

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS AND ETHICS**

**NOTICE OF FINAL RULEMAKING**

The District of Columbia Board of Elections and Ethics pursuant to the authority set forth in D.C. Code §1-1001.05 (a)(14) hereby gives notice of the adoption of the following amendments to 3 DCMR Chapter 7, "Election Procedures". The Board took final rulemaking action with respect to these amendments at a regular meeting on Thursday, July 9, 2009.

The proposed amendments: 1) establish procedures for representatives of civic organizations who wish to observe at polling places and vote counts; 2) establish uniform terms for referencing voting equipment, and; 3) correct substantive and typographical errors in the chapter.

No changes have been made to the text of the proposed rules, as published with the Notice of Proposed Rulemaking in the D.C. Register on May 15, 2009, at 56 DCR 3959. These amendments will be effective upon publication of this notice in the D.C. Register.

*Section 701 of Chapter 7 of 3 DCMR, "Election Procedures," shall be amended as follows:*

- 1) By deleting the word "referendum" in paragraph 701.3(b) and inserting the phrase "initiative, referendum," in its place.

*Section 705 of Chapter 7 of 3 DCMR, "Election Procedures," shall be amended as follows:*

- 1) By deleting the phrase "AND VOTE COUNTING WATCHERS" in the section title and inserting the phrase ", VOTE COUNTING WATCHERS, AND ELECTION OBSERVERS" in its place;
- 2) By adding a new subsection 705.2 to read as follows and redesignating current subsections 705.2 through 705.15 as subsections 705.3 through 705.16:

"705.2 A non-partisan or bipartisan organization not affiliated with a candidate or ballot measure that wishes to observe at polling places or counting places may petition the Board for credentials authorizing election observers at one or more polling places or counting places."

- 3) By inserting the phrase "or organization representative" after the word "candidate" and before the word "," in paragraph 705.4(a);
- 4) By inserting the phrase "or observer" after the word "watcher" and before the word "supervisor" in paragraph 705.4(b);

- 5) By inserting the phrase “organization,” after the word “,” and before the word “proponent” in paragraph 705.4(b);
- 6) By inserting the phrase “organization,” after the word “,” and before the word “proponent” in paragraph 705.4(c);
- 7) By inserting the phrase “or observer” after the word “watcher” and before the word “selected” in paragraph 705.4(d);
- 8) By inserting the phrase “or observers” after the word “watchers” and before the word “and” in paragraph 705.4(d);
- 9) By inserting the phrase “or observers” after the word “watchers” and before the word “to” in subsection 705.5;
- 10) By inserting the phrase “or observers” after the word “watcher” and before the word “allowed” in subsection 705.6;
- 11) By inserting the phrase “organization,” after the word “,” and before the word “proponent” in subsection 705.6;
- 12) By inserting the phrase “or observers” after the word “watchers” and before the word “allowed” in subsection 705.7;
- 13) By inserting the phrase “or requesting organizations” after the word “candidates” and before the word “;” in paragraph 705.7(a);
- 14) By inserting the phrase “or observer” after the word “watcher” and before the word “,” in subsection 705.8;
- 15) By inserting the phrase “or observer’s” after the word “watcher’s” and before the word “name” in subsection 705.8;
- 16) By inserting the phrase “organization,” after the word “,” and before the word “proponent” in subsection 705.9;
- 17) By inserting the phrase “or observer” after the word “watcher” and before the word “at” in subsection 705.10;
- 18) By inserting the phrase “or observer” after the word “watcher” and before the word “may” in subsection 705.11;
- 19) By inserting the phrase “or observer” after the word “watcher” and before the word “at” in subsection 705.11;
- 20) By inserting the phrase “or observer” after the word “watcher” and before the word “shall” in subsection 705.12;
- 21) By deleting the phrase “ballot box” in paragraph 705.12(a) and inserting the phrase “voting equipment” in its place;
- 22) By inserting the phrase “or observer” after the word “watcher” and before the word “shall” in subsection 705.13;
- 23) By inserting a new paragraph 705.13(e) to read as follows:

“705.13(e) 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.”
- 24) By inserting the phrase “or observer” after the word “watcher” and before the word “who” in subsection 705.14;

- 25) By inserting the phrase “or observer” after the word “watcher” and before the word “is” in subsection 705.15;
- 26) By inserting the phrase “or observer’s” after the word “watcher’s” and before the word “credential” in subsection 705.15; and
- 27) By inserting the phrase “or observer” after the word “watcher” and before the word “may” in subsection 705.16.

