposer(s).

1101 RESERVED

1102 PETITION FORM

- 1102.1 The Board shall prepare and provide to the proposer at a public meeting an original petition form which the proposer shall reproduce at his or her own expense for use in circulating the petition. Each reproduced petition sheet shall be printed in its entirety on white paper of good writing quality of the same size as the original petition form prepared by the Board and shall be double-sided.
- 1102.2 The original petition form prepared by the Board shall contain the following:
- (a) Numbered lines for twenty (20) names, 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 a recall election in the manner prescribed in Charter Amendment No. 2 to Title IV of the District of Columbia Self-Government and Governmental Reorganization Act;
 - (c) The name of the elected officer sought to be recalled and the office held by that elected official;
 - (d) The name and address of the proposer or proposers of the recall;
 - (e) The statement of grounds for the recall and the response of the officer sought to be recalled, if any. If the officer sought to be recalled has not responded, the petition shall so state;
 - (f) A warning statement declaring that only duly registered qualified electors of the District of Columbia may sign the petition;
 - (g) 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.
 - (h) 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.
- 1102.3 The second page of each petition form shall include 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:

- (a) He or she is a qualified petition circulator;
- (b) He or she was in the presence of each person who signed the petition at the time the petition was signed;
- (c) According to the best information available to the circulator, each signature is the genuine signature of the person whose name it purports to be.

1102.4 No petition sheets may be circulated prior to the Board's provision of the original petition form.

1103 SIGNATURE REQUIREMENTS

1103.1 A petition to recall an at-large elected official shall contain the valid signatures of ten percent (10%) of the registered qualified electors of the District of Columbia, provided that the total number of signatures submitted shall include ten percent (10%) of the registered electors in each of five (5) or more of the eight (8) election wards.

1103.2 A petition to recall an elected official from a ward shall contain the valid signatures of ten percent (10%) of the registered qualified electors of the ward from which the official was elected.

1103.3 A petition to recall an elected official from a Single-Member District shall contain the valid signatures of ten percent (10%) of the registered qualified electors of the Single-Member District from which the official was elected.

1103.4 The number of registered qualified electors used for computing these signature requirements shall be based upon the latest official count of registered qualified electors made by the Board that was issued at least thirty (30) days prior to the submission of signatures for the particular recall election.

1104 NON-RESIDENT CIRCULATORS

1104.1 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:

- (f) Provides the name of the measure in support of which he or she will circulate the petition;
- (g) Provides his or her name, residential address, telephone number, and email address;

- (h) Swears under oath or affirms that he or she is at least eighteen (18) years of age;
- (i) 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;
- (j) 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.

1104.2 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 utility bill, bank statement, government check, 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.

1105 FILING PETITIONS

1105.1 Where the elected official sought to be recalled is an elected official other than an Advisory Neighborhood Commissioner, a recall petition shall be submitted 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. Where the elected official sought to be recalled is an Advisory Neighborhood Commissioner, a recall petition shall be submitted for filing no later than 5:00 p.m. on the sixtieth (60th) calendar day following the date upon which the Board provided the original petition form. A petition that is not timely submitted shall not be accepted for filing

1105.2 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) 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.

1105.3 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 reproduction of the form provided by the Board;
- (b) Appears on a page which does not have a completed circulator affidavit;
- (c) Was collected by someone who is not a qualified petition circulator; and
- (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.

1105.4 If the initial total count indicates that the petition contains the signatures of at least ten percent (10%) of the registered qualified electors residing in the political subdivision from which the elected official sought to be recalled is elected, 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 the signatures of at least ten percent (10%) of the registered qualified electors residing in the political subdivision from which the elected official sought to be recalled is elected, the Executive Director refuse to accept the petition and shall notify the proposer(s) in writing of the refusal

1105.5 Within ten (10) days after the refusal, the proposer(s) of a refused petition may, pursuant to D.C. Code § 1-1001.(l) (2011 Repl.), 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.

1106 PETITION CHALLENGES

1106.1 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 for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petitions are filed. For petitions to recall an Advisory Neighborhood Commissioner, the ten (10)-day period shall not include Saturdays, Sundays, and holidays.

- 1106.2 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 is properly filed if it:
- (a) Cites the alleged signature or circulator requirement defects, as set forth in the signature validity rules of this chapter, by line and page;
 - (b) Is signed and submitted in-person at the Board's office by a qualified elector within the ten (10)-day posting period; and
 - (c) Allege the minimum number of signature defects which, if valid, would render the proposed measure ineligible for ballot access.
- 1106.3 Within three (3) working 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 proposer, by first-class mail, or email.
- 1106.4 After receipt of a properly filed challenge, 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.
- 1106.5 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.
- 1106.6 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.
- 1106.7 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.

1106.8 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.

1107 VALIDITY OF SIGNATURES

1107.1 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) The signer was also the circulator of the same petition sheet where the signature appears.
- (k) The signature was obtained outside of the presence of the circulator;
- (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; or
- (m) The signer is not a registered voter in the ward or Single-Member District of the elected official sought to be recalled.

1108 WATCHERS

- 1108.1 Two (2) persons representing the proposer(s) and two (2) persons representing the elected official sought to be recalled may be present during the counting and validation procedures and shall be deemed watchers.
- 1108.2 To secure the presence of watchers, the proposer or elected official shall file a petition for credentials for watchers, within three (3) days from the date the recall petition is submitted for filing.
- 1108.3 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 elected official;
 - (b) The names, addresses, and telephone numbers of the persons authorized to represent the proposer(s) or elected official 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.
- 1108.4 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 the elected official represented by the watcher.
- 1108.5 Badges shall be worn by the authorized watcher at all times when observing the counting and validation process.
- 1108.6 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.

1108.7 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.

1108.8 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.

1108.9 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.

1109 PETITION CERTIFICATION

1109.1 Within thirty (30) calendar days after the acceptance of a recall 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.

1109.2 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.

1109.3 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").

1109.4 A signature will not be counted and included in the random sample universe a signature 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) The signer was also the circulator of the same petition sheet where the signature appears;
- (j) The signature was obtained on a petition sheet that was submitted on behalf of a previously filed recall petition that was rejected or found to be numerically insufficient; or
- (k) The signer is not a registered voter in the ward or Single-Member District of the elected official sought to be recalled.

1109.5 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, 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.

1109.6 If the number of signatures in the random sample universe does not meet or exceed the established Single-Member District, ward and/or District-wide requirements, the Board shall reject the petition as numerically insufficient.

1109.7 If the number of signatures in the random sample universe meets or exceeds the established minimum requirements and the officer sought to be recalled is an

Advisory Neighborhood Commissioner, the Board shall verify the authenticity of all of the signatures in the random sample universe.

- 1109.8 If the number of signatures in the random sample universe meets or exceeds the established minimum requirements and the officer sought to be recalled is elected from a ward or at-large, the Board shall supply the Data Management Division of the Office of Planning with the signatures in the random sample universe, further broken down by ward if the elected official sought to be recalled is elected at-large.
- 1109.9 If the elected official sought to be recalled is elected at-large, the Data Management Division shall draw and identify for the Board a sample of one hundred (100) signatures from each ward to be verified (“random sample”), except where:
- (a) The Data Management 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 Management 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.
- 1109.10 If the elected official sought to be recalled is elected from a ward, the Data Management Division shall determine the size of the random sample.
- 1109.11 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.
- 1109.12 The Board shall report the number of authentic signatures in each ward sample (“random sample results”) to the Data Management Division. Using the random sample results, the Data Management 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.

- 1109.13 In the case of an elected official sought to be recalled is elected at-large, if the Data Management 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 Management Division shall request that the Board verify additional signatures for authenticity if a larger sample is needed to make a determination.
- 1109.14 If the total number of authentic signatures equals or exceeds the District-wide and/or ward signature requirements with ninety-five percent (95%) confidence, the Board shall certify the petition as numerically sufficient for ballot access.
- 1109.15 If the total number of authentic signatures fails to equal or exceed the District-wide and/or ward signature requirements with ninety-five percent (95%) confidence, the Board shall certify the petition as numerically insufficient to qualify for ballot access.

1110 DATE OF ELECTION

- 1110.1 At the time the Board certifies a recall petition as numerically sufficient for ballot access, the Board shall call a special election to occur 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 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 call for the measure to be included on the ballot for that election.
- 1110.2 If the certified recall petition proposes to recall an Advisory Neighborhood Commissioner, the Board may, in its discretion, conduct a special election by postal ballot.

1111 RETENTION OF RECORDS

- 1111.1 The Board shall preserve recall petitions for one (1) year after the date of the election for which the petition qualified or attempted to qualify for placement on the ballot.
- 1111.2 Recall petitions shall be destroyed following the lapse of the one (1) year period unless legal action relating to the petitions is pending.

1112 PROPOSER SUBSTITUTION

- 1112.1 The proposer of a recall measure shall serve as the proposer of record until such time as a proposer substitution occurs.
- 1112.2 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 measure; and
 - (b) The substitute proposer is a registered qualified elector of the District.

Chapter 12 of Title 3 of the District of Columbia Municipal Regulations (DCMR) is created to read as follows:

CHAPTER 12 BALLOTS

- 1200 BALLOT FORM AND CONTENT**
- 1201 FICTITIOUS AND SAMPLE BALLOTS**
- 1202 ORDER OF CONTESTS AND QUESTIONS**
- 1203 CANDIDATES NAMES ON BALLOTS**
- 1204 BALLOT POSITION LOTTERY**

1200 BALLOT FORM AND CONTENT

- 1200.1 The Board shall provide official ballots to absentee voters and to voters on Election Day and at early voting centers to be used by the voter for indicating candidate or ballot measure preference in any contest.
- 1200.2 Official election ballots shall list:
 - (a) Any offices to be filled and candidates for nomination or election;
 - (b) The serial number, short title, and summary statement of each proposed initiative, referendum or Charter amendment, if any; and
 - (c) Each proposed recall measure, if any.
- 1200.3 Official ballots for primary elections shall be separate and color-coded for each political party qualified to participate in the election.
- 1200.4 Official ballots for qualified federal electors shall list only the offices of Electors of President and Vice President of the United States and Delegate to the United States House of Representatives and the candidates for each office, and shall be

provided in any primary, general or special election in which those offices are nominated or elected. Federal Ballots shall be restricted to qualified federal electors as defined in chapter 5.

1200.5 Initiative, referendum and recall measures and proposed Charter amendments may appear on a separate ballot in any election.

1200.6 Candidates who are properly registered as a slate shall appear individually in each contest denoting parenthetically the name of the slate with which the candidate is registered.

1201 FICTITIOUS AND SAMPLE BALLOTS

1201.1 The Board shall publish in the D.C. Register a sample design and layout of the ballot ("fictitious ballot") to be used in each election not later than forty-five (45) days before the election.

1201.2 The Board shall publish a sample ballot to be used in each election (except the official ballot to be used in the Advisory Neighborhood Commissions elections) in one or more newspapers of general circulation in the District not more than twenty-one (21) days before each election.

1201.3 The Board shall permit the preparation and distribution of sample ballots, subject to the following requirements:

- (a) Sample ballots shall be printed or reproduced on white paper; and
- (b) Sample ballots shall be prominently marked on the front with the word(s) "Sample" or "Sample Ballot."

1202 ORDER OF CONTESTS AND QUESTIONS

1202.1 Contests and questions in any Primary, General or Special Election, if applicable to that election, shall appear on the ballot in the following order:

- (a) Electors for President and Vice President of the United States;
- (b) Delegate to the U.S. House of Representatives;
- (c) Mayor of the District of Columbia;
- (d) Chairman of the Council of the District of Columbia;
- (e) At-Large Member of the Council of the District of Columbia;
- (f) Ward Member of the Council of the District of Columbia;

- (g) United States Senator;
- (h) United States Representative;
- (i) At-Large Member of the State Board of Education;
- (j) Ward Member of the State Board of Education;
- (k) Advisory Neighborhood Commissioner;
- (l) Short title and summary statement of each proposed initiative, referendum, and Charter amendment; and
- (m) Recall measures.

1202.2 In any election following the admittance of the proposed state of New Columbia to the union, the contests for United States Senator and United States Representative shall appear first on the ballot, or immediately following the contest for Electors of President and Vice President of the United States in presidential election years.

1203 CANDIDATES NAMES ON BALLOTS

1203.1 The name of a candidate for election shall appear on the ballot in the form designated on the Declaration of Candidacy executed and filed by the candidate in accordance with the provisions of chapter 6 of this title; provided, that the name conforms to the following:

- (a) The use of titles, degrees, and prefixes on the ballot is prohibited; and
- (b) The candidate shall designate the listing of his or her name on the ballot by specifying the given name or names, or the initial letter of a given name, if any, and surname.

1203.2 The Board may permit a candidate to specify a modified form of his or her given name or names on the ballot if the Board finds that the change shall not confuse or mislead the voters and is legally acceptable.

1203.3 In any election, the order in which the names and slates of the candidates for office appear on the ballot shall be determined by lot pursuant to this chapter.

1203.4 Except where otherwise specified, the names of candidates nominated as a slate shall be listed on the ballot in the same order in which their names appear on the first page of their nominating petition.

1204 BALLOT POSITION LOTTERY

- 1204.1 In each primary, general and special election, the Board shall determine, by lot, the order of the candidates’ names on the ballot in each contest.
- 1204.2 The Board shall notify each candidate for the offices appearing on the ballot of the date and time of the lottery to determine ballot position.
- 1204.3 The lottery to determine ballot position in any election shall be conducted in the following manner:
 - (a) The name of each candidate in a contest shall be typed or written on a slip of paper and placed in a container;
 - (b) Each candidate, or his or her designated representative, shall draw from the container one slip of paper;
 - (c) In the absence of a candidate, or his or her designated representative, the Board shall assign a local party committee chairperson, a registered voter, or one of its employees to draw for the absent candidate;
 - (d) The lottery for ballot position shall be conducted such that the names on the slips of paper shall be hidden from the view of the individual drawing; and
 - (e) The candidate whose name is pulled first from the container shall have his or her name appear first on the ballot; the candidate whose name is pulled second shall have his or her name placed second on the ballot; and this order shall continue until all candidate ballot positions have been determined.
- 1204.4 In the event of the death, withdrawal, or disqualification of a candidate from the ballot prior to the printing of the ballot, the position of each candidate that appears beneath the name of the former candidate shall be raised to the next higher position.

Chapter 13 of Title 3 of the District of Columbia Municipal Regulations (DCMR) is amended in its entirety to read as follows:

CHAPTER 13 ADVISORY NEIGHBORHOOD COMMISSION VACANCIES

- 1300 GENERAL PROVISIONS**
- 1301 PETITION BY ANC FOR DECLARATION OF VACANCY**
- 1302 DECLARATION OF VACANCY BY THE BOARD**
- 1303 CERTIFICATION OF VACANCY AND PETITIONS**
- 1304 APPOINTMENT OR ELECTION**

1300 GENERAL PROVISIONS

- 1300.1 This chapter governs the process by which vacancies in the office of Advisory Neighborhood Commissioner are certified and filled.
- 1300.2 For the purposes of this chapter, a vacancy is deemed to exist in the office of a member of an Advisory Neighborhood Commissioner when any of the following occurs:
- (a) Resignation of the incumbent by signed letter received by the Board, provided that if such resignation letter is prospective, the resignation is notarized, irrevocable, and effective not more than sixty (60) days following receipt of the letter;
 - (b) Failure of the incumbent to reside in the Single-Member District from which the member is elected, as determined by resolution of the Advisory Neighborhood Commission that has been certified by the Board, or by other findings of the Board, as described in this chapter;
 - (c) The incumbent holds another elected public office as defined by D.C. Official Code § 1-309.05(a)(2) (2006 Repl.);
 - (d) Death of the incumbent;
 - (e) Declaration of vacancy by a court;
 - (f) Successful recall of the incumbent; or
 - (g) When the office of an Advisory Neighborhood Commissioner from a Single-Member District remains vacant after a general election.

1301 PETITION BY ANC FOR DECLARATION OF VACANCY

- 1301.1 If a Commissioner fails to reside in the Single-Member District from which the Commissioner is elected and the Commissioner does not submit a letter of resignation, the affected Advisory Neighborhood Commission shall petition the Board by a resolution, signed by the Chairperson and secretary, to declare a vacancy. Consideration of the resolution shall meet all of the requirements as prescribed in D.C. Official Code § 1-309.06 (f)(2).
- 1301.2 A copy of the resolution, the minutes of the meeting at which the resolution was adopted, and a list of those individuals in attendance at the public meeting shall be sent to the Board, the Council of the District of Columbia, the Mayor, and the affected Commissioner. The resolution shall be a document, separate from all other papers, which states the reason for the vacancy. A separate resolution shall be required for each vacancy.

- 1301.3 The Executive Director or his or her designee shall post, by making available for public inspection, the resolution in the office of the Board for ten (10) working days, beginning on the third working day after receipt of the resolution.
- 1301.4 Any qualified elector may, within the ten (10) day period, challenge the validity of the resolution by a written statement, duly signed by the challenger and filed with the Board, specifying concisely the alleged defects in the resolution.
- 1301.5 Within three (3) working days of receipt of a challenge, the Board shall serve, in person or by certified mail, a copy of the challenge upon the Chairperson of the affected Advisory Neighborhood Commission.
- 1301.6 The Board shall receive evidence in support of and in opposition to the challenge and shall determine the validity of the challenged resolution not more than thirty (30) days after the challenge has been filed.
- 1301.7 If the Board upholds the validity of the resolution, it shall certify the seat as vacant and forward a copy of the certification and the resolution, by personal service or certified mail, within three (3) working days, to the Chairperson of the respective Advisory Neighborhood Commission. Within three (3) days after certification of the vacancy, either the challenger or the affected Commissioner may apply to the District of Columbia Court of Appeals for a review of the reasonableness of the determination.
- 1301.8 If, at the expiration of the challenge period, no challenge has been filed with respect to the resolution, the Board shall certify the vacancy.

