



# ***A Short Guide to Helping Voters Register Under D.C. Law***

## **WHO IS ELIGIBLE TO VOTE?**

In D.C., a person may register to vote if she or he:<sup>1</sup>

- Is a U.S. citizen;
- Has maintained a residence in D.C. for 30 days preceding the next election and does not claim voting residence or right to vote in any state or territory;
  - The term "residence," for purposes of voting, means the principal or primary home or place of abode of a person. Principal or primary home or place of abode is that home or place in which the person's habitation is fixed and to which a person, whenever he or she is absent, has the present intention of returning after a departure or absence therefrom, regardless of the duration of the absence.<sup>2</sup>
- Has not been found by a court to be legally incompetent to vote;
- Is not incarcerated for a crime that is a felony in D.C.; and
- Is at least 17 years of age, and will turn 18 on or before the next general election.

Sixteen-year-olds who are otherwise qualified may preregister to vote, but must meet the above age qualifications to vote.<sup>3</sup>

## **WHAT CONSTITUTES A COMPLETE VOTER REGISTRATION APPLICATION?**

Federal law<sup>4</sup> requires that voter registration applications include:

- The applicant's Driver's License or State ID number, or, if none,
- Last four digits of Social Security Number, or, if none
- The state will assign the applicant a number, and
- Check boxes for the applicant to indicate whether she is a U.S. citizen and will be 18 by Election Day.

Federal law authorizes states to require only such identifying information as "is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process."<sup>5</sup>

Under District of Columbia law, without the following information an application will be rejected:

- Complete name;<sup>6</sup>
- Residence address;<sup>7</sup>
  - Mailing address, if mail is not received at the residence address, is required to receive notices required to be sent by law;<sup>8</sup>
- Current and valid D.C driver's license number, or if the applicant has not been issued a current and valid driver's license, the last four digits of the person's Social Security Number. If an applicant has neither, the Board of Elections will assign a unique identifier;<sup>9</sup>
- Signature or mark (unless prevented from doing so by physical disability) that attests, under penalty of perjury, that the applicant meets the requirements to register to vote; and<sup>10</sup>
- Date of birth.<sup>11</sup>

Party affiliation is required if applicants wish to vote in party elections.<sup>12</sup>



## WHAT IS THE DEADLINE FOR SUBMITTING REGISTRATION APPLICATIONS?

Applications made other than in person must be submitted 30 days prior to an election in order for an applicant's name to be on the voter rolls for that election.

Applications that are mailed must be accepted if they are received by the 30th day preceding an election no later than 4:45 P.M. or such time on that day as the Board of Election's office remains open to receive applications.<sup>13</sup> If the registration-by-mail deadline falls on a Saturday, Sunday, or holiday, the deadline is extended to the next business day.<sup>14</sup> Additionally, the Board must process:<sup>15</sup>

- (A) Mailed voter registration applications and registration update notifications that were postmarked by not later than the 30th day preceding any election; and
- (B) Timely completed non-postmarked voter registration applications and registration update notifications mailed and received not later than the 23rd day preceding any election.

After the 30th day preceding an election, a person may register to vote by completing a voter registration application and submitting it in person at the Board's office or a voter registration agency. Requests for change of party affiliation status received during the thirty (30) days that precede a primary election will be held and processed after the election.<sup>16</sup>

Persons may also register and vote at an early voting center or on Election Day at their polling place, provided they show proof of residence. Each individual who registers at an early voting center or at the polling place on Election Day must cast a special (provisional) ballot, subject to the Board's verification of residence.<sup>17</sup> Election-day registrants who do not show proof of residence at the polling place have until 10 days after the election to show ID to the Board.<sup>18</sup>