*Section 706 of Chapter 7 of 3 DCMR, “Election Procedures,” shall be amended as follows:*

- 1) By inserting the phrase “AND OBSERVERS” after the word “WATCHERS” in the section title;
- 2) By deleting the word “,” in subsection 706.1 and inserting the phrase “or observers” in its place;
- 3) By inserting the phrase “or observers” after the word “watchers” and before the word “shall” in subsection 706.2;
- 4) By inserting the phrase “or observers” after the word “watchers” and before the word “shall” in subsection 706.3; and
- 5) By inserting the phrase “or observer” after the word “watcher” and before the word “has” in subsection 706.4.

*Section 710 of Chapter 7 of 3 DCMR, “Election Procedures,” shall be amended as follows:*

- 1) By deleting the word “address” in paragraph 710.4(g) and inserting the word “precinct” in its place; and
- 2) By inserting a new paragraph 710.4(l) to read as follows:

“710.4(l) Resides at a District of Columbia licensed nursing home or assisted living facility, or at a qualified retirement home.”

*Section 712 of Chapter 7 of 3 DCMR, “Election Procedures,” shall be amended as follows:*

- 1) By deleting the phrase “ballot box” in subsection 712.1 and inserting the phrase “optical scan voting equipment (“OSVE”)” in its place;
- 2) By deleting the phrase “ballot box” in paragraph 712.1(a) and inserting the word “OSVE” in its place;
- 3) By deleting the phrase “ballot box” in paragraph 712.1(b) and inserting the word “OSVE” in its place;
- 4) By deleting the phrase “ballot box” in paragraph 712.1(d) and inserting the word “OSVE” in its place;
- 5) By deleting the phrase “the following” in subsection 712.2 and inserting the word “that” in its place;
- 6) By deleting the word “box” each time it appears in subsection 712.2 and inserting the word “OSVE” in its place;

- 7) By deleting the phrase "Preservation of the secrecy of each voter's ballot" in paragraph 712.2(c) and inserting the phrase "The secrecy of each voter's ballot is preserved" in its place;
- 8) By deleting the phrase "deposit his or her official ballot in the ballot box" in subsection 712.3 and inserting the phrase "pass his or her voted paper ballot through the OSVE" in its place;
- 9) By deleting the phrase "ballot box" in subsection 712.4 and inserting the word "OSVE" in its place;
- 10) By deleting the phrase "ballot box(es) in subsection 712.5 and inserting the word "OSVE's" in its place; and
- 11) By inserting the phrase ", cartridges," after the word "ballots" and before the word "and" in subsection 712.5.

*Section 713 of Chapter 7 of 3 DCMR, "Election Procedures," shall be amended as follows:*

- 1) By deleting the phrase "(Duly Registered Voters)" in subsection 713.3 and inserting the phrase "who have not been designated as inactive on the voter roll.";
- 2) By deleting the phrase ", and in a primary election, the party on the Voter Card" in paragraph 713.10(b) and inserting the phrase "and party on the Voter Card in a primary election, and the name and ANC Single-Member District on the Voter Card in a general election";
- 3) By deleting the phrase "optical scan voting equipment" in paragraph 713.10(c) and inserting the word "OSVE" in its place;
- 4) By deleting the phrase "optical scan voting equipment" in paragraph 713.10(d) and inserting the word "OSVE" in its place;
- 5) By deleting the phrase "optical scan voting machines" in subsection 713.11 and inserting the word "OSVE" in its place;
- 6) By deleting the phrase "optical scan machine" in subsection 713.12 and inserting the word "OSVE" in its place;
- 7) By deleting the phrase "direct recording electronic (DRE) in subsection 713.13 and inserting the word "DRE" in its place;
- 8) By deleting the phrase "optical scan voting equipment" in subsection 713.14 and inserting the word "OSVE" in its place; and
- 9) By deleting the phrase "optical scan voting equipment" in subsection 713.15 and inserting the word "OSVE" in its place.