1302 DECLARATION OF VACANCY BY THE BOARD

- 1302.1 If the Executive Director, through voter registration list maintenance activities, receives evidence that a Commissioner is no longer a registered qualified elector residing in the Single-Member District from which he or she was elected, the Executive Director, or his or her designee, shall present such evidence to the Board at a public hearing to determine whether a vacancy should be certified
- 1302.2 The Executive Director or his or her designee shall notify the Commissioner by certified mail of the hearing and provide the evidence supporting the existence of the vacancy. The hearing shall be held no fewer than twenty (20) days after the mailing of the Notice.
- 1302.3 The notice shall include the following information:
- (a) A statement that the Executive Director or his or her designee shall present evidence that the Commissioner is not a registered

qualified elector residing in the Single-Member District from which elected; and

- (b) A statement that the Commissioner may rebut the evidence, in-person or in writing.

1302.4 The Executive Director or his or her designee shall send copies of the notice to the following:

- (a) The Chairperson of the affected commission;
- (b) The Council of the District of Columbia; and
- (c) The Mayor of the District of Columbia.

1302.5 The Board shall consider the Executive Director's evidence and any evidence presented in the rebuttal by the Commissioner. If the Board finds that the Commissioner is not a registered qualified elector residing in the Single-Member District from which he or she was elected, the Board shall certify the seat as vacant.

1302.6 Within three (3) days after the certification of the vacancy, the affected Commissioner may apply to the District of Columbia Court of Appeals for a review of the reasonableness of such determination.

1303 CERTIFICATION OF VACANCY AND PETITIONS

1303.1 Except when the vacancy occurs due to the Commissioner's failure to reside in the District from which the Commissioner was elected, the Executive Director or his or her designee shall be authorized to certify the seat as vacant and submit the notice for publication in the D.C. Register. Within five (5) business days after the date that the vacancy notice is published in the *D.C. Register*, the Executive Director shall make petitions available for obtaining signatures of registered electors within the respective Single-Member District, except that if a vacancy occurs within six (6) months of a general election, nominating petitions shall not be made available and the seat shall remain vacant for the remainder of the term of office. In the event petitions are not obtained by any registered qualified elector within the affected Single-Member District within fourteen (14) working days after petitions have been made available, the Board shall republish the vacancy notice.

1303.2 All rules established in chapter 16 of this title shall apply, except that:

- (a) The candidate's petition, Declaration of Candidacy, affidavits, and supplements, if any, shall be filed with the Board at its office not later than 4:45 p.m. within twenty-one (21) days of the date on which the Executive Director makes the petitions available; and

- (b) The Executive Director or his or her designee shall post nominating petitions, or facsimiles thereof, in the Board’s office for public inspection for five (5) working days beginning on the third (3rd) working day after the filing deadline.

1304 APPOINTMENT OR ELECTION

- 1304.1 Upon conclusion of the five (5) day nominating petition challenge period, the Executive Director or his or her designee shall certify the list of qualified candidates to fill the vacancy.
- 1304.2 If there is only one qualified candidate to fill the vacancy, the Executive Director shall certify the office as being filled by notice published in the *D.C. Register* and the Advisory Neighborhood Commissioners shall appoint the qualified candidate to the vacant Advisory Neighborhood Commissioner position at its next regularly scheduled meeting.
- 1304.3 If more than one qualified candidate is certified, the Executive Director shall transmit the list of qualified candidates to the affected area Advisory Neighborhood Commission. The Commission shall give notice at a public meeting that at the next regularly scheduled meeting there shall be an open vote of the members of the affected Single-Member District to elect the new commissioner. Upon conclusion of the election, the Commission shall transmit to the Board a resolution signed by the Chairman and Secretary of the Advisory Neighborhood Commission that states the winner of the election and requests that the Board certify the vacancy as filled by notice published in the *D.C. Register*.

Chapter 14 of Title 3 of the District of Columbia Municipal Regulations (DCMR) is amended in its entirety to read as follows:

CHAPTER 14 CANDIDATE NOMINATIONS: POLITICAL PARTY PRIMARIES FOR PRESIDENTIAL PREFERENCE AND CONVENTION DELEGATES

- 1400 GENERAL PROVISIONS**
- 1401 RESERVED**
- 1402 PETITION FORM**
- 1403 SIGNATURE REQUIREMENTS**
- 1404 NON-RESIDENT CIRCULATORS**
- 1405 FILING PETITIONS**
- 1406 PETITION CHALLENGES**
- 1407 VALIDITY OF SIGNATURES**
- 1408 WRITE-IN NOMINATION**

- 1400 GENERAL PROVISIONS**

- 1400.1 This chapter governs the process by which candidates for nomination for President of the United States (“candidate for presidential nominee”) of each eligible political party in the District seek ballot access for the presidential preference primary.
- 1400.2 For purposes of this chapter, unless otherwise provided, the following terms shall be defined as follows:
- (a) The term “eligible party” or “major party” means an authorized political party which is qualified to hold a party primary for partisan offices pursuant to D.C. Official Code § 1-1001.08 (h)(2);
 - (b) The term “qualified petition circulator” means an individual who is:
 - (i) At least 18 years of age; and
 - (ii) 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.
- 1400.3 The governing body of each eligible political party shall file the following with the Board of Elections, no later than one hundred eighty (180) days prior to the presidential preference primary election:
- (a) Notification of that party’s intent to conduct a presidential preference primary; and
 - (b) A plan for the election detailing the procedures to be followed in the selection of individual delegates and alternates to the convention of that party, including procedures for the selection of committed and uncommitted delegates (“party plan”).
- 1400.4 The Board shall adhere to party plan procedures to the extent that such plan does not conflict with District law and regulations. If the party plan conflicts with District law and regulations, the General Counsel or his or her designee shall inform the party of the conflict.
- 1401 RESERVED**
- 1402 PETITION FORM**
- 1402.1 A nominating petition form shall be separately prepared and issued by the Executive Director or his or her designee for each candidate for presidential nominee.

- 1402.2 The first page of the petition shall contain the following information:
- (a) The full name and state of residence of the candidate for presidential nominee, or if the petition is used to nominate an uncommitted delegation pursuant to party plan, the word "uncommitted" shall be placed on the petition in the space provided for the presidential candidate's name and state of residence;
 - (b) The name of the political party with which the candidate for presidential nominee, or uncommitted delegation, is affiliated;
 - (c) The name, address, voter registration number, and office sought by each candidate for convention delegate or alternate, if the party plan provides that convention delegates and alternates are to be listed on the ballot or on a separate reference sheet provided to the voter with the ballot; and
 - (d) A statement that all of the signatories to the petition shall be of the same political party as the nominee.
- 1402.3 The second page of the of the petition shall include a circulator's affidavit, providing space for the circulator of a nominating petition to record his or her name, address, and telephone number. By signing the affidavit, the circulator swears under oath or affirms that he or she:
- (a) Is a qualified petition circulator;
 - (b) Personally circulated the petition sheet;
 - (c) Personally witnessed the signing of each signature on the petition sheet; and
 - (d) Inquired whether each signer is a registered voter in the District of Columbia and that the signer is a registered voter in the same political party as the candidate seeking nomination.
- 1402.4 No nominating petition shall be issued to any person other than the candidate whose name appears on the first page of the petition, unless the Board receives written notice from the candidate which authorizes the Board to release petitions in his or her name. The authorization shall include the following:
- (a) Candidate's name;
 - (b) Office which the candidate seeks and political party; and

- (c) Candidate's signature.

1403 SIGNATURE REQUIREMENTS

- 1403.1 To obtain ballot access, a candidate's petition shall contain a total of at least one thousand (1,000) signatures, or one percent (1%), whichever is less, of registered qualified electors of the District who are of the same political party as the candidate(s).

1404 NON-RESIDENT CIRCULATORS

- 1404.1 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 (and office sought by) the candidate 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 eighteen (18) years of age;
- (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.

- 1404.2 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 utility bill, bank statement, government check, 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.

1405 FILING PETITIONS

1405.1 Before the nominating petition is filed, all sheets which comprise the petition shall be assembled and serially numbered.

1405.2 At the time of filing the nomination by petition, the following affidavits, forms, and declarations shall be filed on forms prescribed by the Board:

- (a) If the petition nominates a specific presidential candidate, an affidavit executed personally by the presidential candidate (“Affidavit of Presidential Nominee Candidate”) naming the candidates for delegate and alternate and stating their consent to the following:
 - (i) the appearance of his or her name on the primary ballot; and
 - (ii) if applicable, the appearance of each named delegate/alternate being listed on the ballot (or separate handout) as committed to his or her candidacy;
- (b) If the petition nominates “uncommitted” delegates, one of the following affidavits or forms:
 - (i) If the party plan does not require the listing of delegates/alternates on the ballot or separate handout, an affidavit filed by the sponsor of the petition effort that he or she is a sponsor of the petition to place “uncommitted” on the ballot; or
 - (ii) If the party plan requires listing of delegates/alternates on the ballot or separate handout, a “Delegate Slate Registration Form” which provides the names of all candidates for delegate/alternate, and the name, address, telephone number and signature of the individual who is authorized to represent the delegates/alternates in matters before the Board;
- (c) A Declaration of Candidacy for each candidate for delegate and alternate, as required by Chapter 6 of this title; and

- (d) An affidavit from each candidate for delegate and alternate stating that he or she was properly selected as a delegate/alternate pursuant to party rules (“declaration of proper selection”).

1405.3 The nominating petition and supporting affidavits described in this section, as well as Declarations of Candidacy from each candidate for delegate and alternate (when applicable) as required pursuant to chapter 6 of this title, shall be filed in-person at the Board’s office no later than 5:00 p.m. on the 90th day preceding the election (“petition-filing deadline”). Any candidate may file petition supplements prior to the petition-filing deadline. All petitions and supplements shall be received by the Executive Director or his or her designee if filed on or before the petition-filing deadline. All petitions and supplements shall be accompanied by an affidavit executed by the person filing the petition or supplement attesting that to the best of his or her knowledge, the petition is complete and contains the legally required number of valid signatures.

1405.4 Within three (3) business days following the petition-filing deadline, the Executive Director or his or her designee shall issue a preliminary determination of petition sufficiency. In order to be determined sufficient, a petition nominating a candidate shall:

- (a) Contain the minimum statutory number of signatures required to obtain ballot access for the office sought;
- (b) Be on a form issued by the Executive Director or his or her designee in accordance with the rules of this chapter; and
- (c) Be accompanied by the affidavits described in this section and the Declarations of Candidacy required by Chapter 6.

1405.5 In determining whether the minimum statutory number of signatures is contained in the nominating petition, the Executive Director or his or her designee shall not count any signatures submitted on petition pages that fail to include a completed circulator’s affidavit or any signatures of registered voters who submitted a written notarized request to disallow the voter’s signature from being counted on the petition; provided, that the request shall be received prior to the time the petition is filed.

1405.6 Notice of the Executive Director’s preliminary determination of petition sufficiency shall be served immediately by email or first-class mail upon each candidate for delegate and alternate.

1405.7 In the event that it is determined that a candidate’s nominating petition is insufficient, the candidate’s nominating petition shall nevertheless be posted for

the challenge period specified in D.C. Official Code § 1-1001.08 (o) (2011 Repl.), along with the Executive Director's preliminary determination.

- 1405.8 Within three (3) days of issuing a notice of petition insufficiency, a candidate aggrieved by the decision may file a written notice of appeal with the Board, duly signed by the candidate and specifying concisely the grounds for appeal.
- 1405.9 The Board shall hold a hearing on the appeal within three (3) days after receipt of the appeal notice.
- 1405.10 The hearing shall be conducted in accordance with the procedures provided in the District of Columbia Administrative Procedure Act, (D.C. Official Code §§ 2-501 *et seq.* (2011 Repl.)), and may be heard by a one-member panel (D.C. Official Code § 1-1001.05 (g) (2011 Repl.)).
- 1405.11 Any appeal from a decision of a one-member panel to the full Board shall be taken in the manner prescribed by D.C. Official Code § 1-1001.05 (g) (2011 Repl.); however, in no case shall the time allowed for the appeal exceed three (3) business days from the date of decision of the one-member panel.

1406 PETITION CHALLENGES

- 1406.1 The Executive Director or his or her designee shall post nominating petitions, or facsimiles thereof, in the Board's office for public inspection and opportunity for challenge for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petition-filing deadline required by law.
- 1406.2 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 is properly filed if it:
- (a) Cites the alleged signature or circulator requirement defects, as set forth in the signature validity rules of this chapter, by line and page;
 - (b) Is signed and submitted in-person at the Board's office by a qualified elector within the ten (10)-day posting period; and
 - (c) Alleges the minimum number of signature defects which, if valid, would render the prospective candidate ineligible for ballot access.
- 1406.3 Within three (3) working 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 candidate in-person, by first-class mail, or by email.

1406.4 After the receipt of a properly filed challenge, the Board’s staff shall search the Board’s permanent registration records to prepare a recommendation to the Board as to the validity of the challenge. The scope of the search shall be limited to matters raised in the challenge. In the event Board staff discovers a fatal defect either on the face of a petition or pursuant to a record search concerning a specific allegation or challenge, the Board may, on its own motion, declare any signature(s) invalid, notwithstanding the defect was not alleged or challenged; alternatively, the Board, in its discretion, may waive any formal error.

1406.5 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.

1406.6 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 nominating petition; and
- (b) Objections and specifications of such objections, if any, to the petition challenge.

1406.7 Based upon the evidence received, the Board shall either reject or uphold the challenge, and accordingly grant or deny ballot access to the candidate whose petition was challenged.

1406.8 If a one (1)-member Board panel makes a determination on the validity of a challenge, either the challenger or any person named in the challenged petition as a nominee 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.

1406.9 If at the expiration of the challenge period referred to in this section, no challenge has been filed with respect to a nominating petition, the Executive Director, or his or her designee, shall certify the candidate, and the candidate’s name shall be printed on the ballot.

1407 VALIDITY OF SIGNATURES

1407.1 Once a nominating petition has been challenged pursuant to this chapter, a 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; provided that an address on a petition which is different than the address which appears on the Board's records shall be deemed valid if the signer's current address is within the boundary from which the candidate seeks nomination and the signer files a change of address form with the Board during the first 10 days following the date on which a challenge to the nominating 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) Reserved;
- (k) Reserved;
- (l) Reserved;
- (m) Reserved; or

- (n) The signer is not registered to vote in the same party as the candidate at the time the petition is signed;

1408 WRITE-IN NOMINATION

1408.1 Write-in nominations for President and Vice President of the United States shall be permitted, subject to the party’s plan submitted to the Board pursuant to this chapter. Affirmation of write-in candidacy shall proceed in accordance with the provisions of Chapter 6 of this title.

Chapter 15 of Title 3 of the District of Columbia Municipal Regulations (DCMR) is amended in its entirety to read as follows:

CHAPTER 15 CANDIDATE NOMINATIONS: ELECTORS OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

- 1500 GENERAL PROVISIONS**
- 1501 APPROVAL OF POLITICAL PARTY NAMES**
- 1502 PETITION FORM**
- 1503 SIGNATURE REQUIREMENTS**
- 1504 NON-RESIDENT CIRCULATORS**
- 1505 FILING PETITIONS**
- 1506 PETITION CHALLENGES**
- 1507 VALIDITY OF SIGNATURES**
- 1508 WRITE-IN NOMINATION**

1500 GENERAL PROVISIONS

1500.1 This chapter governs the process for obtaining ballot access and the process by which candidates seek nomination to the office of elector of President and Vice President of the United States (hereinafter, “presidential electors”).

1500.2 For purposes of this chapter, unless otherwise provided, the following terms shall be defined as follows:

- (a) The term “ballot access” means the process by which the names of candidates for President and Vice President are placed on the general election ballot.
- (b) The term “authorized political party” means a political party that was organized prior to and continuously from the passage of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), or whose name has been approved by the Board pursuant to the rules of this chapter;

- (c) The term “qualified petition circulator” means an individual who is:
 - (i) At least 18 years of age; and
 - (ii) 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.

1500.3 To obtain ballot access, presidential electors shall be nominated in either of the following manners:

- (a) By message; or
- (b) By nominating petition.

1500.4 Each authorized political party which had in the next preceding election year at least seven thousand five hundred (7,500) votes cast in the general election for a candidate of the party to the office of Delegate, Mayor, Chairman of the Council, or member of the Council may obtain ballot access and nominate presidential electors by message pursuant to the provisions of D.C. Official Code § 1-1001.10 (2011 Repl.). Nominations made by message shall be in writing, signed by the chairperson or other duly authorized official of the party’s executive committee in the District of Columbia, and shall contain the following information:

- (a) The name of the political party;
- (b) The names of the party’s candidates for President and Vice President; and
- (c) The names, addresses and registration numbers of the three candidates for presidential electors of that party.

1500.5 Each authorized political party which is ineligible to nominate presidential electors by message shall obtain ballot access by nominating presidential electors by petition pursuant to the rules of this chapter. Candidates without a party affiliation (“independents”) shall also obtain ballot access by nominating presidential electors by petition.

1500.6 At the time of filing either the nomination by message or nomination by petition, the following affidavits and declarations shall be filed on forms prescribed by the Board:

- (a) An affidavit from each of the three (3) candidates for presidential electors (“Affidavit of Presidential Elector Candidate”) stating that:

- (i) The candidate meets all the legal requirements for office;
 - (ii) The nomination as a candidate for presidential elector is filed with the nominee’s knowledge and consent; and
 - (iii) If elected as a presidential elector, the candidate intends to vote in the electoral college for the presidential and vice presidential candidates nominated by the designated political party or whose nomination the accompanying petition was filed in support of.
- (b) An affidavit executed personally by the presidential and vice presidential candidates (“Affidavit of Presidential and Vice Presidential Candidate”), stating their consent to the following:
- (i) The appearance of their names on the general election ballot; and
 - (ii) Representation in the electoral college by each of the three (3) named presidential electors, in the event that their presidential electors are elected in the District of Columbia; and
- (c) A Declaration of Candidacy for each candidate for presidential elector, executed in accordance with chapter 6 of this title.