## WHAT ARE THE STATE RULES GOVERNING VOTER REGISTRATION DRIVES?

### BEFORE THE DRIVE

- A. Does the District require voter registration organizations to register or file other information detailing its voter registration activities?**  
No.
- B. Does the District require any training in order to conduct voter registration drives?**  
DC law does not address this issue.
- C. Does the District have restrictions on who may help others register to vote, or rules regarding voter registration forms?**  
DC law does not address the issue of who may help others register. However, the Board of Election'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.<sup>19</sup>

In addition, a person shall not knowingly or willfully procure or submit voter registration applications that are known by the person to be materially false, fictitious, or fraudulent. Penalties for violation include a fine of up to \$10,000, imprisonment for up to 5 years, or both.<sup>20</sup>

- D. Does the District have restrictions on whether workers may be paid?**  
DC law does not address this issue.



**E. *Can canvassers or the voter registration drive offer something of value to a person in exchange for completing a voter registration application?***

A person shall not knowingly or willfully pay, offer to pay, or accept payment of any consideration, compensation, gratuity, reward, or thing of value for registration to vote or for voting. Penalties for violation include a fine of up to \$10,000, imprisonment for up to 5 years, or both.<sup>21</sup>

Federal law also states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years."<sup>22</sup> At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter, and indicated the value should be based on "an assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment."<sup>23</sup>

Another example is California's Secretary of State's interpretation of the federal law to mean that "Any type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."<sup>24</sup>

## DURING THE DRIVE

**A. *Are there special rules requiring the registration drive worker to sign her name to the completed voter registration application?***

Yes, if the person is unable to sign the application. 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.<sup>25</sup> 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:<sup>26</sup>

- That he or she has provided assistance to the applicant;
- That the applicant is unable to sign the registration form or to make a mark in the space provided for his or her signature;
- 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
- 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.

**B. *Are voter registration groups prohibited from putting identifying marks on completed voter registration applications?***

DC law does not address this issue.

**C. *Are there restrictions on copying completed voter registration applications prior to submitting them to the registrar?***

DC law does not address this issue. However, the following items of information contained in voter registration records filed with the Board are confidential and may not be considered public information subject to disclosure to the general public:<sup>27</sup>

- Full or partial social security numbers;
- Dates of birth;
- Email addresses or phone numbers;
- The identity of the voter registration agency at which the voter registered; and
- The residence and mailing addresses of any registered qualified elector whose residence address has been made confidential pursuant to a court order.



Additionally, a voter's signature on registration records, either on a paper record or application or an electronically captured image, may be viewed by the public but may not be copied or traced except by Board officials for election administration purposes. Any such copy or tracing is not a public record.<sup>28</sup>

***D. Are voter registration groups subject to time limits for submitting the voter registration applications they have collected?***

- . No, but groups must submit applications by the 30<sup>th</sup> day before an election for the applicants to be able to vote in that election without registering in person, showing proof of residence, and casting a special ballot.<sup>29</sup> In addition, DC law states that no one may interfere with the registration or voting of another person, except as it may be reasonably necessary in the performance of a duty imposed by law.<sup>30</sup>

***E. What are the consequences for failing to submit voter registration applications on time?***

DC law does not address this issue.

***F. How are completed voter registration forms tracked?***

Within nineteen (19) calendar days after the receipt of a voter registration application, the Registrar must mail a non-forwardable voter registration notification to the applicant advising him or her of the acceptance or rejection of the registration application.<sup>31</sup>

***G. Who is responsible for investigating and enforcing District rules?***

The Board of Elections has authority to administer and enforce District election law.<sup>32</sup>

## **WHAT ARE THE RULES FOR CORRECTING INCOMPLETE APPLICATIONS?**

***A. If a voter registration application is incomplete, may the voter registration drive write the missing information on the application with the consent of the applicant?***

This is not addressed in D.C. election law.