*Section 716 of Chapter 7 of 3 DCMR, "Election Procedures," shall be amended as follows:*

- 1) By deleting the word "and" in paragraph 716.1(e);
- 2) By deleting the phrase "Voter's original signature." in paragraph 716.1(f) and inserting the phrase "Voter's date of birth; and" in its place; and
- 3) By adding a new paragraph 716.1(g) to read as follows:

"716.1(g) Voter's original signature."

*Section 718 of Chapter 7 of 3 DCMR, "Election Procedures," shall be amended as follows:*

- 1) By striking the phrase "in absentee" in subsection 718.2 and inserting the phrase "an absentee" in its place;
- 2) By deleting the phrase "Address to which the absentee ballot shall be delivered; and" in paragraph 718.2(d) and inserting the phrase "Voter's original signature." In its place;
- 3) By deleting paragraph 718.2(e) in its entirety.
- 4) By deleting the phrase "qualified applicant" in subsection 718.3 and inserting the phrase "applicant qualified" in its place; and
- 5) By deleting the phrase "be issued a ballot for the current residence address; provided, that the applicant provides identification which establishes identity and current residence address " in subsection 718.3 and inserting the phrase "shall vote a special ballot in accordance with section 721 of this chapter.";
- 6) By inserting the phrase "at the Board's office" after the word "person" and before the word "shall" in subsection 718.4;
- 7) By deleting the phrase "the absentee ballot in the office of the Board, and;" in paragraph 718.4(a) and inserting the phrase "an absentee ballot using the DRE voting equipment and an electronic voter card, which shall be returned to a Board official once voting is completed; or" in its place; and
- 8) By deleting the word "Place" in paragraph 718.4 (b) and inserting the phrase "Cast an absentee paper ballot, place" in its place.

*Section 720 of Chapter 7 of 3 DCMR, "Election Procedures," shall be amended as follows:*

- 1) By deleting the phrase "710.1(d)" in subsection 720.1 and inserting the phrase "710.5" in its place;
- 2) By deleting the phrase ", which must be an original signature" in paragraph 720.1(c) and inserting the word "." in its place;
- 3) By deleting the word "Office" each time it appears in subsection 720.3 and inserting the word "Program" in its place; and
- 4) By deleting the word "Office" in subsection 720.4 and inserting the word "Program" in its place.

*Section 721 of Chapter 7 of 3 DCMR, "Election Procedures," shall be amended as follows:*

- 1) By deleting the phrase "Corporation Counsel" in subsection 721.14 and inserting the phrase "Attorney General" in its place. 710.1(d) in subsection 720.1 and inserting the phrase "710.5" in its place;

- 2) By deleting the phrase “, which must be an original signature” in paragraph 720.1(c) and inserting the word “.” in its place;
- 3) By deleting the word “Office” each time it appears in subsection 720.3 and inserting the word “Program” in its place; and
- 4) By deleting the word “Office” in subsection 720.4 and inserting the word “Program” in its place.

*Section 722 of Chapter 7 of 3 DCMR, “Election Procedures,” shall be amended as follows:*

- 1) By deleting the phrase “shall during regular business hours maintain a telephone service by which any voter who has voted a special ballot may learn of the Board’s preliminary decision to count or reject his or her ballot along with the reasons(s) for each decision.” and inserting the phrase “enable any voter who has voted a special ballot to learn of the Board’s preliminary decision to count or reject his or her ballot along with the reasons(s) for each decision by accessing the either a dedicated section of the Board’s website or a telephone service which shall be maintained during regular business hours.” in its place.