1500.7 Nominations by message and supporting affidavits and Declarations of Candidacy shall be filed with the Board not later than 5:00 p.m. on September 1st of each presidential election year, unless the deadline for these documents has been waived for good cause following the executive committee’s written request for such waiver to the Board.

1501 APPROVAL OF POLITICAL PARTY NAMES

1501.1 Application for approval of a political party name shall be made on a form prescribed by the Board.

1501.2 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.

1501.3 The Board may reject any name that, in the judgment of the Board, tends to confuse or mislead the public.

1501.4 No nominating petition shall be issued to a person seeking nomination as a candidate affiliated with a political party unless the name of such political party has been previously approved by a majority vote of the Board.

1502 PETITION FORM

1502.1 A nominating petition form shall be separately prepared and issued by the Executive Director or his or her designee for each pair of candidates for President and Vice President.

1502.2 The first page of the petition shall contain the following information:

- (a) The names of the candidates for President and Vice President and the candidates' political party or "independent";
- (b) The names, addresses, and registration number of the three (3) candidates for presidential electors; and
- (c) A statement indicating that any registered voter, regardless of party affiliation, may sign the petition; and
- (d) A statement that only the names of the candidates for President and Vice President will be listed on the ballot.

1502.3 The second page of the petition shall include a circulator's affidavit, providing space for the circulator of a nominating petition to record his or her name, address, and telephone number. By signing the affidavit, the circulator swears under oath or affirms that he or she:

- (a) Is a qualified petition circulator;
- (b) Personally circulated the petition sheet;
- (c) Personally witnessed the signing of each signature on the petition sheet; and
- (d) Inquired whether each signer is a registered voter in the District of Columbia.

1502.4 No nominating petition shall be issued to any person other than the candidate whose name appears on the first page of the petition, unless the Board receives written notice from the candidate which authorizes the Board to release petitions in his or her name. The authorization shall include the following:

- (a) Candidate's name;
- (b) Office which the candidate seeks and political party; and
- (c) Candidate's signature.

1503 SIGNATURE REQUIREMENTS

1503.1 To obtain ballot access, a candidate's petition shall contain the signatures of duly registered voters, equal in number to at least one percent (1%) of the total number of registered voters in the District of Columbia, as shown by the records of the Board as of the one forty-fourth (144th) day before the date of the presidential election.

1504 NON-RESIDENT CIRCULATORS

1504.1 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 (and office sought by) the candidate 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 eighteen (18) years of age;
- (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.

1504.2 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 utility bill, bank statement, government check, 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.

1505 FILING PETITIONS

- 1505.1 Before the nominating petition is filed, all sheets which comprise the petition shall be assembled and serially numbered.
- 1505.2 The nominating petition and supporting affidavits, as well as the Declarations of Candidacy from each candidate for Presidential Elector as required pursuant to chapter 6 of this title, shall be filed in-person at the Board's office no later than 5:00 p.m. on the 90th day preceding the election ("petition-filing deadline"). Any candidate may file petition supplements prior to the petition-filing deadline, provided that the supplements are accompanied by an affidavit executed by the person filing them. All petitions and supplements shall be received by the Executive Director or his or her designee if filed on or before the petition-filing deadline.
- 1505.3 Within three (3) business days following the petition-filing deadline, the Executive Director or his or her designee shall issue a preliminary determination of petition sufficiency. In order to be determined sufficient, a petition nominating a candidate shall:
- (a) Contain the minimum statutory number of signatures required to obtain ballot access for the office sought;
 - (b) Be accompanied by an affidavit executed by the person filing the petition, attesting that to the best of his or her knowledge, the petition is complete and contains the legally required number of valid signatures; and
 - (c) Be on a form issued by the Executive Director or his or her designee in accordance with the rules of this chapter;
- 1505.4 In determining whether the minimum statutory number of signatures is contained in the nominating petition, the Executive Director or his or her designee shall not count any signatures submitted on petition pages that fail to include a completed circulator's affidavit or any signatures of registered voters who submitted a written notarized request to disallow the voter's signature from being counted on

the petition; provided, that the request shall be received prior to the time the petition is filed.

- 1505.5 Notice of the Executive Director's preliminary determination of petition sufficiency shall be served immediately by email or first-class mail upon each candidate.
- 1505.6 In the event that it is determined that a candidate's nominating petition is insufficient, the candidate's nominating petition shall nevertheless be posted for the challenge period specified in D.C. Official Code sec. 1-1001.08 (o) (2011 Repl.), along with the Executive Director's preliminary determination.
- 1505.7 Within three (3) days of issuing a notice of an adverse determination, a candidate aggrieved by the decision may file a written notice of appeal with the Board, duly signed by the candidate and specifying concisely the grounds for appeal.
- 1505.8 The Board shall hold a hearing on the appeal within three (3) days after receipt of the appeal notice.
- 1505.9 The hearing shall be conducted in accordance with the procedures provided in the District of Columbia Administrative Procedure Act, (D.C. Official Code §§ 2-501 *et seq.* (2011 Repl.)), and may be heard by a one-member panel (D.C. Official Code § 1-1001.05 (g) (2011 Repl.)).
- 1505.10 Any appeal from a decision of a one-member panel to the full Board shall be taken in the manner prescribed by D.C. Official Code § 1-1001.05 (g) (2011 Repl.); however, in no case shall the time allowed for the appeal exceed fourteen (14) calendar days from the date of decision of the one-member panel.

1506 PETITION CHALLENGES

- 1506.1 The Executive Director or his or her designee shall post nominating petitions, or facsimiles thereof, in the Board's office for public inspection and opportunity for challenge for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petition-filing deadline required by law.
- 1506.2 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 is properly filed if it:
- (a) Cites the alleged signature or circulator requirement defects, as set forth in the signature validity rules of this chapter, by line and page;

- (b) Is signed and submitted in-person at the Board's office by a qualified elector within the ten (10)-day posting period; and
 - (c) Alleges the minimum number of signature defects which, if valid, would render the prospective candidate ineligible for ballot access.
- 1506.3 Within three (3) working 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 candidate in-person, by first-class mail, or email.
- 1506.4 After the receipt of a properly filed challenge, the Board's staff shall search the Board's permanent registration records to prepare a recommendation to the Board as to the validity of the challenge. The scope of the search shall be limited to matters raised in the challenge. In the event Board staff discovers a fatal defect either on the face of a petition or pursuant to a record search concerning a specific allegation or challenge, the Board may, on its own motion, declare any signature(s) invalid, notwithstanding the defect was not alleged or challenged; alternatively, the Board, in its discretion, may waive any formal error.
- 1506.5 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.
- 1506.6 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 nominating petition; and
 - (b) Objections and specifications of such objections, if any, to the petition challenge.
- 1506.7 Based upon the evidence received, the Board shall either reject or uphold the challenge, and accordingly grant or deny ballot access to the candidate whose petition was challenged.
- 1506.8 If a one (1)-member Board panel makes a determination on the validity of a challenge, either the challenger or any person named in the challenged petition as a nominee 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.

1506.9 If at the expiration of the challenge period referred to in this section, no challenge has been filed with respect to a nominating petition, the Executive Director, or his or her designee, shall certify the candidate, and the candidate's name shall be printed on the ballot.

1507 VALIDITY OF SIGNATURES

1507.1 Once a nominating petition has been challenged pursuant to this chapter, a 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; provided that an address on a petition which is different than the address which appears on the Board's records shall be deemed valid if the signer's current address is within the boundary from which the candidate seeks nomination and the signer files a change of address form with the Board during the first 10 days following the date on which a challenge to the nominating 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 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; or
- (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.

1508 WRITE-IN NOMINATION

1508.1 Write-in nominations for President and Vice President of the United States shall be permitted. Affirmation of write-in candidacy shall proceed in accordance with the provisions of Chapter 6 of this title.

Chapter 16 of Title 3 of the District of Columbia Municipal Regulations (DCMR) is amended in its entirety to read as follows:

CHAPTER 16 CANDIDATE NOMINATION: DELEGATE U.S. HOUSE OF REPRESENTATIVES, MAYOR, CHAIRMAN AND MEMBERS OF THE COUNCIL OF DISTRICT OF COLUMBIA, ATTORNEY GENERAL, U.S. SENATOR, U.S. REPRESENTATIVE, MEMBERS OF THE STATE BOARD OF EDUCATION, AND ADVISORY NEIGHBORHOOD COMMISSIONER

- 1600 GENERAL PROVISIONS**
- 1601 APPROVAL OF POLITICAL PARTY NAMES**
- 1602 PETITION FORM**
- 1603 SIGNATURE REQUIREMENTS**
- 1604 NON-RESIDENT CIRCULATORS**
- 1605 FILING PETITIONS**
- 1606 PETITION CHALLENGES**
- 1607 VALIDITY OF SIGNATURES**
- 1608 WRITE-IN NOMINATION**

1600 GENERAL PROVISIONS

1600.1 This chapter governs the process by which candidates seek nomination to the offices of Delegate to the U.S. House of Representatives, Mayor, Chairman and Members of the Council of the District of Columbia, Attorney General, U.S. Senator, U.S Representative, Members of the State Board of Education, and Advisory Neighborhood Commissioner.

1600.2 For purposes of this chapter, unless otherwise provided, the following terms shall be defined as follows:

- (a) The term “authorized political party” means a political party that was organized prior to and continuously from the passage of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), or whose name has been approved by the Board pursuant to the rules of this chapter;

- (b) The term “major party” means an authorized political party which is qualified to hold a party primary for partisan offices pursuant to D.C. Official Code § 1-1001.08 (h)(2);
- (c) The term “minor party” means an authorized political party which is not qualified to hold a party primary for partisan offices pursuant to D.C. Official Code § 1-1001.08 (h)(2);
- (d) The term “District partisan office” means the offices of Delegate to the U.S. House of Representatives, Mayor, Chairman and Members of the Council of the District of Columbia, Attorney General, U.S. Senator, and U.S Representative;
- (e) The term “direct nomination” (“nominated directly”) means seeking nomination during an election other than a primary pursuant to D.C. Official Code § 1-1001.08 (j)(1);
- (f) The term “qualified petition circulator” means an individual who is:
 - (i) At least 18 years of age; and
 - (ii) 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.
- (g) The term “independent” refers to an individual who is not affiliated with any authorized political party.

1600.3 Each candidate for District partisan office shall seek nomination as a candidate who is either:

- (a) Registered with a major party;
- (b) Registered with a minor party; or
- (c) Registered as an independent.

1600.4 Any person who seeks nomination as a candidate for District partisan office and who is registered with a major party shall be required to seek nomination during such political party’s primary election. No person who is registered with a major party shall be nominated directly as a candidate for District partisan office in any general election.

- 1600.5 No person shall be nominated directly for District partisan office in a general election if such person's name was printed upon a ballot of any immediately preceding primary election for that office.
- 1600.6 Each candidate seeking nomination of any authorized political party shall be registered with such party.
- 1600.7 No person who is registered with any authorized political party shall be permitted to seek direct nomination as an independent candidate.

1601 APPROVAL OF POLITICAL PARTY NAMES

- 1601.1 Application for approval of a political party name shall be made on a form prescribed by the Board.
- 1601.2 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.
- 1601.3 The Board may reject any name that, in the judgment of the Board, tends to confuse or mislead the public.
- 1601.4 No nominating petition shall be issued to a person seeking nomination as a candidate affiliated with a political party unless the name of such political party has been previously approved by a majority vote of the Board.

1602 PETITION FORM

- 1602.1 A nominating petition form shall be separately prepared and issued by the Executive Director or his or her designee for each candidate seeking nomination to the office of Delegate, Mayor, Chairman and Members of the Council of the District of Columbia, Attorney General, U.S. Senator, U.S. Representative, Member of the State Board of Education, and Advisory Neighborhood Commissioner.
- 1602.2 The first page of the petition shall contain the following information:
- (a) The name and address of the candidate, registration number, and office to which the candidate seeks nomination;
 - (b) In the case of a District partisan office, either the candidate's political party, or "independent";
 - (c) If the candidate is running from a ward or single-member district, a statement that all signatories shall be registered and be residents of

the ward or single-member district from which the candidate seeks nomination;

- (d) If the candidate is seeking nomination of a major party, a statement indicating that signers of the petition shall be of the same political party as the candidate; and
- (e) If the candidate is seeking direct access nomination, a statement indicating that any registered voter, regardless of party affiliation, may sign the petition.

1602.3 The second page of the nominating petition form shall include a circulator's affidavit, providing space for the circulator of a nominating petition to record his or her name and address. By signing the affidavit, the circulator swears under oath or affirms that he or she:

- (a) Is a qualified petition circulator;
- (b) Personally circulated the petition sheet;
- (c) Personally witnessed the signing of each signature on the petition sheet; and
- (d) Inquired whether each signer is a registered voter in the District of Columbia, and where applicable, that the signer is a registered voter in the same political party and/or ward or single-member district as the candidate seeking nomination.

1602.4 No nominating petition shall be issued to any person other than the candidate unless the Board receives written notice from the candidate which authorizes the Board to release petitions in his or her name. The authorization shall include the following:

- (a) Candidate's name;
- (b) Office which the candidate seeks and political party, if the office sought is partisan; and
- (c) Candidate's signature.

1603 SIGNATURE REQUIREMENTS

1603.1 To obtain ballot access for a primary election, a candidate's petition for the office of Delegate, Mayor, Attorney General, Chairman of the Council, At-Large Member of the Council, U.S. Senator or U.S. Representative shall contain the signatures of at least two thousand (2,000) persons who are duly registered in the

same political party as the candidate, or of one percent (1%) of the duly registered voters of such political party, whichever is less, as shown by the records of the Board as of the one hundred forty-fourth (144th) day before the date of the Primary Election.

- 1603.2 To obtain ballot access for a Primary Election, a candidate's petition for the office of Member of the Council elected from a ward, shall contain the signatures of at least two hundred fifty (250) persons who are duly registered in the same political party and ward as the candidate or one percent (1%) of the duly registered voters, whichever is less, as shown on records of the Board as of the one hundred forty-fourth (144th) day before the date of the Primary Election.
- 1603.3 To obtain ballot access for a general or special election (Direct Access Nomination), a candidate's petition for the office of Delegate, Mayor, Attorney General, Chairman of the Council, At-Large Member of the Council, U.S. Senator, or U.S. Representative shall contain the signatures of at least three thousand (3,000) duly registered voters in the District or of at least one and one-half per cent (1.5%) of the total number of registered voters in the District, whichever is less, as shown on the Board's records as of the one hundred forty-fourth (144th) day before the date of the General Election.
- 1603.4 To obtain ballot access for a general or special election (Direct Access Nomination), a candidate's petition for the office of Member of the Council from a ward shall contain the signatures of at least five hundred (500) persons who are duly registered in the ward from which the candidate seeks election.
- 1603.5 To obtain ballot access, a candidate's petition for the office of Member of the State Board of Education elected at-large shall contain the signatures of at least one thousand (1,000) duly registered voters.
- 1603.6 To obtain ballot access, a candidate's petition for the office of Member of the State Board of Education elected from a ward shall contain the signatures of at least two hundred (200) persons duly registered in the ward from which the candidate seeks election.
- 1603.7 To obtain ballot access, a candidate's petition for the office of Advisory Neighborhood Commissioner shall contain the signatures of at least twenty-five (25) persons duly registered in the single member district from which the candidate seeks election.

1604 NON-RESIDENT CIRCULATORS

- 1604.1 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 (and office sought by) the candidate 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 eighteen (18) years of age;
- (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.

1604.2 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 utility bill, bank statement, government check, 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.

1605 FILING PETITIONS

1605.1 Before the nominating petition is filed, all sheets which comprise the petition shall be assembled and serially numbered.

1605.2 The nominating petition and supporting affidavits, as well as the candidate’s Declaration of Candidacy as required pursuant to Chapter 6 of this title, shall be filed in-person at the Board’s office no later than 5:00 p.m. on the 90th day preceding the election (“petition filing deadline”). Any candidate may file petition supplements prior to the petition-filing deadline, provided that the supplements are accompanied by an affidavit executed by the person filing them.

All petitions and supplements shall be received by the Executive Director or his or her designee if filed on or before the petition-filing deadline.

- 1605.3 Within three (3) business days following the petition-filing deadline, the Executive Director or his or her designee shall issue a preliminary determination of petition sufficiency. In order to be determined sufficient, a petition nominating a candidate shall:
- (a) Contain the minimum statutory number of signatures required to obtain ballot access for the office sought;
 - (b) Be accompanied by an affidavit executed by the person filing the petition, attesting that to the best of his or her knowledge, the petition is complete and contains the legally required number of valid signatures; and
 - (c) Be on a form issued by the Executive Director or his or her designee in accordance with the rules of this chapter;
- 1605.4 In determining whether the minimum statutory number of signatures is contained in the nominating petition, the Executive Director or his or her designee shall not count any signatures submitted on petition pages that fail to include a completed circulator's affidavit or any signatures of registered voters who submitted a written notarized request to disallow the voter's signature from being counted on the petition; provided, that the request shall be received prior to the time the petition is filed.
- 1605.5 Notice of the Executive Director's preliminary determination of petition sufficiency shall be served immediately by email or first-class mail upon each candidate.
- 1605.6 In the event that it is determined that a candidate's nominating petition is insufficient, the candidate's nominating petition shall nevertheless be posted for the challenge period specified in D.C. Official Code § 1-1001.08 (o) (2011 Repl.), along with the Executive Director's preliminary determination.
- 1605.7 Within three (3) days of issuing a notice of an adverse determination, a candidate aggrieved by the decision may file a written notice of appeal with the Board, duly signed by the candidate and specifying concisely the grounds for appeal.
- 1605.8 The Board shall hold a hearing on the appeal within three (3) days after receipt of the appeal notice.
- 1605.9 The hearing shall be conducted in accordance with the procedures provided in the District of Columbia Administrative Procedure Act, (D.C. Official Code §§ 2-501

et seq. (2011 Repl.)), and may be heard by a one-member panel (D.C. Official Code § 1-1001.05 (g) (2011 Repl.)).