***B. How may an applicant correct an incomplete application after it has been submitted to county election officials?***

If an applicant for voter registration fails to provide the information required for registration, the Registrar or his or her designee must 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 must choose the most efficient method of communication based upon the contact information provided by the applicant.<sup>33</sup> Within nineteen (19) calendar days after the receipt of a voter registration application, the Registrar must 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 must include the reason or reasons for the rejection and must inform the voter of his or her right to either submit additional information as requested by the Board or appeal the rejection.<sup>34</sup>

For more information, contact:

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<sup>1</sup> D.C. Code § 1-1001.02(2); § 1-1001.07(a)(1)

<sup>2</sup> D.C. Code § 1-1001.02(16)

<sup>3</sup> D.C. Code § 1-1001.07(a-2); D.C. Mun. Regs. Tit. 3 § 500.4

<sup>4</sup> Help America Vote Act of 2002 (HAVA) §§ 303(a), 303(b)(4)(B)

<sup>5</sup> National Voter Registration Act of 1993 (NVRA), 42 U.S.C. § 1973gg-7(b)

<sup>6</sup> D.C. Mun. Regs. Tit. 3 § 500.3(a)

<sup>7</sup> D.C. Mun. Regs. Tit. 3 § 500.3(b)

<sup>8</sup> See D.C. Code § 1-1001.07

<sup>9</sup> D.C. Code § 1-1001.071(a-2); D.C. Mun. Regs. Tit. 3 § 500.3(e)

<sup>10</sup> D.C. Code §§ 1-1001.07(a)(2), 1-1001.07(c)(1)(F)(iii); D.C. Mun. Regs. Tit. 3 § 500.3(d)

<sup>11</sup> D.C. Mun. Regs. Tit. 3 § 500.3(c)

<sup>12</sup> D.C. Code §§ 1-1001.07(a)(2), 1-1001.07(c)(1)(F)(iii); D.C. Mun. Regs. Tit. 3 § 500.3(d)

<sup>13</sup> D.C. Code §§ 1-1001.07(g)(1)

<sup>14</sup> D.C. Mun. Regs. Tit. 3 § 509.2

<sup>15</sup> D.C. Code § 1-1001.07(g)(2)

<sup>16</sup> D.C. Code § 1-1001.07(g)(4); D.C. Mun. Regs. Tit. 3 §§ 510.2

<sup>17</sup> D.C. Code § 1-1001.07(g)(5); D.C. Mun. Regs. Tit. 3 §§ 513.1, 513.3

<sup>18</sup> See D.C. Mun. Regs. tit. 3, § 807.7; District of Columbia Board of Elections, *Voting by Special Ballot: Why Might I be Required to Cast a Special Ballot?*, <https://www.dcboee.org/faq/votingSplBallot.asp#2>

<sup>19</sup> D.C. Mun. Regs. Tit. 3 § 500.14

<sup>20</sup> D.C. Code § 1-1001.14(a-1)

<sup>21</sup> D.C. Code § 1-1001.14(a-1)

<sup>22</sup> 42 U.S.C. § 1973i(c).

<sup>23</sup> *United States v. Garcia*, 719 F.2d 99, 102-103 (5th Cir. 1983).

<sup>24</sup> California Secretary of State, Guide to Voter Registration Drives 10 (last revised Mar. 2013), <http://www.sos.ca.gov/elections/guides/guide-to-vr-drives.pdf>

<sup>25</sup> D.C. Mun. Regs. Tit. 3 § 500.6

<sup>26</sup> D.C. Mun. Regs. Tit. 3 § 500.5

<sup>27</sup> D.C. Mun. Regs. tit. 3, § 501.4

<sup>28</sup> D.C. Mun. Regs. tit. 3, § 501.7

<sup>29</sup> See D.C. Code § 1-1001.07(g)(1)

<sup>30</sup> D.C. Code § 1-1001.12

<sup>31</sup> D.C. Mun. Regs. Tit. 3 § 514.1

<sup>32</sup> D.C. Mun. Regs. Tit. 3 § 100.2

<sup>33</sup> D.C. Mun. Regs. Tit. 3 § 500.7

<sup>34</sup> D.C. Mun. Regs. Tit. 3 § 514.1