*Section 723 of Chapter 7 of 3 DCMR, “Election Procedures,” shall be amended as follows:*

- 1) By deleting the phrase “ballot box” in paragraph 723.1(a) and inserting the phrase “OSVE” in its place;
- 2) By deleting the phrase “the ballot box” in paragraph 723.1(b) and inserting the phrase “the OSVE” in its place;
- 3) By deleting the phrase “automatic tabulating system’s” in paragraph 723.1(d) and inserting the phrase “OSVE’s” in its place;
- 4) By deleting the phrase “automatic tabulating system’s” in paragraph 723.1(f) and inserting the phrase “OSVE’s” in its place;
- 5) By inserting the phrase “and the DRE’s tabulation cartridge” after the word “pack” and before the word “into” in paragraph 723.1(f); and
- 6) By deleting the phrase “and the memory packs” in paragraph 723.4 and inserting the phrase “, OSVE memory packs, and DRE tabulation cartridges” in its place.

*Section 724 of Chapter 7 of 3 DCMR, “Election Procedures,” shall be amended as follows:*

- 1) By deleting the phrase “automatic tabulating system’s memory pack” in subsection 724.1 and insert the phrase “OSVE memory packs and DRE tabulation cartridges” in its place;
- 2) By deleting the phrase “and memory packs” in subsection 724.3 and inserting the phrase “, OSVE memory packs, and DRE tabulation cartridges” in its place; and
- 3) By deleting the word “Roster” in subsection 724.5 and inserting the word “Master” in its place.

**THE DISTRICT OF COLUMBIA  
LOTTERY AND CHARITABLE GAMES CONTROL BOARD**

**NOTICE OF FINAL RULEMAKING**

The Executive Director of the District of Columbia Lottery and Charitable Games Control Board, pursuant to the authority set forth in D.C. Official Code §3-1306, District of Columbia Financial Responsibility and Management Assistance Authority Order issued September 21, 1996, and Office of the Chief Financial Officer Financial Management Control Order No. 96-22 issued November 18, 1996, hereby gives notice of the adoption of amendments to Chapters 5 and 9 of Title 30 DCMR, "Lottery and Charitable Games." These rules are necessary to introduce the DC-5 Game which is scheduled to start on July 19, 2009. No substantive changes have been made to the text of these proposed rules published in the D.C. Register on June 12, 2009 at 56 DCR 004505. These final rules will be effective upon publication of this notice in the D.C. Register.

**AMEND CHAPTER 5. "LOTTERY TICKET"**

Amend subsections 503.1 by substituting the following:

503.1 A ticket which is printed in error for the Lucky Numbers, DC-4 and DC-5 game(s) may be cancelled only on the date purchased and prior to the drawing break. The tickets shall be voided only by the issuing agent and the terminal that printed the ticket, and the player may request a refund or a replacement ticket. If for any reason the terminal that issued the ticket is inoperable prior to the drawing break, the player's sole recourse shall be a refund of the ticket price.

**AMEND CHAPTER 9. "DESCRIPTION OF ON-LINE GAMES"**

Amend Chapter 9 by adding sections 947 and 948 as follows:

**947. DESCRIPTION OF THE DC-5 GAME**

947.1 The Agency may offer a five digit daily numbers game using a fixed payout known as the DC-5 Game.

947.2 DC-5 Game is a daily five-digit game with a midday and evening Drawing each day. Players may wager fifty cents (\$0.50) or one dollar (\$ 1) for five numbers ranging from 0 to 9. Each bet is listed in section 947.3.