1605.10 Any appeal from a decision of a one-member panel to the full Board shall be taken in the manner prescribed by D.C. Official Code § 1-1001.05 (g) (2011 Repl.); however, in no case shall the time allowed for the appeal exceed fourteen (14) calendar days from the date of decision of the one-member panel.

1606 PETITION CHALLENGES

1606.1 The Executive Director or his or her designee shall post nominating petitions, or facsimiles thereof, in the Board's office for public inspection and opportunity for challenge for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petition-filing deadline required by law.

1606.2 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 is properly filed if it:

- (a) Cites the alleged signature or circulator requirement defects, as set forth in the signature validity rules of this chapter, by line and page;
- (b) Is signed and submitted in-person at the Board's office by a qualified elector within the ten (10)-day posting period; and
- (c) Alleges the minimum number of signature defects which, if valid, would render the prospective candidate ineligible for ballot access.

1606.3 Within three (3) working 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 candidate in-person, by first-class mail, or email.

1606.4 After the receipt of a properly filed challenge, 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. The scope of the search shall be limited to matters raised in the challenge. In the event Board staff discovers a fatal defect either on the face of a petition or pursuant to a record search concerning a specific allegation or challenge, the Board may, on its own motion, declare any signature(s) invalid, notwithstanding the defect was not alleged or challenged; alternatively, the Board, in its discretion, may waive any formal error.

1606.5 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.

1606.6 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 nominating petition; and
- (b) Objections and specifications of such objections, if any, to the petition challenge.

1606.7 Based upon the evidence received, the Board shall either reject or uphold the challenge, and accordingly grant or deny ballot access to the candidate whose petition was challenged.

1606.8 If a one (1)-member Board panel makes a determination on the validity of a challenge, either the challenger or any person named in the challenged petition as a nominee 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.

1606.9 If at the expiration of the challenge period referred to in this section, no challenge has been filed with respect to a nominating petition, the Executive Director, or his or her designee, shall certify the candidate, and the candidate's name shall be printed on the ballot.

1607 VALIDITY OF SIGNATURES

1607.1 Once a nominating petition has been challenged pursuant to this chapter, a 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; provided that an address on a petition which is different than the address which appears on the Board's records shall be deemed valid if the signer's current address is within boundary from which the candidate seeks nomination, and the signer files a

change of address form with the Board during the first 10 days following the date on which a challenge to the nominating 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) Reserved;
- (k) Reserved;
- (l) Reserved;
- (m) The signer is not a registered voter in the ward or Single-Member District from which the candidate seeks nomination at the time the petition was signed; or
- (n) On a petition to nominate a candidate in a primary election, the signer is not registered to vote in the same party as the candidate at the time the petition is signed.

1608 WRITE-IN NOMINATION

1608.1 Write-in nominations for any of the offices described in this chapter shall be permitted for any election. Affirmation of the write-in nominee's candidacy shall proceed in accordance with the provisions of Chapter 6 of this title.

Chapter 17 of Title 3 of the District of Columbia Municipal Regulations (DCMR) is amended in its entirety to read as follows:

CHAPTER 17 CANDIDATES: MEMBERS AND OFFICIALS OF LOCAL COMMITTEES OF POLITICAL PARTIES AND NATIONAL COMMITTEE PERSONS

- 1700 GENERAL PROVISIONS**
- 1701 SLATES: FORMATION, AMENDMENT AND WITHDRAWAL**
- 1702 PETITION FORM**
- 1703 SIGNATURE REQUIREMENTS**
- 1704 NON-RESIDENT CIRCULATORS**
- 1705 FILING PETITIONS**
- 1706 PETITION CHALLENGES**
- 1707 VALIDITY OF SIGNATURES**
- 1708 WRITE-IN NOMINATION**

1700 GENERAL PROVISIONS

1700.1 This chapter governs:

- (a) The process by which the local committee of each major party may request that elections for its members and officials be held; and
- (b) The process by which candidates for nomination for members and officials of local party committees, and for national party committeemen and committeewomen, seek ballot access during a regularly scheduled primary and the process by which candidates for party office seek nomination.

1700.2 For purposes of this chapter, unless otherwise provided, the following terms shall be defined as follows:

- (a) The term “major party” means an authorized political party which is qualified to hold a party primary for partisan offices pursuant to D.C. Official Code § 1-1001.08 (h)(2);
- (b) The term “qualified petition circulator” means an individual who is:
 - (1) At least 18 years of age; 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 “slate” means a list of candidates that have qualified for ballot access and indicated the intent to be recognized as a group on the ballot by filing a Slate Registration Form on a form provided by the Board. Slates may be comprised of:
- (1) Two (2) or more individual candidates who have qualified for ballot access by filing separate nominating petitions;
 - (2) A group of candidates who have qualified for ballot access by filing a single nominating petition; or
 - (3) A combination of individual candidates or groups of candidates who have qualified for ballot access by filing separate nominating petitions.

1700.3 The chairperson of each local party committee shall indicate the party’s intention to elect officials or committee members by a letter signed by the chairperson and filed with the Board no later than one hundred eighty (180) days before the date of a primary election (“party plan”), pursuant to D.C. Official Code § 1-1001.08 (1)(l) (2011 Repl.). The letter shall specify the number and titles of its officers or committee members to be elected at-large and by ward.

1701 SLATES: FORMATION, AMENDMENT, AND WITHDRAWAL

1701.1 In order to achieve ballot access as a slate, the prospective members of the slate must file in-person at the Board’s office a "Statement of Slate Registration," on a form provided by the Board, no later than 4:45 p.m. on the third (3rd) day after the deadline for filing petitions.

1701.2 The Statement of Slate Registration shall contain the following:

- (a) The name, address, telephone number and signature of the individual who is authorized to represent the slated candidates in matters before the Board (“authorized slate representative”);
- (b) A complete listing of the candidates who are members of the slate and the office to which each seeks election;
- (c) A statement that each candidate gives his or her permission to be identified as a member of the slate;
- (d) The slate name, which shall be sufficiently concise to permit the Board to print the name on the ballot on the same line with each candidate’s name; and

- (e) The signatures and printed name of each of the candidates who are members of the slate; provided, that where candidates have qualified as a group, using a single nominating petition, all candidates listed on the petition must be signatories.
- 1701.3 Additions to slate composition or changes of slate names may be filed with the Board by the authorized slate representative as amendments to the original Statement of Slate Registration.
- 1701.4 Amendments to the original Statement of Slate Registration shall be filed in-person at the Board's office by the authorized slate representative and shall be on a form provided by the Board which shall contain the following:
 - (a) The requested amendment(s);
 - (b) The signature of the authorized slate representative; and
 - (c) The signature(s) of any additional slate candidate(s), if applicable.
- 1701.5 Any candidate or a group of candidates that qualified for the ballot by filing a single nominating petition, may withdraw from a registered slate by filing in-person at the Board's office a Statement of Slate Withdrawal.
- 1701.6 The Statement of Slate Withdrawal shall contain the following:
 - (a) A statement that the individual candidate or group of candidates irrevocably withdraws from the slate;
 - (b) The signatures of each withdrawing candidate; and
 - (c) The signatures of all candidates listed on the petition; provided, that the candidate(s) seeking withdrawal qualified by using a single nominating petition.
- 1701.7 Slated candidates shall not be disqualified from the ballot for any of the following reasons:
 - (a) Where a candidate has withdrawn from a slate;
 - (b) Where a candidate has withdrawn from the ballot; or
 - (c) Where any candidate or a group of candidates, have been determined, by the Executive Director or his or her designee, to be ineligible to qualify as part of a slate.

1701.8 Amendments and Statements of Slate Withdrawals shall be filed in-person at the Board's office no later than 4:45 p.m. on the third (3rd) day after the deadline for filing nominating petitions.

1702 PETITION FORM

1702.1 A nominating petition form shall be separately prepared and issued by the Executive Director or his or her designee for each candidate seeking nomination, or group of candidates seeking nomination as a slate, for office.

1702.2 Nominations for the offices of members and officials of local party committees elected at-large may be on one nominating petition.

1702.3 Nominations for the offices of members and officials of local party committees, to be elected in a single ward, may be on one nominating petition; Provided, that all the candidates stand for office only in the same ward.

1702.4 Nominations for the offices of national committeeman, national committeewoman, and the alternates may be on one nominating petition; provided, that no individual is nominated for two (2) or more offices that could not be occupied simultaneously by the same person.

1702.5 The first page of the petition shall contain the following information:

- (a) The name, address, and political party of the candidate(s), the ward (where applicable), and the office(s) to which the candidate(s) seek election;
- (b) A statement that all of the signatories to this petition must be of the same political party as the candidate(s); and
- (c) If the candidate is running from a ward, a statement that all of the signatories to the petition must be registered in and residents of the ward from which the candidate seeks election.

1702.6 The second page of the petition shall include a circulator's affidavit, providing space for the circulator of a nominating petition to record his or her name, address, and telephone number. By signing the affidavit, the circulator swears under oath or affirms that he or she:

- (a) Is a qualified petition circulator;
- (b) Personally circulated the petition sheet;
- (c) Personally witnessed the signing of each signature on the petition sheet; and

- (d) Inquired whether each signer is a registered voter in the same political party and ward, where applicable, as the candidate seeking nomination.

1702.7 No nominating petition shall be issued to any person other than the candidate, or the authorized slate representative, unless the Board receives written notice from the candidate or slate representative which authorizes the Board to release petitions in his or her name. The authorization shall include the following:

- (a) Candidate’s name;
- (b) Office which the candidate seeks; and
- (c) Candidate or slate representative’s signature.

1702.8 No nominating petition shall be issued unless all "blank" spaces in the candidate(s) name section of each petition sheet are stricken such that no additional names may be appended to the petition page after it has been issued.

1703 SIGNATURE REQUIREMENTS

1703.1 To obtain ballot access, a candidate’s petition for the office of national committee person shall contain a total of at least one percent (1%) or five hundred (500) signatures of persons who are duly registered in the same political party as the candidate, whichever is less.

1703.2 To obtain ballot access, a candidate’s petition for the office of member or officer of a local party committee elected at-large shall contain a total of at least one percent (1%) or five hundred (500) signatures of persons who are duly registered in the same political party as the candidate, whichever is less.

1703.3 To obtain ballot access, a candidate’s petition for the office of member or officer of a local party committee elected from a ward shall contain a total of at least one percent (1%) or one hundred (100) signatures of persons who are duly registered in the same ward and political party as the candidate, whichever is less.

1704 NON-RESIDENT CIRCULATORS

1704.1 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 (and office sought by) the candidate 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 eighteen (18) years of age;
- (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.

1704.2 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 utility bill, bank statement, government check, 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.

1705 FILING PETITIONS

1705.1 Before the nominating petition is filed, all sheets which comprise the petition shall be assembled and serially numbered.

1705.2 The nominating petition and supporting affidavits, as well as each candidate's Declaration of Candidacy as required pursuant to Chapter 6 of this title, shall be filed in-person at the Board's office no later than 5:00 p.m. on the 90th day preceding the election ("petition-filing deadline"). Any candidate may file petition supplements prior to the petition-filing deadline, provided that the supplements are accompanied by an affidavit executed by the person filing them. All petitions and supplements shall be received by the Executive Director or his or her designee if filed on or before the petition-filing deadline.

- 1705.3 Within three (3) business days following the petition-filing deadline, the Executive Director or his or her designee shall issue a preliminary determination of petition sufficiency. In order to be determined sufficient, a petition nominating a candidate shall:
- (a) Contain the minimum statutory number of signatures required to obtain ballot access for the office sought;
 - (b) Be accompanied by an affidavit executed by the person filing the petition, attesting that to the best of his or her knowledge, the petition is complete and contains the legally required number of valid signatures; and
 - (c) Be on a form issued by the Executive Director or his or her designee in accordance with the rules of this chapter.
- 1705.4 In determining whether the minimum statutory number of signatures is contained in the nominating petition, the Executive Director or his or her designee shall not count any signatures submitted on petition pages that fail to include a completed circulator's affidavit or any signatures of registered voters who submitted a written notarized request to disallow the voter's signature from being counted on the petition; provided, that the request shall be received prior to the time the petition is filed.
- 1705.5 Notice of the Executive Director's preliminary determination of petition sufficiency shall be served immediately by email or first-class mail upon each candidate.
- 1705.6 In the event that it is determined that a candidate's nominating petition is insufficient, the candidate's nominating petition shall nevertheless be posted for the challenge period specified in D.C. Official Code § 1-1001.08 (o) (2011 Repl.), along with the Executive Director's preliminary determination.
- 1705.7 Within three (3) days of issuing a notice of an adverse determination, a candidate aggrieved by the decision may file a written notice of appeal with the Board, duly signed by the candidate and specifying concisely the grounds for appeal.
- 1705.8 The Board shall hold a hearing on the appeal within three (3) days after receipt of the appeal notice.
- 1705.9 The hearing shall be conducted in accordance with the procedures provided in the District of Columbia Administrative Procedure Act, (D.C. Official Code §§ 2-501 *et seq.* (2011 Repl.)), and may be heard by a one-member panel (D.C. Official Code § 1-1001.05 (g) (2011 Repl.)).

1705.10 Any appeal from a decision of a one-member panel to the full Board shall be taken in the manner prescribed by D.C. Official Code § 1-1001.05 (g) (2011 Repl.); however, in no case shall the time allowed for the appeal exceed fourteen (14) calendar days from the date of decision of the one-member panel.

1706 PETITION CHALLENGES

1706.1 The Executive Director or his or her designee shall post nominating petitions, or facsimiles thereof, in the Board's office for public inspection and opportunity for challenge for ten (10) days, including Saturdays, Sundays, and holidays beginning on the third (3rd) calendar day after the petition-filing deadline required by law.

1706.2 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 is properly filed if it:

- (a) Cites the alleged signature or circulator requirement defects, as set forth in the signature validity rules of this chapter, by line and page;
- (b) Is signed and submitted in-person at the Board's office by a qualified elector within the ten (10)-day posting period; and
- (c) Alleges the minimum number of signature defects which, if valid, would render the prospective candidate ineligible for ballot access.

1706.3 Within three (3) working 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 candidate in-person, by first-class mail, or email.

1706.4 After the receipt of a properly filed challenge, the Board's staff shall search the Board's permanent registration records to prepare a recommendation to the Board as to the validity of the challenge. The scope of the search shall be limited to matters raised in the challenge. In the event Board staff discovers a fatal defect either on the face of a petition or pursuant to a record search concerning a specific allegation or challenge, the Board may, on its own motion, declare any signature(s) invalid, notwithstanding the defect was not alleged or challenged; alternatively, the Board, in its discretion, may waive any formal error.

1706.5 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.

1706.6 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 nominating petition; and
- (b) Objections and specifications of such objections, if any, to the petition challenge.

1706.7 Based upon the evidence received, the Board shall either reject or uphold the challenge, and accordingly grant or deny ballot access to the candidate whose petition was challenged.

1706.8 If a one (1)-member Board panel makes a determination on the validity of a challenge, either the challenger or any person named in the challenged petition as a nominee 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.

1706.9 If at the expiration of the challenge period referred to in this section, no challenge has been filed with respect to a nominating petition, the Executive Director, or his or her designee, shall certify the candidate, and the candidate's name shall be printed on the ballot.

1707 VALIDITY OF SIGNATURES

1707.1 Once a nominating petition has been challenged pursuant to this chapter, a 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; provided that an address on a petition which is different than the address which appears on the Board's records shall be deemed valid if the signer's current address is within the boundary from which the candidate seeks nomination, and the signer files a change of address form with the Board during the first 10 days following the date on which a challenge to the nominating 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) Reserved;
- (k) Reserved;
- (l) Reserved;
- (m) The signer is not a registered voter in the ward from which the candidate seeks nomination at the time the petition was signed; or
- (n) The signer is not registered to vote in the same party as the candidate at the time the petition is signed.

1708 WRITE-IN NOMINATION

1708.1 Write-in nominations are permitted, subject to the party’s plan submitted to the Board pursuant to this chapter. If permitted, affirmation of the write-in nominee’s candidacy shall proceed in accordance with the provisions of chapter 6 of this title.

Chapter 20 of Title 3 of the District of Columbia Municipal Regulations (DCMR) is amended in its entirety to read as follows:

CHAPTER 20 FREEDOM OF INFORMATION

2000 PURPOSE AND APPLICATION
2001 BOARD RESPONSIBILITY
2002 REQUESTS FOR RECORDS
2003 RESERVED
2004 RESERVED
2005 TIME LIMITATIONS
2006 EXEMPTIONS
2007 RESPONSES TO REQUESTS
2008 FEES
2009 RESERVED
2010 RESERVED
2011 RESERVED
2012 REVIEW OF DENIALS
2013 RECORDS MAINTAINED BY THE BOARD
2014 RESERVED
2015 RESERVED
2016 RESERVED
2017 RESERVED

2000 PURPOSE AND APPLICATION

2000.1 This Chapter contains the rules and procedures to be followed by the District of Columbia Board of Elections (hereinafter "the Board") in implementing the Freedom of Information Act, (D.C. Law 1-96, 23 DCR 3744 (1977))("the Act").

2000.2 Employees may continue to furnish to the public, informally and without compliance with these procedures, information and records which they customarily furnish in the regular performance of their duties prior to enactment of the Act.

2000.3 The policy of the Board is one of full and responsible disclosure of its identifiable records consistent with the provisions of the Act. All records not exempt from disclosure shall be made available. Moreover, records exempt from mandatory disclosure shall be made available as a matter of discretion when disclosure is not prohibited by law or is not against the public interest.

2001 BOARD RESPONSIBILITY

2001.1 The General Counsel is the information officer of the Board and has the authority to grant and deny requests for Board records.

2002 REQUESTS FOR RECORDS

2002.1 A request for a record of the Board must be made in writing and shall be directed to the General Counsel.

2002.2 A written request may be mailed, faxed or e-mailed to the General Counsel. The outside of the envelope or the subject line of the fax or e-mail shall state: "Freedom of Information Act Request" or "FOIA Request". In addition, a request shall include a daytime telephone number, e-mail address, or mailing address for the requester.

2002.3 A request shall reasonably describe the desired record. Where possible, specific information requesting dates, files, titles, file designation or other specific information, shall be supplied.

2002.4 Where the information supplied by the requester is not sufficient to permit the identification and location of the record by the Board without an unreasonable amount of effort, the requester shall be contacted and asked to supply the necessary information. Every reasonable effort shall be made by the Board to assist in the identification and location of requested records.

2003 RESERVED

2004 RESERVED

2005 TIME LIMITATIONS

2005.1 Within the time prescribed in the Act, the Board shall determine whether to comply with or to deny the request and shall dispatch its determination to the requester, unless an extension is made pursuant to §§ 2005.2 and 2005.3.

2005.2 In unusual circumstances as specified in § 2005.3, the Board may extend the time for initial determination on a request up to the time prescribed in the Act.

2005.3 Extensions shall be made by written notice to the requester which sets forth the reason for the extension and the date on which a determination is expected. As used in this section "unusual circumstances" means, but only to the extent necessary to the proper processing of the request, either of the following:

(a) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(b) The need for consultation with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

2005.4 If no determination has been dispatched at the end of the applicable time limit, or the extension thereof, the requester may deem his request denied, and exercise a right to appeal in accordance with § 2012.1.

2005.5 When no determination can be dispatched within the applicable time limit, the Board shall nevertheless continue to process the request. On expiration of the time limit the Board shall inform the requester of the reason for the delay, of the date on which a determination may be expected, and of his right to treat the delay as a denial and of the appeal rights provided by the Act. The Board may ask the requester to forego appeal until a determination is made.

2005.6 For purposes of this chapter, a request is deemed received when the General Counsel receives the request submitted in compliance with the Act and this chapter. When the General Counsel, pursuant to § 2002.5, contacts the requester for additional information, then the request is deemed received when the General Counsel receives the additional information.

2006 EXEMPTIONS

2006.1 No requested record shall be withheld from inspections or copying unless both of the following criteria apply:

- (a) It comes within one of the classes of records exempted pursuant to D.C. Official Code § 2-534 of the Act; and
- (b) There is need in the public interest to withhold it.

2006.2 Any reasonably segregable portion of a record shall be provided to any person requesting the record after deletion of those portions which are exempt under this section.

2007 RESPONSE TO REQUESTS

2007.1 When a requested record has been identified and is available, the Board shall notify the requester as to where and when the record is available for inspection or copies will be available. The notification shall also advise the requester of any applicable fees.

2007.2 A response denying a written request for a record shall be in writing and shall include the following information:

- (a) The identity of each person responsible for the denial, if different from that of the person signing the letter of denial;
- (b) A reference to the specific exemption or exemptions authorizing the withholding of the record with a brief explanation of how each exemption applies to the record withheld. Where more than one record has been requested and is being withheld, the foregoing information shall be provided for each record withheld; and
- (c) A statement of the appeal rights provided by the Act.

2007.3 If a requested record cannot be located from the information supplied or is known to have been destroyed or otherwise disposed of, the requester shall be so notified.

2008 FEES

2008.1 Charges for services rendered in response to information requests shall be as follows (not to exceed a maximum search fee per request as may be imposed by applicable law):

- (a) Searching for records, \$4.00 per quarter hour, after 1st hour, by clerical personnel (DS 1 through 8);
- (a-1) Searching for records, \$7.00 per quarter hour after the 1st hour, by professional personnel (DS 9 through 13);
- (b) Searching for records, \$10.00 per quarter hour after the 1st hour, by supervisory personnel (DS 14 and above);
- (c) Copies made by photocopy machines... \$.25 per page;
- (d) Charges for the initial review of documents, as permitted by applicable law, shall be assessed at the rate provided in subsections (a), (a-1), and (b) above.

2008.2 When a response to a request requires services or materials for which no fee has been established, the direct cost of the services or materials to the government may be charged, but only if the requester has been notified of the cost before it is incurred.

2008.3 Where an extensive number of documents are identified and collected in response to a request and the requester has not indicated in advance his willingness to pay fees as high as are anticipated for copies of the documents, the Board shall inform the requester that the documents are available for inspection and for subsequent copying at the established rate.

2008.4 A charge of one dollar (\$1.00) shall be made for each certification of true copies of Board records.

2008.5 Search costs, not to exceed any dollar limitation prescribed by the Act for each request, may be imposed even if the requested record cannot be located. No fees shall be charged for examination and review by the Board to determine whether a record is subject to disclosure.

2008.6 To the extent permitted by applicable law, the Board shall require that fees as prescribed by these rules shall be paid in full prior to issuance of requested copies.

2008.7 Remittance shall be in the form either of a personal check or bank draft on a bank in the United States, a postal money order, or cash. Remittance shall be made payable to the order of the D.C. Treasurer and mailed or otherwise delivered to the General Counsel for the Board. The Board shall not assume responsibility for cash which is lost in the mail.

2008.8 A receipt for fees paid shall be given only upon request. No refund shall be made for services rendered.

2008.9 The Board may waive all or part of any fee when it is deemed to be either in the Board’s interest or in the interest of the public.

2008.10 A requester seeking a waiver or reduction of fees shall provide a statement in his or her request letter explaining how the requested records will be used to benefit the general public.

2009 RESERVED

2010 RESERVED

2011 RESERVED

2012 REVIEW OF DENIALS

2012.1 When a request for records has been denied in whole or in part by the General Counsel, the requester may appeal the denial to the Mayor or may seek immediate judicial review of the denial in the Superior Court.

2012.2 Unless the Mayor otherwise directs, the Secretary shall act on behalf of the Mayor on all appeals under this section.

2012.3 An appeal to the Mayor shall be in writing. The appeal letter shall include “Freedom of Information Act Appeal” or “FOIA Appeal” in the subject line of the letter as well as marked on the outside of the envelope. The appeal shall be mailed to:

Mayor's Correspondence Unit
FOIA Appeal
1350 Pennsylvania Ave, NW
Suite 316
Washington, D.C. 20004

The requester shall forward a copy of the appeal to the General Counsel.

2012.4 An appeal to the Mayor shall include:

- (a) Statement of the circumstances, reasons or arguments advanced in support of disclosure;
- (b) Copy of the original request, if any;
- (c) Copy of any written denial issued under § 2007.2; and
- (d) Daytime telephone number, email address or mailing address for the requester.

2012.5 Within five (5) days (excluding Saturdays, Sundays, or legal public holidays) of receipt of its copy of the FOIA appeal, the General Counsel shall file a response with the Secretary. The response shall include the following documents:

- (a) The justification for the decision not to grant review of records as requested, to the extent not provided in the letter of denial to the requester;
- (b) Any additional documentation as may be necessary and appropriate to justify the denial, such as a Vaughn index of documents withheld, an affidavit or declaration of a knowledgeable official or employee testifying to the decision to withhold documents, or such other similar proof as the circumstances may warrant; and
- (c) A copy of the public record or records in dispute on the appeal; provided, that if the public record or records are voluminous, the Board may provide a representative sample; and provided further, that if the public record contains personal, sensitive, or confidential information, the Board may redact such information from the copy furnished the Secretary in a manner that makes clear that the Board has made redactions.

2012.6 The Board may request additional time to file documentation required by § 2012.5 by filing a written or e-mailed request to the Secretary with a copy to the requester. The request for additional time must be filed within five (5) days (excluding Saturdays, Sundays, and legal public holidays) of receipt of the appeal. The Secretary will respond to the request for additional time with a copy to the requester.

2012.7 A written determination with respect to an appeal shall be made within ten (10) working days of the filing of the appeal.

2012.8 If the records, or any segregable part of thereof, are found to have been improperly withheld, the Mayor may order the Board to make them available. If

the Board continues to withhold the records, the requester may seek enforcement of the order in the Superior Court.

- 2012.9 A denial in whole or in part of a request on appeal shall set forth the exemption relied upon, a brief explanation consistent with the purpose of the exemption of how the exemption applies to the records withheld, and the reasons for asserting it. The denial shall also inform the requester of the right of judicial review.
- 2012.10 If no determination has been dispatched at the end of the ten-day period, the requester may deem his request denied, and exercise his right to judicial review of the denial.

2013 RECORDS MAINTAINED BY THE BOARD

- 2013.1 The Board shall make and maintain records pertaining to each request for information, including copies or correspondence. The material shall be filed by individual request.
- 2013.2 The Board shall maintain a file, open to the public, which shall contain copies of all letters of denial.
- 2013.3 Where the release of the identity of the requester or other identifying details related to the request would constitute a clearly unwarranted invasion of personal privacy, the Board shall delete identifying details from the copies of the documents maintained in the public files.
- 2013.4 The Board shall also maintain records permitting annual reporting of the following information:
- (a) Total number of requests made to the Board;
 - (b) The number of requests granted and denied, in whole or in part;
 - (c) The number of times each exemption was invoked as the basis for non- disclosure;
 - (d) The names and titles or positions of each person responsible for the denial of records and the number of instances each person was involved in a denial; and
 - (e) The amount of fees collected, and the amount of fees for duplication and search waived by the Board.
- 2013.5 On or before the 31st day of December of each calendar year, the Board shall compile and submit to the Secretary its report covering the fiscal year concluded the preceding September 30th pursuant to the provisions of this section and on other matters relating to agency compliance with the terms of the Act.

2013.6 With respect to appeals taken pursuant to § 2012, the Secretary shall maintain records reflecting the number of appeals taken, the results of the appeals, and the number of times each exemption was invoked as a basis for non-disclosure.

2014 RESERVED

2015 RESERVED

2016 RESERVED

2017 RESERVED

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING**FORMAL CASE NO. 945, IN THE MATTER OF THE INVESTIGATION INTO ELECTRIC SERVICES MARKET COMPETITION AND REGULATORY PRACTICES**

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Official Code and in accordance with Section 2-505 of the District of Columbia Official Code,¹ of its intent to act upon the proposed tariff amendments of the Potomac Electric Power Company (“Pepco” or “Company”)² in not less than thirty (30) days from the date of publication of this Notice of Proposed Rulemaking (“NOPR”) in the *D.C. Register*.

2. Pepco’s proposed tariff amendments revise the Electricity Supplier Coordination Tariff, Schedule 2 (“Electricity Supplier Coordination Tariff”) to update loss factors.³ According to Pepco, the proposed loss factors have been revised to reflect the Company’s 2011 losses replacing the existing loss factors that were based on a study of Pepco’s 2000 losses.⁴ Pepco states that the current loss factors were issued December 11, 2001 and placed into effect on January 1, 2002.⁵

3. According to Pepco, the Electricity Supplier Coordination Tariff documents the requirements for interaction and coordination between the Company, as the Local Distribution Company, and electricity suppliers that are necessary to ensure the delivery of competitive power supply.⁶ Pepco contends that the Supplier Tariff specifies system loss factors which are used by the Company in its load settlement calculations.⁷ Pepco claims that in load settlement, an estimate of the total electricity required from each supplier is calculated by multiplying hourly kilowatt-hour (“kWh”) sales delivered to all customers by the applicable system loss factor. According to Pepco, the total estimated hourly loads are then reconciled to the Pepco Zone load

¹ D.C. Official Code § 34-802 (2001 ed.); D.C. Official Code § 2-505 (2001 ed.).

² *Formal Case No. 945, In the Matter of the Investigation into Electric Services Market Competition and Regulatory Practices* (“*Formal Case No. 945*”), Letter from Peter E. Meier, Vice President, Legal Services, Potomac Electric Power Company (“Pepco”), to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia (Aug. 30, 2013) (hereinafter referred to as “Electricity Supplier Coordination Tariff”). Pepco originally filed its proposed tariff on April 29, 2013. On June 28, 2013, Pepco advised the Commission of its intent to re-file the tariff “by August 30, 2013 in order to prepare additional explanatory materials.” *Formal Case No. 945*, Letter from Peter E. Meier, Vice President, Legal Services, Pepco, to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia (June 28, 2013).

³ Electricity Supplier Coordination Tariff at 1.

⁴ *Id.* at 2.

⁵ *Id.*, n. 1.

⁶ Electricity Supplier Coordination Tariff at 3.

⁷ *Id.*

as determined by the Independent System Operator, PJM.⁸ Pepco states that it proposes to update loss factors currently in place, as specified in Schedule 2 of its Supplier Tariff, to reduce the amount of unaccounted for energy in the reconciliations of the energy supplied to the Pepco Zone load.⁹ Pepco states that the existing loss factors were determined based on a loss study completed using 2000 data and that the proposed customer class level loss factors for demand and energy components are based on a 2012 analysis of 2011 loads.¹⁰

4. The Company asserts that the “loss factors are also used by Pepco to establish generation and transmission peak load contributions for supplier capacity obligations.”¹¹ The Company states that the revised energy loss factors are lower than those currently in the Supplier Tariff and the demand loss factors are higher than those in the current Supplier Tariff.¹² Pepco also states that because “energy loss factors represent the average demand losses for the entire year, and demand loss factors represent the demand loss at the hour of the system peak demand, it is expected that the peak losses would increase more than the average losses when energy growth is lower than peak growth over the same period.”¹³ According to Pepco, it is assumed that the delivery system efficiency increased enough to overcome any increase in average demand but not enough to compensate for growth in peak demand.¹⁴

5. Specifically, Pepco proposes to amend the following five (5) tariff pages:

- ELECTRIC SUPPLIER TARIFF, P.S.C.-D.C. No. 1**
- Second Revised Page No. i**
- Second Revised Page No. ii**
- Second Revised Page No. iii**
- Second Revised Page No. iv**
- Second Revised Page No. 40**

6. Pepco’s filing may be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., Second Floor, West Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday. A copy of the proposed tariff amendment is available upon request, at a per-page reproduction cost from the Office of the Commission Secretary or via the Commission’s website at www.dcpsec.org.

7. Comments on Pepco’s proposed tariff amendment must be made in writing to Brinda Westbrook-Sedgwick, Commission Secretary, at the above address. All comments and

⁸ *Id.* at 3-4.

⁹ *Id.* at 4.

¹⁰ *Id.*

¹¹ Electricity Supplier Coordination Tariff at 1.

¹² *Id.*

¹³ *Id.* at 1.

¹⁴ Electricity Supplier Coordination Tariff at 2.

reply comments must be received within thirty (30) and forty-five (45) days, respectively, of the date of publication of this Notice in the *D.C. Register*. Once the comment period has expired, the Commission will take final rulemaking action on Pepco's filing.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

NOTICE OF EMERGENCY RULEMAKING**Soil Erosion and Sediment Control and Stormwater Management Infractions**

The Director of the District Department of the Environment (Department), in accordance with the authority set forth in the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code 8-151.01 *et seq.* (2012 Repl.)); Section 104 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.04 (2012 Repl.)); the Water Pollution Control Act of 1984, as amended, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code §§ 8-103.16(f) and 8-103.20 (2012 Repl.)); and Mayor's Order 2006-61, dated June 14, 2006, hereby gives notice of the adoption of an emergency rulemaking to amend Section 3646 (Soil Erosion and Sediment Control and Stormwater Management Infractions) of Chapter 36 (Department of Health (DOH) Infractions) of Title 16 (Civil Infractions Schedule of Fines) of the District of Columbia Municipal Regulations (DCMR).

This emergency rulemaking establishes fines for violations of the District's soil erosion and sediment control and stormwater management regulations. Chapter 32 of Title 16 of the District of Columbia Municipal Regulations (16 DCMR §§ 3200-3201) explains how infractions are classified and lists the fine amounts. The stormwater management and soil erosion and sediment control infractions have been scheduled as follows: Class 1 infractions include the failure to submit a plan or obtain Department approval, the failure to maintain the ongoing environmental obligations of the installed stormwater management system, and the failure to comply with a stop work order; Class 2 infractions are generally those relating to the failure to comply with the conditions in the Department-approved plans, including installing adequate soil erosion and sediment controls at a construction site; Class 3 infractions are violations that are housekeeping in nature, for example, not complying with notice requirements; and Class 4 infractions are violations not scheduled elsewhere.

Emergency rulemaking action is necessary to ensure the protection of the waters of the District of Columbia by seeking compliance with the Department's new stormwater management and soil erosion and sediment control permitting regulations. Those regulations were published in the *D.C. Register* on July 19, 2013 at 60 DCR 10640.

A prior emergency rulemaking establishing fines for violations of the District's soil erosion and sediment control and stormwater management regulations was adopted on September 23, 2013, and became effective immediately on that date. That rulemaking was published in the *D.C. Register* on October 4, 2013 at 60 DCR 13604, and was scheduled to expire on January 22, 2014. This emergency rulemaking was adopted on January 09, 2014, supersedes the prior emergency rulemaking, and will expire one hundred twenty (120) days from the date of effectiveness, on May 9, 2014, unless earlier superseded by a subsequent emergency or final rulemaking. No changes were made from the prior emergency rulemaking.

Through a separate notice of proposed rulemaking to be published in the *D.C. Register*, the infractions set forth in this rulemaking, as well as additional infractions associated with regulatory provisions that do not immediately take effect in the new stormwater regulations, have been proposed for stakeholder comment as part of a comprehensive revision to the Department's schedule of fines. Persons may provide comments on the soil erosion and sediment control and stormwater management infractions pursuant to this rulemaking.