- 947.3 To play the DC-5 Game, a player shall pay either 50 cent or one dollar to choose between the following bets: Straight, Front 4, Back 4, Front 3, Back 3, Front Pair, Back Pair or 5 Way Box, 10 Way Box, 20 Way Box, 30 Way Box, 60 Way Box, 120 Way Box.
- 947.4 A winning ticket for a Straight bet will contain all five numbers in exact order drawn. A winning ticket for Box bet will match all five numbers in any order. A winning ticket for a Front 4 bet will match the first 4 numbers in exact order and a winning Front 3 bet will match the first 3 numbers in any exact drawn. Front Pair bet will contain the first two numbers selected in the exact order selected by the player or through the Quick Pick option. A ticket for a Back 4, Back 3 or Back Pair bets will contain the numbers selected by the player or through the Quick Pick option. Asterisks will precede the numbers so that a combination of numbers and asterisks, totaling five characters, will appear on the ticket. For detail on selections and combinations to win please refer to sections 948.1 and 948.2.
- 947.5 The holder of a winning DC-5 Game ticket may win in only one prize category per game board.
- 947.6 The price of a DC-5 Game ticket shall be fifty (\$0.50) cents or one (\$1) dollar per board or any other price designated by the Executive Director from a price schedule adopted by the Agency.
- 947.7 If a single ticket contains more than one (1) winning play on separate game boards, the prize amounts shall be added together and shall be paid in accordance with the prize payment limits.
- 947.8 The holder of a winning DC-5 ticket may win in only one prize category per board in connection with the winning numbers drawn, and shall be entitled only to the prize for the highest prize category won by those numbers.
- 947.9 A ticket subject to the validations requirements of this title shall be the only proof of a wager.

**948 DC-5 PRIZE STRUCTURE AND PROBABILITY**

948.1 The DC-5 game prize schedule and probability based on a one dollar (\$1.00) bet are as follows:

<b>Bet Type</b>	<b>Selections</b>	<b>To Win Match</b>	<b>\$1 Bet Prize</b>	<b>Odds of Winning</b>	<b>Example</b>
Straight	Any 5 digits	5 digits in exact order	\$50,000	1 : 100,000	1 - 2 - 3 - 4 - 5
5 Way Box	4 of one digit & 1 different digit	5 digits in any order	\$10,000	1 : 20,000	1 - 1 - 1 - 1 - 2

Bet Type	Selections	To Win Match	\$1 Bet Prize	Odds of Winning	Example
10 Way Box	3 of one digit & a pair of a different digit	5 digits in any order	\$5,000	1 : 10,000	1 - 1 - 1 - 2 - 2
20 Way Box	3 of one digit and 2 different distinct digits	5 digits in any order	\$2,500	1 : 5,000	1 - 1 - 1 - 2 - 3
30 Way Box	2 different pairs plus a distinct digit	5 digits in any order	\$1,700	1 : 3,333.3	1 - 1 - 2 - 2 - 3
60 Way Box	A pair plus 3 different distinct digits	5 digits in any order	\$850	1 : 1,666.7	1 - 1 - 2 - 3 - 4
120 Way Box	5 distinct digits	5 digits in any order	\$425	1: 833.3	1 - 2 - 3 - 4 - 5
Front 4	Any 4 digits	First 4 digits in exact order	\$5,000	1 : 10,000	1 - 2 - 3 - 4 - X
Back 4	Any 4 digits	Last 4 digits in exact order	\$5,000	1 : 10,000	X - 1 - 2 - 3 - 4
Front 3	Any 3 digits	First 3 digits in exact order	\$500	1 : 1,000	1 - 2 - 3 - X - X
Back 3	Any 3 digits	Last 3 digits in exact order	\$500	1 : 1,000	X - X - 1 - 2 - 3
Front Pair	Any 2 digits	First 2 digits in exact order	\$50	1: 100	1 - 2 - X - X - X
Back Pair	Any 2 digits	Last 2 digits in exact order	\$50	1: 100	X - X - X - 1 - 2