Chapter 36, DEPARTMENT OF HEALTH (DOH) INFRACTIONS, of Title 16, CIVIL INFRACTIONS SCHEDULE OF FINES, of the DCMR is amended as follows:

Section 3646, SOIL EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT INFRACTIONS, is amended to read as follows:

3646 SOIL EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT INFRACTIONS

3646.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 21 DCMR § 504.1 (upon notice from the Department, failure to stop work identified);
- (b) 21 DCMR § 504.5 (unauthorized removal of a posted stop work order);
- (c) 21 DCMR § 504.6 (continuing work stopped by a Department order);
- (d) 21 DCMR § 509.1 (failure to correct soil erosion occurring as the result of natural forces or past land-disturbing activities after an inspection and an order from the Department);
- (e) 21 DCMR § 516.1 (failure to obtain a Department-approved stormwater management plan);
- (f) 21 DCMR § 519.1(b) (failure to comply with the maintenance activities in a Department-approved stormwater management plan);
- (g) 21 DCMR § 527.2 (failure to maintain or achieve the off-site retention volume);
- (h) 21 DCMR § 528.1 (failure to conduct maintenance required by the stormwater management plan approved by the Department);
- (i) 21 DCMR § 528.3 (failure to ensure that a best management practice or a land cover on a lot or parcel is maintained in good working order);
- (j) 21 DCMR § 528.4 (converting natural land cover associated with a stormwater retention requirement to compacted or impervious land cover,

resulting in the loss of retention capacity associated with the land conversion);

- (k) 21 DCMR § 528.5 (converting compacted land associated with a stormwater retention requirement to impervious land cover, resulting in the loss of retention capacity associated with the land conversion);
- (l) 21 DCMR § 531.3 (failure to maintain the retention capacity for a best management practice or land cover for the period of time for which the Department certified a Stormwater Retention Credit);
- (m) 21 DCMR § 532.5(b) (failure to replace a certified Stormwater Retention Credit associated with a retention failure);
- (n) 21 DCMR § 534.2 (failure to maintain the retention capacity for a best management practice or land cover for the period of time for which the Department certified the Stormwater Retention Credit);
- (o) 21 DCMR § 532.5 (failure to replace a Stormwater Retention Credit (SRC) for which retention failure has occurred with another SRC or pay the in-lieu fee corresponding to the SRC);
- (p) 21 DCMR § 540.1 (engaging in razing or land-disturbing activity, including stripping, clearing, grading, grubbing, excavating, and filling of land, without obtaining the Department's approval of a soil erosion and sediment control plan); or
- (q) 21 DCMR § 540.5 (working outside the scope of the Department-approved soil erosion and sediment control plan).

3646.2 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 21 DCMR § 502.2 (failure to conduct all work in accordance with a Department-approved plan or approved plan change);
- (b) 21 DCMR § 503.3 (changing a Department-approved plan or its implementation without Department approval);
- (c) 21 DCMR § 503.6 (proceeding past a stage of construction without obtaining the required Department inspection and approval);
- (d) 21 DCMR § 503.13 (upon notice from the Department, failure to promptly correct work that fails to comply with a Department-approved plan);
- (e) 21 DCMR § 516.3(b) (failure to comply with the terms and conditions of the Department-approved stormwater management plan);

- (f) 21 DCMR § 516.3(c) (failure to comply with the Department's orders and directions to achieve compliance with the Department-approved stormwater management plan);
- (g) 21 DCMR § 516.5 (failure to comply with a Department-approved stormwater management plan);
- (h) 21 DCMR § 518.12 (failure to submit a complete as-built stormwater management plan package within twenty-one (21) days of the Department's final construction inspection);
- (i) 21 DCMR § 518.13 (failure to submit an as-built stormwater management plan or a Record Drawing for a project consisting entirely of work in the public right-of-way);
- (j) 21 DCMR § 528.10 (using soil media removed from a best management practice receiving drainage from an area intended for use or storage of motor vehicles for planting or as fill material);
- (k) 21 DCMR § 528.11 (failure to dispose non-vegetative waste material from cleaning, maintaining, repairing, or replacing a best management practice into a landfill or other facility approved for processing these materials);
- (l) 21 DCMR § 533.3 (transferring ownership of a Stormwater Retention Credit without the Department's approval);
- (m) 21 DCMR § 540.2 (engaging in a demolition project that results in debris, dust, or sediment leaving the site without instituting the necessary control measure(s));
- (n) 21 DCMR § 540.3 (failure to apply each necessary control measure upon receiving instruction to do so by the Department after exposing erodible material and causing erosion);
- (o) 21 DCMR § 542.12 (failure to request the Department's approval at the scheduled stage(s) of construction);
- (p) 21 DCMR § 543.3 (failure to use adequate soil erosion and sediment control measures to prevent transportation of sediment from the site);
- (q) 21 DCMR § 543.5 (failure to protect a best management practice from sedimentation and other damage during construction);
- (r) 21 DCMR § 543.6 (failure to have adequate erosion and sediment control measures in place before and during land disturbance);

- (s) 21 DCMR § 543.7 (failure to have soil erosion and sediment control measures in place to stabilize an exposed area as soon as practicable after construction activity has temporarily or permanently ceased);
- (t) 21 DCMR § 543.9 (failure to implement measures to prevent the discharge of erodible material or waste material to District sewers or District waterbodies);
- (u) 21 DCMR § 543.10(a) (failure to comply with a stormwater pollution prevention plan);
- (v) 21 DCMR § 543.12 (except for the area undergoing construction, failure to stabilize area and install perimeter controls within one (1) week of initial land disturbance or redisturbance);
- (w) 21 DCMR § 543.13 (failure to control runoff from the site by either diverting or conveying the runoff through areas with soil erosion and sediment control measures, such as through the installation of lined conveyance ditches, channels, or checkdams);
- (x) 21 DCMR § 543.14 (failure to apply critical area stabilization to each cut and fill slope);
- (y) 21 DCMR § 543.16(a) (failure to establish and maintain perimeter controls around the stockpile material that is actively being used during a phase of construction);
- (z) 21 DCMR § 543.16 (b) (failure to stabilize stockpiled material with mulch, temporary vegetation, hydro-seed, or plastic within fifteen (15) calendar days after last use or addition of material);
- (aa) 21 DCMR § 543.17 (failure to install required sediment traps or basins and other soil erosion and sediment controls);
- (bb) 21 DCMR § 543.18 (failure to seed and mulch or install a sod or a stabilization blanket immediately after building debris basins, diversions, waterways, or related structures);
- (cc) 21 DCMR § 543.19 (failure to install measures to minimize off-site vehicle tracking at the construction site access);
- (dd) 21 DCMR § 543.20 (failure to remove off-site accumulations of sediment);

- (ee) 21 DCMR § 543.21 (failure to maintain and prevent stabilized areas from becoming unstabilized);
- (ff) 21 DCMR § 545.2 (failure to install measures to achieve a non-eroding velocity for stormwater exiting from a roof or downspout or to temporarily pipe that stormwater directly to a storm drain);
- (gg) 21 DCMR § 545.3 (failure to maximize the preservation of natural vegetation and limit the removal of vegetation to that is necessary for construction or landscaping activity);
- (hh) 21 DCMR § 546.1(a) (exposing more than five hundred linear feet (500 ft) of open trench at any one time for land-disturbing activity that involves work on an underground utility);
- (ii) 21 DCMR § 546.1 (b) (failure to place all excavated material on the uphill side of a trench for land-disturbing activity that involves work on an underground utility);
- (kk) 21 DCMR § 546.1 (c) (failure to install interim or permanent stabilization upon completion of refilling for land-disturbing activity that involves work on an underground utility);
- (ll) 21 DCMR § 546.1 (d) (failure to use mulches and matting to minimize soil erosion when natural or artificial grass filter strips are used to collect sediment from excavated material for land-disturbing activity that involves work on an underground utility); or
- (mm) 21 DCMR § 547.1 (failure to ensure that a responsible person (as described in the Chapter) is present or available if a site involves a land disturbance of five thousand square feet (5,000 ft²) or more).

3646.3

Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 21 DCMR § 502.4 (failure to notify the Department of a material change in the performance provided for in a Department-approved stormwater pollution prevention plan, including a material change in the volume of stormwater flowing into a best management practice (BMP), a shared BMP, or a land cover);
- (b) 21 DCMR § 503.7(a) (failure to schedule a preconstruction meeting or field visit with the Department at least three (3) business days before commencement of a land-disturbing activity);

- (c) 21 DCMR § 503.7(b) (failure to schedule a preconstruction inspection with the Department at least three (3) business days before beginning construction of a best management practice);
- (d) 21 DCMR § 503.7(c) (failure to schedule an inspection required for a stage of construction or other construction event at least three (3) business days before the anticipated inspection);
- (e) 21 DCMR § 503.7(d) (failure to give notice to the Department within two (2) weeks of completion of the land-disturbing activity); or
- (f) 21 DCMR § 503.7(e) (failure to request a final construction inspection one (1) week before completion of a best management practice).

3646.4 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) 21 DCMR § 542.2 (failure to make the Department-approved soil erosion and sediment control plan for a project available on site for Department review);
- (b) 21 DCMR § 543.10(b) (failure to post a copy of the Department-approved stormwater pollution prevention plan on site);
- (c) 21 DCMR § 543.22 (failure to post a sign that notifies the public to contact the Department in the event of soil erosion or other pollution); or
- (d) Violation of any provision of the District of Columbia Stormwater Management, Soil Erosion and Sedimentation Control Regulations (21 DCMR, Chapter 5) that is not cited elsewhere in this section.

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2014-019
January 21, 2014

SUBJECT: Temporary and Limited Suspension of the Enforcement of Certain Engine Idling Provisions of the District of Columbia Official Code and Municipal Regulations for Warming Buses Deployed by the District of Columbia During this Period of Extreme Cold

ORIGINATING AGENCY: Homeland Security Emergency Management Agency

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973 as amended, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2012 Rep.), it is hereby **ORDERED** that:

1. BACKGROUND AND PURPOSE:

- a. On January 21, 2014, the District of Columbia, along with many other parts of the United States, began experiencing extremely cold weather conditions that will include temperatures in the teens and wind chill that will reduce the already frigid conditions to temperatures in the single digits. In addition, four to eight inches of snow is expected and with strong winds, there will be blowing and drifting snow.
- b. These weather conditions pose a danger for many residents who are either homeless or are without adequate heating or shelter. Law enforcement personnel and other District employees working during this time may also be vulnerable to the extreme weather conditions.
- c. To mitigate the health hazards associated with being exposed to inclement weather for extended periods of time, the District of Columbia Homeland Security and Emergency Management Agency ("**HSEMA**") will be providing a limited number of buses to serve as warming stations at designated locations throughout the District for law enforcement personnel, District employees and members of the general public who may need to obtain warmth or require medical attention.


- d. Generally, the engine of a gasoline or diesel powered motor vehicle shall not idle for more than three (3) minutes while the motor vehicle is parked, stopped, or standing, except for limited purposes.
- e. The District of Columbia acknowledges the necessity of having in place and enforcing engine idling regulations on a uniform and consistent basis to offset the harmful effects excessive engine idling may cause to both the environment and one's health. However, in light of the extremely low temperatures; the need for alternate locations where persons could obtain warmth or medical assistance or both; the potentially greater danger posed to public health and the environment if the District does not provide stations; and the narrow tailoring of this Order to apply to a limited number of warming stations, it is in the interest of the District of Columbia to suspend enforcement during this period of extreme cold of those provisions of the District of Columbia Code and District of Columbia Municipal Regulations that relate to engine idling, for the limited number of warming stations identified herein.

2. TEMPORARY AND LIMITED SUSPENSION OF ENFORCEMENT:

- a. No District of Columbia agency, including, but not limited to the Department of the Environment, Department of Health, Department of Public Works, Department of Motor Vehicles, and Metropolitan Police Department, shall enforce the District of Columbia's engine idling regulations from January 21 through January 26, 2014, regarding a limited number of buses designated as warming stations by HSEMA.
- b. HSEMA shall take such action as is necessary to clearly identify the limited number of buses subject to the provisions of this Mayor's Order.

3. EFFECTIVE DATE: This Order shall become effective immediately.


 VINCENT C. GRAY
 MAYOR

ATTEST: 
 CYNTHIA BROCK-SMITH
 SECRETARY OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LEGAL AGENDA

WEDNESDAY, JANUARY 29, 2014 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of letter for Reconsideration of untimely protest dated December 9, 2013 from The Swarhouse Condominium Board of Directors. *Avenue Suites/A Bar*, 2500 Pennsylvania Avenue NW, Retailer CT, Lic#: 086545.*

2. Review of Applicant's Request for Reinstatement of Application for Substantial Change and Application to Terminate Settlement Agreement. *Ghana Café*, 1336 14th Street NW, Retailer CR, Lic#: 82751.

3. Review of Motion for Dismissal of Renewal Request of License. *Sunshine Bar and Lounge*, 7331 Georgia Avenue NW, Retailer CR, Lic#: 085239.

4. Review of Modified Settlement Agreement dated December 20, 2013 between ANC 6B and The Capitol Lounge. *The Capitol Lounge*, 229 Pennsylvania Avenue SE, Retailer CT, Lic#: 023601.

5. Review of Two (2) Request from E & J Gallo to provide retailers with products valued at more than \$50 and less than \$500.

*** In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, JANUARY 29, 2014
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On January 29, 2014 at 4:00 pm, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”

1. Case#14-251-00001 Local 16, 1600 U ST NW Retailer C Restaurant, License#: ABRA-060467

2. Case#14-251-00002 Penn Social, 801 E ST NW Retailer C Multipurpose, License#: ABRA-086808

3. Case#13-CMP-00588 Cusbah, 1128 H ST NE Retailer C Restaurant, License#: ABRA-088779

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, JANUARY 29, 2014 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Letter Requesting Cancellation of License and Refund. ANC 1A. SMD 1A05. *Lime Fresh Mexican Grill #6312*, 3100 14th Street NW, Retailer CR, License No. 88850.

2. Review Letter Requesting Cancellation of License. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 2C. SMD 2C01. *Cowgirl Creamery*, 919 F Street NW, Retailer B, License No. 78540.

3. Review Letter from Daniel Desta Requesting to Withdraw Issuance of Class A Retailer License. No outstanding fines/citations. No Settlement Agreement. ANC . SMD . *Dollar Plus Food*, 1429 Good Hope Road SE, Retailer A, License No. 83559.

4. Review Letter Requesting Extension of Safekeeping. ANC 5. SMD . *Veronica Little (formally Skylark Nightclub)*, Retailer , License No. 90611.

5. Review Request to Remove License from Safekeeping and move to new location. *Ronald and Deloris Dickson*, Retailer CN, License No. 91423.

Board's Agenda – January 29, 2014 - Page 2

6. Review of Application Requesting Change of Hours of Live Entertainment. ***Approved Hours of Live Entertainment:*** Sunday 10am to 10pm. Monday-Thursday 4pm to 11pm. Friday 4pm to 1am. Saturday 10am to 1am. ***Proposed Hours of Live Entertainment:*** Sunday-Thursday 10am to 2am. Friday-Saturday 10am to 3am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 8A. SMD 8A06. ***Cedar Hill Bar & Grill***, 2200 Martin Luther King, Jr. Avenue SE, Retailer CT, License No. 91887.
-

7. Review Application for Manager's License. ***Carlos A. Padilla Garcia***, ABRA-94063.
-

8. Review Application for Manager's License. ***Andrew G. De La Paz***, ABRA-93496.
-

*** In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

OFFICE OF COMMUNITY AFFAIRS

NOTICE OF PUBLIC MEETING

COMMISSION OF AFRICAN AMERICAN AFFAIRS

**Monday, January 27, 2014
901 G Street, NW WASHINGTON, D.C. 20001
ROOM 417**

The Commission of African American Affairs will hold its open public meeting on Monday, January 27, 2014 from 4:00 pm in the MLK library room 417. The Commission will be in attendance to discuss supplemental budget request for FY 14 and the budget for FY 15. If you have any questions or concerns please feel free to contact Maurice Jackson at <mailto:maujackson@aol.com>

DC INTERNATIONAL SCHOOL

INVITATION FOR BID

Multiple Services

- 1) **RFP for Accounting Services:** DC International School is seeking competitive bids for accounting services. Accounting firms will be required to do payroll, produce monthly reports, create yearly budgets, analyze financial results, perform grant reporting, and be intimately familiar with charter school operations. Bids must include evidence of experience in field, qualifications and estimated fees. Please send proposals to rfp@dcinternationalschool.org and include service in heading. Proposals must be received no later than the close of business Friday, January 31, 2014.
- 2) **RFP for Chromebooks:** DC International School is seeking competitive bids for Google Chromebooks. Bids can be for purchase or lease. Bids must include evidence of experience in field, qualifications and estimated fees. Please include price for hardware and management console. Please send proposals to rfp@dcinternationalschool.org and include service in heading. Proposals must be received no later than the close of business Friday, February 14, 2014.
- 3) **RFP for Student Furniture:** DC International School is seeking competitive bids for Student Furniture. Bids must include brands available. Please also include a showroom address in the DMV area if applicable. Bids must include evidence of experience in field, qualifications and estimated fees. Please send information about showroom availability in the DMV area. Please send proposals to rfp@dcinternationalschool.org and include service in heading. Proposals must be received no later than the close of business Friday, February 14, 2014.
- 4) **RFP for Mac Computers:** DC International School is seeking competitive bids for Mac computers, personal laptop and desktops. Bids should include prices for various models. Bids must include all applicable fees, including any delivery fees. Please send proposals to rfp@dcinternationalschool.org and include service in heading. Proposals must be received no later than the close of business Friday, February 14, 2014.
- 5) **RFP for Special Education Service Providers:** DC International School is seeking competitive bids for Special Education Services, including but not limited to Occupational Therapy, Physical Therapy and Speech Therapy and Special Education evaluations. Special Education Service Providers will be required to attend IEP meetings and assist in writing IEPs. These services are to be offered at DC International School during school hours to students who require specialized services. Bids must include evidence of experience in field, qualifications and estimated fees. Please send proposals to RFP@washingtoneyuying.org and include service in heading. Proposals must be received no later than the close of business Monday, Friday, February 14, 2014.

E.L. Haynes Public Charter School

REQUEST FOR PROPOSALS

Five-Year Strategic Planning

E.L. Haynes Public Charter School invites proposals to facilitate and draft a five-year strategic plan for a school serving 1200 students from Pre-Kindergarten through 12th grade. Proposals are due via email to Richard Pohlman no later than 5:00 PM on Tuesday, February 11, 2014. The RFP with bidding requirements can be obtained by contacting:

Richard Pohlman
E.L. Haynes Public Charter School
Phone: 202.706.5838x1041
Email: rpohlman@elhaynes.org

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

EDUCATION LICENSURE COMMISSION

NOTICE OF REVISED PUBLIC MEETING SCHEDULE

Pursuant to the Education Licensure Commission Act of 1976, effective April 6, 1977 (D.C. Law 1-104; 23 D.C. Reg. 8734; D.C. Official Code § 38-1301 *et seq.*), and the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Official Code § 2-501 *et seq.*), the Education Licensure Commission (“Commission”) hereby gives notice of a revision to the schedule for the Commission’s January 2014 Executive/Public Meeting, published on December 12, 2013,.

The meeting, which was originally scheduled to take place on January 21, 2014, has been rescheduled and will take place as follows:

DATE	TIME	TYPE OF MEETING
Tuesday, January 28, 2014	9:00 a.m. – 1:00 pm	Executive/Public

If you have questions regarding this schedule of meetings and New Applicant Workshops, please contact the Interim Director of the Education Licensure Commission, Antoinette Mitchell at (202) 741-0471 or at Antoinette.Mitchell@dc.gov.

**ELSIE WHITLOW STOKES COMMUNITY
FREEDOM PUBLIC CHARTER SCHOOL**

REQUEST FOR PROPOSALS

The Elsie Whitlow Stokes Community Freedom Public Charter School is seeking bids in the E-rate 470 application from prospective candidates to provide Information and Communication Technology services in the areas of:

- Telecommunication Services
- Internet Access
- Internal Connections Other Than Basic Maintenance
- Basic Maintenance Of Internal Connections

To obtain an electronic copy of the full Request for Proposal (RFP), send an email to info@educompliancellc.com specifying the RFP service request type in the subject heading.

The deadline for submissions is February 24, 2014 at 5pm.

Please e-mail proposals and supporting documents to info@educompliancellc.com.

HEALTH BENEFIT EXCHANGE AUTHORITY
NOTICE OF PUBLIC MEETING

Executive Board of the Health Benefit Exchange Authority

The Executive Board of the Health Benefit Exchange Authority, pursuant to the requirements of Section 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-0094), hereby announces a public meeting of the Advisory Board. The meeting will be at 1100 15th Street, NW, Suite 800 on Thursday, January 30, 2014, at 3:00 pm. The call in number is 1-877-668-4493; access code: 735 462 081.

The Advisory Board meeting is open to the public.

If you have any questions, please contact Debra Curtis at (202) 741-0899.

**DEPARTMENT OF HEALTH CARE FINANCE
NOTICE OF PUBLIC MEETING**

Department of Health Care Finance Pharmacy and Therapeutics Committee

The Department of Health Care Finance (DHCF) Pharmacy and Therapeutics Committee (Committee), pursuant to the requirements of Mayor's Order 2007-46, dated January 23, 2007, hereby announces a public meeting of the Committee to obtain input on the review and maintenance of a Preferred Drug List (PDL) for the District of Columbia. -The meeting will be held **Thursday, March 6, 2014, at 2:30pm** in the **10th Floor Main Conference Room 1028 at 441 Fourth Street NW, Washington, DC 20001**. Please note that a government issued ID is needed to access the building. Use the **North Lobby elevators** to access the 10th floor.

The Committee will receive public comments from interested individuals on issues relating to the topics or class reviews to be discussed at this meeting. -The clinical drug class review for this meeting will include:

Antiemetics/Antivertigo Agents	Hypoglycemics, Meglitinides
Bladder Relaxant	Hypoglycemics, Metformins
BPH Agents	Hypoglycemics, SGLT2 Inhibitors
Erythropoiesis Stimulating Agents	Hypoglycemics, TZDs
Histamine-2-Receptor Antagonists	Laxatives & Cathartics (tentatively)
Hypoglycemic Incretin Enhancers/Mimetics Agents	Phosphate Binder
Hypoglycemics, Insulins	Proton Pump Inhibitors
	Ulcerative Colitis Agents

Any person or organizations who wish to make a presentation to the DHCF P&T Committee should furnish his or her name, address, telephone number, and name of organization represented by calling (202) 442-9076 **no later than 4:45pm on Thursday, February 27, 2014**. The person or organization may also submit the aforementioned information via e-mail to Charlene Fairfax (charlene.fairfax@dc.gov).

An individual wishing to make an oral presentation to the Committee will be limited to three (3) minutes. A person wishing to provide written information should supply twenty (20) copies of the written information to the Committee **no later than 4:45pm on February 27, 2014.** **Handouts are limited to no more than two standard 8-1/2 by 11 inch pages of "bulleted" points (or one page front and back).** The ready-to-disseminate, written information can also be mailed **to arrive no later than February 27, 2014** to:

Department of Health Care Finance
Attention: Charlene Fairfax, RPh, CDE
441 4th Street NW, Suite 900 South
Washington, DC 20001

PERRY STREET PREP PUBLIC CHARTER SCHOOL

NOTICE: FOR PROPOSALS FOR EARLY CHILDHOOD PROGRAM SUPPORT

The Perry Street Prep Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for vendors to offer programmatic, coaching, assessment, and curriculum support for its early childhood program.

E-mail the Bid Administrator at psp_bids@pspdc.org to request a full RFP offering more detail on scope of work and bidder requirements.

Proposals shall be received no later than 5:00 P.M., Friday, February 7, 2014.

Prospective Firms shall submit one electronic submission via e-mail to the following address:

Bid Administrator
psp_bids@pspdc.org

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA
RECOMMEND FOR APPOINTMENTS OF NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after February 15, 2014.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on January 24, 2013. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

D.C. Office of the Secretary
Recommended for appointment as a DC Notaries Public

Effective: February 15, 2014

Page 2

Abdul-Wali	Jennifer H.	U. S. Department of Transportation, Office of General Counsel 1200 New Jersey Avenue, SE, Room W96-496	20590
Adikari	Saman	Arnold & Porter LLP 555 Twelfth Street, NW	20004
Ahiabenu	Francis	Wells Fargo Bank 20 M Street, SE	20003
Amos	Isha R.	Self (Dual) 910 15th Street, SE	20003
Ballantine	Eugene Thompson	Cassidy Turley, Commercial Real Estate Service 5335 Wisconsin Avenue, NW, Suite 320	20015
Battle	Latasha	Precision Wall Tech, Inc. 605 Raleigh Place, SE, 2nd Floor	20032
Briones	Doris J.	Wells Fargo Bank 3325 14th Street, NW	20010
Burke	Susan S.	Interior Federal Credit Union 1849 C Street, NW, B038	20240
Crawford	Elijah A.	DC Homeland Security and Emergency Management Agency 2720 Martin Luther King, Jr. Avenue, SE	20032
Culpepper	Geraldine L.	Comptel 1200 G Street, NW, Suite 350	20005
Davis	Nicole G.	Capitol Process Services, Inc. 1827 18th Street, NW	20009
Eason, Jr.	Carl L.	Citibank 600 Pennsylvania Avenue, SE	20003
Epstein	Kira	Beasley Real Estate 2020 K Street, NW	20006

D.C. Office of the Secretary
Recommended for appointment as a DC Notaries Public

Effective: February 15, 2014

Page 3

Estrada	Walter	The Glenwood Cemetery 2219 Lincoln Road, NE	20002
Evans	Tenasha L.	The New Macedonia Baptist Church 4115 Alabama Avenue, SE	20019
Fitzsimon	Joshua	Bryant Miller Olive, P.C. 1828 L Street, NW, Suite 370	20036
Galdeano	Sonia	Wells Fargo Bank 1300 I Street, NW, 12th Floor	20005
Gibson	Teague W.	Alderson Court Reporting 1155 Connecticut Avenue, NW, Suite 200	20036
Gilkey	Kerri Camille	Carey International, Inc. 4530 Wisconsin Avenue, NW, Suite 500	20016
Gilyard	Valrica J.	Tantus Technologies, Inc 501 School Street, SW	20024
Glover	Teresa	Metropolitan Police Department of the DC 300 Indiana Avenue, NW	20001
Gross	S. Toula	KVS Title, LLC 1407 T Street, NW, Suite 201	20009
Gurusinghe	Harsha	PNC Bank 833 7th Street, NW	20001
Jackson	Frances M.	Ropes and Gray LLP 700 12th Street, NW, Suite 900	20005
Jackson	Tamara W.	Naylor Gardens 2725 30th Street, SE	20020
Jenkins	Carlynn Fuller	Self (Dual) 1127 Abbey Place, NE	20002
Johnson	Kathy L.	U. S. Department of Education 400 Maryland Avenue, SW	20202

D.C. Office of the Secretary
Recommended for appointment as a DC Notaries Public

Effective: February 15, 2014

Page 4

Jones	Kim	Metropolitan Police Department of the DC 300 Indiana Avenue, NW	20001
Jordan	Diana G.	District Department of Transportation 55 M Street, SE, 7th Floor	20003
Lacy	Gail Webb	District of Columbia Baptist Convention 1628 Sixteenth Street, NW	20009
Larson	Sarah	Saul Ewing, LLP 1919 Pennsylvania Avenue, NW, Suite 550	20006
Legge	Nerissa	Conference of State Bank Supervisors 1129 20th Street, NW, 9th Floor	20036
Lewis	Howard	Transit Employees Federal Credit Union 2000 Bladensburg Road, NE	20018
Lopes	Georgette	Gallaudet University 800 Florida Avenue, NE	20002
Lopez	Stephen E.	Self 207 10th Street, SE	20003
Maldonado	Mauricio	Wells Fargo Bank 1200 First Street, NE	20002
Mary	Karen K.	Washington Capitol Partners, LLC 1101 30th Street, NW, Suite 210	20007
Matthews	Regina M.	Dickstein Shapiro LLP 1825 Eye Street, NW	20006
McCready	Michele	Transit Employees Federal Credit Union 2000 Bladensburg Road, NE	20018
McDuffus	Mary Ann	Mayer Brown LLP 1999 K Street, NW, Suite 1019A	20006
Mcgarrell	Toni	PricewaterhouseCoopers 1301 K Street, NW, Suite 800W	20005

D.C. Office of the Secretary
Recommended for appointment as a DC Notaries Public

Effective: February 15, 2014

Page 5

Metzger	Priscilla E.	Ballard Spahr, LLP 1909 K Street, NW, 12th Floor	20006
Mitiku	Bethlehem	Wells Fargo Bank 1804 Adams Mill Road, NW	20009
Monago	Enyinnaya	Wells Fargo Bank 4302 Connecticut Avenue, NW	20008
Palacios	Diane M.	Brown Rudnick, LLP 601 13th Street, NW, Suite 600S	20005
Parrish	Felicia	Metropolitan Police Department of the DC 300 Indiana Avenue, NW	20001
Payne, Sr.	Antoine	Metropolitan Police Department of the DC 300 Indiana Avenue, NW	20001
Portillo	Sara E.	Wells Fargo Bank 1804 Adams Mill Road, NW	20009
Pratt	Air Nora	Fulcrum Properties Group 801 D Street, NE	20002
Precia	Theresa M.	Self 1830 Maryland Avenue, NE, Apt. 4	20002
Ramey	Monica L.	M.C. Dean 2951 V Street, NE	20018
Ramirez	Amber	Conference of State Bank Supervisors 1129 20th Street, NW, 9th Floor	20036
Ray	David S.	North Bridge Communications 1032 29th Street, NW	20007
Rein	Siahn Thai	Ballard Spahr, LLP 1909 K Street, NW, 12th Floor	20006
Riddick	Jeannette S.	U.S. Department of Transportation, Maritime Administration 1200 New Jersey Avenue, SE, Room W23-471	20590

D.C. Office of the Secretary
Recommended for appointment as a DC Notaries Public

Effective: February 15, 2014

Page 6

Ridges	Mae L.	Institute of Museum and Library Services (IMLS) 1800 M Street, NW, 9th Floor	20036
Sapp	Norma M.	Public Justice 1825 K Street, NW, Suite 200	20006
Sieg	Erica	American Fuel and Petrochemical Manufacturers 1667 K Street, NW, Suite 700	20006
Smith	Bernard	Citibank 1717 K Street, NW	20006
Soto	Lucia	Washington Pre-Trial Services, Inc. 4626 Wisconsin Avenue, NW, Suite 300	20016
Spain	Teretha M.	Mount Joy Baptist Church 514 4th Street, SE	20019
Tangri	Rishi	Bank-Fund Staff Federal Credit Union 1725 I Street, NW, Suite 150	20006
Tekle	Aster	Industrial Bank 2000 14th Street, NW	20009
Thompson	Barbara J.	Capitol Services Management, Inc. 3200 Martin Luther King, Jr. Avenue, SE	20032
Townsend	Linda	SunTrust 1445 New York Avenue, NW	20005
Tripodo	Gabriele	Trabtra Inc. T/A Union Liquor 1537 Good Hope Road, SE	20020
Tucker	Kenneth	TD Bank 801 17th Street, NW	20006
Vera	George	Wells Fargo 2000 L Street, NW	20036
Waidmann	Michael B.	FHI 360 1825 Connecticut Avenue, NW	20009

D.C. Office of the Secretary
Recommended for appointment as a DC Notaries Public

Effective: February 15, 2014

Page 7

Wallace	Felicia N.	VOA Associates Incorporated 722 12th Street, NW, Suite 100	20005
Watson	Tracey E.	Tandem Legal Group 829 7th Street, NW	20001
Watts	Gervel A.	Capital Reporting Company 1821 Jefferson Place, NW	20036
Webster	Tammy T.	National Committee for Quality Assurance 1100 13th Street, NW, Suite 1000	20005
Wehr	Alexandra	Wingate Hughes Architects, PLLC 1010 Vermont Avenue, NW, Suite 700	20005
Wilbon	Roderick	Joan M. Wilbon and Associates 1120 Connecticut Avenue, NW	20036
Wright	Sabrina G.	Self 1422 Duncan Street, NE	20002
Wright	Yanique	Capital One 1800 M Street, NW	20036
Zalewski	Brenda M.	The Levy Group Limited, LLC 1321½ Wisconsin Avenue, NW	20007

UNIVERSITY OF THE DISTRICT OF COLUMBIA
REGULAR MEETING OF THE BOARD OF TRUSTEES

NOTICE OF PUBLIC MEETING

The regular meeting of the Board of Trustees of the University of the District of Columbia will be held on Tuesday, January 28, 2014 at 5:00 p.m. in the Board Room, Third Floor, Building 39 at the Van Ness Campus, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Below is the planned agenda for the meeting. The final agenda will be posted to the University of the District of Columbia's website at www.udc.edu.

For additional information, please contact: Beverly Franklin, Executive Secretary at (202) 274-6258 or bfranklin@udc.edu.

Planned Agenda

- I. Call to Order and Roll Call
- II. Approval of Minutes – November 19, 2013
- III. Report of the Chairperson – Dr. Crider
- IV. Report of the President – Dr. Lyons
- V. Committee Reports
 - a. Executive – Dr. Crider
 - b. Committee of the Whole – Dr. Crider
 - c. Academic Affairs – Dr. Curry
 - i. Resolution: Approval of Master of Arts degree in Adult Education Program
 - d. Budget and Finance – Mr. Felton
 - e. Audit, Administration and Governance – Mr. Shelton
 - f. Student Affairs – General Schwartz
 - i. Communications Task Force
 - g. Community College – Mr. Dyke
 - h. Facilities – Mr. Bell
 - i. Resolution: Approval of Proposed Contract for the Purchase of Two (2) Motor Coach Buses
- VI. Unfinished Business
 - a. Vision 2020 Plan
 - i. Resolution: Elimination of Seventeen Academic Programs
 - ii. Resolution: Approval of the Vision 2020 Plan
- VII. New Business
- VIII. Adjournment

Expected Meeting Closure

In accordance with Section 2-575 (b) (10) of the D. C. Code, the Board of Trustees hereby gives notice that it may conduct an executive session, for the purpose of discussing the appointment, employment, assignment, promotion, performance, evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials.

UNIVERSITY OF THE DISTRICT OF COLUMBIA**ACADEMIC AFFAIRS, AUDIT, ADMINISTRATION AND GOVERNANCE AND
STUDENT AFFAIRS COMMITTEES OF THE BOARD OF TRUSTEES****NOTICE OF PUBLIC MEETING**

The Joint Meeting of the Academic Affairs Committee, Audit, Administration and Governance Committee and Student Affairs Committee of the Board of Trustees of the University of the District of Columbia will be held on Thursday, January 30, 2014 at 6:00 p.m. in the Board Room, Third Floor, Building 39 at the Van Ness Campus, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Below is the planned agenda for the meeting. The final agenda will be posted to the University of the District of Columbia's website at www.udc.edu.

For additional information, please contact: Beverly Franklin, Executive Secretary, at (202) 274-6258 or bfranklin@udc.edu.