948.2 The DC-5 game prize schedule and probability based on a fifty cents (\$0.50) bet are as follows:

Bet Type	Selections	To Win Match	\$0.50 Bet Prize	Odds of Winning	Example
Straight	Any 5 digits	5 digits in exact order	\$25,000	1 : 100,000	1 - 2 - 3 - 4 - 5
5 Way Box	4 of one digit & 1 different digit	5 digits in any order	\$5,000	1 : 20,000	1 - 1 - 1 - 1 - 2
10 Way Box	3 of one digit & a pair of a different digit	5 digits in any order	\$2,500	1 : 10,000	1 - 1 - 1 - 2 - 2
20 Way Box	3 of one digit and 2 different distinct digits	5 digits in any order	\$1,250	1 : 5,000	1 - 1 - 1 - 2 - 3
30 Way Box	2 different pairs plus a distinct digit	5 digits in any order	\$850	1 : 3,333.3	1 - 1 - 2 - 2 - 3
60 Way Box	A pair plus 3 different distinct digits	5 digits in any order	\$425	1 : 1,666.7	1 - 1 - 2 - 3 - 4
120 Way Box	5 distinct digits	5 digits in any order	\$212.50	1 : 833.3	1 - 2 - 3 - 4 - 5
Front 4	Any 4 digits	First 4 digits in exact order	\$2,500	1 : 10,000	1 - 2 - 3 - 4 - X
Back 4	Any 4 digits	Last 4 digits in exact order	\$2,500	1 : 10,000	X - 1 - 2 - 3 - 4
Front 3	Any 3 digits	First 3 digits in exact order	\$250	1 : 1,000	1 - 2 - 3 - X - X
Back 3	Any 3 digits	Last 3 digits in exact order	\$250	1 : 1,000	X - X - 1 - 2 - 3

<b>Bet Type</b>	<b>Selections</b>	<b>To Win Match</b>	<b>\$0.50 Bet Price</b>	<b>Odds of Winning</b>	<b>Example</b>
Front Pair	Any 2 digits	First 2 digits in exact order	\$25	1: 100	1 - 2 - X - X - X
Back Pair	Any 2 digits	Last 2 digits in exact order	\$25	1: 100	X - X - X - 1 - 2

**DISTRICT OF COLUMBIA  
DEPARTMENT OF MOTOR VEHICLES**

**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Motor Vehicles (DMV), pursuant to the authority set forth in Section 1825 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 50-904); §§ 6 and 7(a)(1) of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121; DC Official Code §§ 50-2201.03 and 50-1401.01(a)(1)); and Mayor's Order 07-168, effective July 10, 2007, hereby gives notice of the intent to adopt the following rulemaking that will amend Chapter 13 of Title 18 of the District of Columbia Municipal Regulations (DCMR) (Vehicles and Traffic). The amended rules would conform the district's motor vehicle regulations with recent amendments to the act and the regulations by the Department of Motor Vehicles Driver License, Special Identification Card and Vehicle Inspection Act of 2008, effective September 15, 2008 (D.C. Law 17-219, § 6011, D.C. Official Code §50-1401.01(a)(1), which in part, extended the maximum term of driver's licenses from five (5) to eight (8) years. The amended rules would extend the commercial driver's license (CDL) period from five (5) to eight (8) years, limit the number of times an applicant can take a driver's license knowledge test to three (3) times within a one year period and assess an applicant one failed test for missing an appointment to take a commercial driver's license skills test. No comments were received and no changes were made to the text of the proposed rule, as published with a notice of proposed rulemaking in the *D.C. Register* at 56 DCR 4510 on June 12, 2009. The final rule will be effective upon publication of this notice in the D.C. Register.

**TITLE 18 DCMR, is amended as follows:**

Chapter 13, CLASSIFICATION AND ISSUANCE OF COMMERCIAL DRIVER'S LICENSES  
is amended as follows:

- 1) Subsection 1311.1, DURATION OF COMMERCIAL DRIVER'S LICENSE, is amended by striking the phrase "a five (5) year period" and inserting the phrase "an eight (8) year period" in its place.
- 2) Section 1315, COMMERCIAL DRIVER'S LICENSE KNOWLEDGE TEST, is amended by adding a new subsection 1315.5 to read as follows:

1315.5           An applicant may take the applicable commercial driver's license knowledge test no more than three (3) times within a twelve (12) month period.
- 3) Section 1316, COMMERCIAL DRIVER'S LICENSE SKILLS TEST, is amended by adding a new subsection 1316.6 to read as follows

1316.6        In addition to the penalty specified in subsection 103.9 of this title, if an applicant misses a CDL skills test appointment, the applicant will be assessed one failed test.