Planned Agenda

- I. Call to Order and Roll Call**
- II. Discussion – Title IV Participation Agreement**
- III. Adjournment**

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting on Thursday, February 6, 2014 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

- | | | |
|----|--|-----------------------|
| 1. | Call to Order | Board Chairman |
| 2. | Roll Call | Board Secretary |
| 3. | Approval of January 2, 2014 Meeting Minutes | Board Chairman |
| 4. | Committee Reports | Committee Chairperson |
| 5. | General Manager's Report | General Manager |
| 6. | Action Items
Joint-Use
Non Joint-Use | Board Chairman |
| 7. | Other Business | Board Chairman |
| 8. | Adjournment | Board Chairman |

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18376 of Cornelle Smith, pursuant to 11 DCMR § §3103.2 for an area variance from the story requirements under § 400.1 of the Zoning Regulations, and an area variance from the open court requirements under § 406.1 of the Zoning Regulations, to accommodate third and fourth floor additions to an existing four-unit apartment building in the R-4 District, at premises 3453 Holmead Place, N.W. (Square 2834, Lot 73).

HEARING DATE: July 17, 2012
DECISION DATE: July 17, 2012

DECISION AND ORDER

On March 14, 2012, Cornelle Smith, (the “Applicant”) filed an application with the Board of Zoning Adjustment (the “Board”) requesting area variances from the story requirements and open court requirements of §§ 400.1 and 406.1 of the Zoning Regulations, to allow third and fourth floor additions to an existing apartment building. At the time of the public hearing, the additions had already been constructed, without a building permit. Following a full public hearing, the Board voted to grant the court width variance allowing the third floor addition but to deny the story variance allowing the fourth floor addition.¹

PRELIMINARY MATTERS

Authorization

The Applicant in this case is Cornelle Smith, owner of the property located at 3453 Holmead Place, N.W. He was represented by Dianna Reed, a land use consultant with the firm “Land Use By Design”. (Exhibit 30.)

The Application

The application was filed by Ms. Reed on March 14, 2012, seeking variances from the open court requirements under § 406.1 of the Zoning Regulations, and the story requirements under § 400.1 of the Zoning Regulations, to allow existing additions on the third and fourth floors of an apartment building.

¹ The Board’s motion to deny the story variance inadvertently included a denial of lot area relief, lot width relief, and lot occupancy relief. The Office of Planning (“OP”) had suggested that the application be amended to include these additional forms of relief. Because the application was not amended by the Applicant to include any additional relief, and the Applicant did not address any of these issues at the hearing, the Board considered only the relief that was requested by the Applicant in his application.

BZA APPLICATION NO. 18376
PAGE NO. 2

Referral by the Zoning Administrator

The application was referred to the Board by the Zoning Administrator (“ZA”) of the District Department of Consumer and Regulatory Affairs (“DCRA”). (Exhibit 5.) The relief sought – for relief from the story requirements and the open court requirements – was consistent with the relief recommended by the ZA. While the ZA does not include a referral for lot area relief, the ZA’s computational chart indicated that the 2,117 square foot (“s.f.”) lot area was nonconforming. The Board agrees that the lot area is nonconforming, but disagrees that the lot area requirement is 4,000 s.f., as noted in the ZA’s chart. Because the building was converted to a four-unit apartment building, the lot area requirement would be 3,600 s.f. (i.e., 4 x 900 square feet), not 4,000 s.f. (*See*, 11 DCMR § 401.3.²) However, as noted previously, the Applicant did not request relief from the lot area requirement, and the Board will not consider the lot area in this application. The fact that the Board only considered the zoning relief sought does not mean that no additional relief is needed. That determination is for the ZA to make.

Notice of Public Hearing

Notice

Pursuant to 11 DCMR § 3113.13, notice of the hearing was sent by the Office of Zoning to the Applicant, all owners of property within 200 feet of the subject site, Advisory Neighborhood Commission (“ANC”) 1A, and the District of Columbia Office of Planning (“OP”).

Posting

The Applicant posted placards at the property regarding the application and public hearing in accordance with 11 DCMR §§ 3113.14 through 3113.20. He also submitted an affidavit to this effect in accordance with 11 DCMR §§ 3113.19 and 3113.20. (Exhibit 31.)

ANC 1A

The subject site is located within the jurisdiction of ANC 1A, which is automatically a party to this application. According to the Applicant’s Land Use Consultant, the ANC voted to support the request for both variances. (Hearing Transcript of July 17, 2012, “Tr.”, p.34.) However, at the time of the public hearing, the ANC had not filed any written report with the Board. Nor was there an appearance at the public hearing by any representative of the ANC. The Board therefore proceeded as if the ANC had taken no action.

Requests for Party Status

The Board received no request for party status.

Persons in Support

No persons appeared at the hearing to testify in support of the application. Nor were any letters

² The applicable portion of § 401.3 is “Conversion of a building or structure to an apartment house” -- 900/apartment or bachelor apartment”. The 4,000 s.f. requirement relates to “All other structures” and is inapposite.

BZA APPLICATION NO. 18376
PAGE NO. 3

received from persons in support of the application.

Persons in Opposition

The Board received letters in opposition from two neighboring property owners, Jorge Granados at 3455 Holmead Place, N.W. (Exhibit 22); and Mikelle Devillier and Eric Decuir, Jr., at 3457 Holmead Place, N.W. (Exhibit 28). In addition, Mr. Granados testified at the public hearing in opposition to the application. Mr. Granados and the Devillier/Decuir family concurred regarding their opposition. Both of them claimed that the Applicant's property now "towered" over neighboring structures, that the Applicant's construction materials were inferior, and that the Applicant's addition encroached on Mr. Granados's property. They also objected to the fact that the additions were erected unlawfully – i.e., without the required building permit.

Government Reports

Office of Planning ("OP") Report

OP reviewed the application and prepared a report recommending approval in part, and denial in part. (Exhibit 29.) OP concluded that the Applicant had satisfied the variance test for the open court relief, but had failed to establish that there was any "exceptional condition"³ at the property which resulted in the Applicant's inability to comply with the story requirements. OP's representative, Maxine Brown-Roberts, also testified to this effect at the public hearing.

District of Columbia Department of Transportation ("DDOT")

DDOT submitted a report stating that it had no objection to the variances sought by the Applicant. (Exhibit 24.)

FINDINGS OF FACT

The Property

1. The subject property is located at 3453 Holmead Place, N.W., in Square 2834, Lot 73, in the R-4 Zone District.
2. The subject property is a rectangular lot that is 16.67 feet wide, with a lot area of 2,117 s.f.
3. The subject property fronts on Holmead Place, N.W., and has a 16 foot wide alley to its rear.
4. There are two- and three- story row dwellings immediately adjacent to the subject property.

³ As will be explained in further detail, establishing an exceptional condition is necessary in order to satisfy the first prong of the variance test.

BZA APPLICATION NO. 18376**PAGE NO. 4**

5. The surrounding neighborhood is characterized by two- and three-story row dwellings, three- to five- story apartment buildings, and a few retail and institutional uses.
6. The subject property was previously developed as a three-story apartment building with a partially above ground basement. It housed four residential units: one each at the basement level, and first, second, and third floor levels.
7. The basement unit, first floor unit, and second floor unit were each between 1,100 and 1,200 s.f. The third floor unit was approximately 700 s.f.

The Additions

8. In about 2006, the Applicant constructed two additions to the building without obtaining a building permit: an addition to the rear of the third floor of the building comprising about 400 s.f., and a new fourth floor addition to the building also comprising about 400 s.f.
9. At the time of the public hearing, the building consisted of four stories and four residential units.
10. With the additions, the basement unit, first floor unit, and second floor unit, each remain between 1,100 and 1,200 s.f. The third and fourth floors are connected by internal stairs and comprise one unit of about 1,500 s.f. The 1,500 s.f. consists of the original third floor area (700 s.f.), the area of the third floor addition (400 s.f.), and the area of the fourth floor addition (400 s.f.).
11. Following the unauthorized additions, DCRA took various enforcement steps against the Applicant, including the issuance of "Stop Work Orders" and "Notices of infraction".
12. This application was filed to obtain approval of the two unauthorized additions.

The Zoning Relief Required

13. Subsection 406.1 requires a minimum open court width of 10 feet in the R-4 Zone District. The building has a non-conforming 2.67 feet wide open court which is extended with the addition to the third floor and a new fourth floor. Thus, an area variance is needed from the requirements of § 406.1.
14. Subsection 400.1 allows a maximum of three stories on a building in the R-4 Zone District. With the addition, the building has a non-conforming fourth story. Thus, an area variance is needed from the requirements of § 400.1.

BZA APPLICATION NO. 18376**PAGE NO. 5****The Open Court Relief***The Exceptional Condition*

15. Given a lot width of only 16.67 feet, the dwelling and open court width are exceptionally narrow.

Practical Difficulty

16. The nonconforming open court can only be expanded to meet the 10 foot requirement by demolishing a portion of the existing building. Such an endeavor would likely affect the integrity of the structure. (OP Report, Exhibit 29.)
17. Demolition is not a sensible option because the third floor unit size needs to be expanded, not decreased. Without the third floor addition, the third floor unit had an area of only 720 s.f. and, according to the Applicant, the unit was too small to be rented or sold. (Tr., p. 72.)
18. If the open court area were filled in, the court area would be eliminated and the building could be expanded to the property line. This would eliminate the problem of a nonconforming open court. However, this would also be out of character with the other residences along Holmead Place which have a pattern of courts between buildings to allow light and air into the rear portions of the homes. Eliminating the open court would likely have a negative impact on the adjacent property as the light, air and privacy to the property could be reduced.

The Story Relief

19. There was no evidence of any exceptional condition at the property that would cause practical difficulty in complying with the three story limit at the property.
20. The Applicant suggested that the fourth floor addition was essential because, without the additional area, the third floor unit (with which it was combined) would not be "livable, sellable, [or] rentable". (Tr., p. 74.) However, when combined with the third floor addition, the third floor unit would be in the same size range (about 1,100 s.f.) as the basement, first and second floor units. (See, Findings of Fact 7 & 8, The third floor was about 700 s.f., and the third floor addition is another 400 s.f., for a combined area of 1,100 s.f.).
21. The Applicant claims that he will suffer financial losses as a result of having to take down the fourth floor addition.

CONCLUSIONS OF LAW

The Board is authorized under § 8 of the Zoning Act of 1938, D.C. Official Code § 6-631.07

BZA APPLICATION NO. 18376**PAGE NO. 6**

(g)(3), to grant variance relief where, “by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,” the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. (See 11 DCMR § 3103.2.)

Under the three-prong test for area variances set out in 11 DCMR § 3103.2, an applicant must demonstrate that (1) the property is unique because of its size, shape, topography, or other extraordinary or exceptional situation or condition inherent in the property; (2) the applicant will encounter practical difficulty if the Zoning Regulations are strictly applied; and (3) the requested variances will not result in substantial detriment to the public good or the zone plan. See *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1167 (D.C. 1990). In order to prove "practical difficulties," an applicant must demonstrate first, that compliance with the area restriction would be unnecessarily burdensome; and, second, that the practical difficulties are unique to the particular property. *Id.* At 1170.

The Variance from the Open Court Requirement

As will be explained later in this Order, the Board voted to deny a variance to allow a fourth story. Therefore, its discussion of the open court variance is predicated upon there being only an expansion to the rear of the third floor.

The Board finds that the exceedingly narrow open court width is an exceptional condition. This exceptional condition leads to a practical difficulty in Applicant's ability to expand the property. The only way to increase the open court width to meet the Regulations is to demolish a portion of the building. According to OP, this would result in an addition that is only six feet wide, which would adversely affect the structure of the building. Were the Applicant to eliminate the open court altogether, the nonconformity would be removed but the neighboring property owners would be adversely affected by diminished light and air, and a pattern of development that would be inconsistent with other dwellings on the street. Thus, the first and second prongs of the variance test are met.

Turning to the third prong of the variance test, the Board concludes that the nonconforming open court width and third floor addition will not impair the public good or the zone plan. The third floor addition does not increase the number of units or change the density of the apartment building. It increases the third floor apartment area by 400 s.f. but does not alter the character of the building, the street, or the neighborhood.

BZA APPLICATION NO. 18376**PAGE NO. 7**The Variance from the Story Requirements for the Fourth Floor Addition

The Board finds that the Applicant never established any exceptional condition relating to the additional fourth floor and, therefore, did not satisfy the test for an area variance for the fourth floor.

The Applicant suggested that, in order for the project to be financially viable, the third and fourth floors had to be combined to comprise a two-story unit of 1,500 s.f. Not only was there no proof of this assertion, the Applicant's suggestion is illogical. None of the other three units were that size and there is no suggestion that the other units could not be rented. The other three units were between 1,100 and 1,200 s.f., approximately the same size as the third floor unit plus the third floor addition. The Applicant never explained why it was essential that the third floor unit with addition had to be combined with the fourth floor addition to achieve a unit area of 1,500 s.f. While the Applicant encountered serious financial difficulties, there is no evidence that this stemmed from having a fourth unit that was 1,100 s.f. instead of 1,500 s.f.

Nor was the Board persuaded by the Applicant's reliance on an "exceptional condition" flowing from DCRA's enforcement actions. (The Applicant argued that DCRA issued numerous stop work orders "for the same scope of work". (Tr., p. 36).) Even if true, this has no relevance to the variance test. Nor is it related to "zoning history" as a basis for an "exceptional condition". The Applicant cites several cases, including *Application No. 17218 of Tanya Harris*, which discusses "zoning history" as a basis for the first prong of the variance test. However, this case is not germane to the facts at hand. In the *Harris case*, for instance, the Applicant relied on formal and informal actions of DCRA when completing her project, i.e. DCRA's issuance of a building permit and its affirmative revocation of a stop work order based on that permit. In the case at hand, there was no such reliance. DCRA never issued a building permit or encouraged the Applicant in any way to proceed with the unauthorized fourth story.

In this matter, the burden of proof rested with the Applicant. (11 DCMR § 3119.2.) Since the Applicant failed to meet his burden of proof, the Board had no choice but to deny the request for relief for the story variance.

ANC

Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10 (d)(3)(B)) requires that the Board's written orders give "great weight" to the issues and concerns raised in the recommendations of the affected ANC. The ANC here did not submit a written report with recommendations. Thus, there was nothing to which to give great weight.

The Board is also required under D.C. Official Code § 6-623.04(2001) to give "great weight" to OP recommendations. For the reasons stated in this Decision and Order, the Board finds OP's advice to be persuasive.

BZA APPLICATION NO. 18376
PAGE NO. 8

Therefore, for the reasons stated above, it is hereby **ORDERED** that the application is hereby **GRANTED**, (subject to Exhibit 8, Plans) to allow an area variance from the open court requirements to construct the third floor addition, and **ORDERED** that the application is hereby **DENIED** for an area variance from the story requirements to construct the fourth floor addition.

VOTE: 4-0-1 (Lloyd J. Jordan, Nicole C. Sorg, Jeffery L. Hinkle, and Marcie I. Cohen, voting in support of the motion to GRANT the variance from the open court requirements to construct the third floor addition, and to DENY the variance from the story requirements which would allow construction of the fourth floor addition; Rashida Y.V. MacMurray not present, not voting.)

ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of Board members approved the issuance of this order.

FINAL DATE OF ORDER: March 8, 2013

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

BZA APPLICATION NO. 18376
PAGE NO. 9

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18695 of Barrett C. Evans, pursuant to 11 DCMR § 3104.1, for a special exception for an addition to a one-family row detached dwelling under section 223, not meeting the nonconforming structure (subsection 2001.3) requirements in the R-4 District at premises 1120 Park Road, N.W. (Square 2842, Lot 51).

DECISION DATE: January 14, 2014 (Expedited Calendar)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

Pursuant to 11 DCMR § 3181 this application was tentatively placed on the Board's expedited calendar for decision without hearing as a result of the applicant's waiver of their right to a hearing.

The Board provided proper and timely notice of the decision meeting for this application together with the information required by 11 DCMR § 3118.5 by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (ANC) 1A and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1A, which is automatically a party to this application. ANC 1A submitted a letter in support of the application. The Office of Planning (OP) submitted a report in support of the application. The Department of Transportation submitted a report of no objection to the application.

No objections to expedited calendar consideration were made by any person or entity entitled to do by §§ 2118.6 and 2118.7 and no requests for party status were received. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 223. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes

BZA APPLICATION NO. 18695

PAGE NO. 2

that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit 13 – Plans) be **GRANTED**.

VOTE: **3-0-2** (Lloyd J. Jordan, S. Kathryn Allen and Marcie I. Cohen to Approve. Jeffrey L. Hinkle not present, not voting and the third Mayoral member seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: January 14, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL

BZA APPLICATION NO. 18695**PAGE NO. 3**

AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18703 of Thomas E. Maloney, pursuant to 11 DCMR § 3104.1, for a special exception for an addition to a one-family row detached dwelling under section 223, not meeting the lot occupancy (section 403) and rear yard (section 404) requirements in the R-4 District at premises 704 19th Street, N.E. (Square 4513, Lot 48).

DECISION DATE: January 14, 2014 (Expedited Calendar)

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

Pursuant to 11 DCMR § 3181 this application was tentatively placed on the Board's expedited calendar for decision without hearing as a result of the applicant's waiver of their right to a hearing.

The Board provided proper and timely notice of the decision meeting for this application together with the information required by 11 DCMR § 3118.5 by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (ANC) 6A and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6A, which is automatically a party to this application. ANC 6A submitted a letter in support of the application. The Office of Planning (OP) submitted a report in support of the application. The Department of Transportation submitted a report of no objection to the application.

No objections to expedited calendar consideration were made by any person or entity entitled to do by §§ 2118.6 and 2118.7 and no requests for party status were received. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 223. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes

BZA APPLICATION NO. 18703

PAGE NO. 2

that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit 7 – Plans) be **GRANTED**.

VOTE: **3-0-2** (Lloyd J. Jordan, S. Kathryn Allen and Marcie I. Cohen to Approve. Jeffrey L. Hinkle not present, not voting and the third Mayoral member seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: January 14, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL

BZA APPLICATION NO. 18703

PAGE NO. 3

AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

District of Columbia REGISTER – January 24, 2014 – Vol. 61 - No. 4 569 – 775