

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 5-17

"District of Columbia Election Code of 1955 and Related Election Practices Amendments Act of 1983".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 5-11 on first, amended first and second readings, April 26, 1983, May 10, 1983 and May 24, 1983, respectively. Following the signature of the Mayor on June 9, 1983, this legislation was assigned Act No. 5-34, published in the July 1, 1983 edition of the D.C. Register, (Vol. 30 page 3196) and transmitted to Congress June 13, 1983 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 5-17, effective August 2, 1983.



DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

June 13,14,15,16,17,20,21,22,23,24,27,28,29,30

July 11,12,13,14,15,18,19,20,21,22,25,26,27,28,29

August 1

D.C. ACT 5 - 34

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUN 09 1983

To amend the Advisory Neighborhood Commission Act of 1975, the Supplementary Neighborhood Commissions Act, the District of Columbia Statehood Constitutional Convention Initiative of 1979, and the District of Columbia Election Code of 1955; to make conforming amendments to the District of Columbia Campaign Finance Reform and Conflict of Interest Act; and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Election Code of 1955 and Related Election Practices Amendments Act of 1983".

Sec. 2. Section 8 of the Advisory Neighborhood Commission Act of 1975, effective October 10, 1975 (D.C. Law 1-21; D.C. Code, sec. 1-257), is amended as follows:

CODIFICATION  
D.C. Code,  
sec. 1-257  
(1981 ed.)

(a) Subsection (a) (D.C. Code, sec. 1-257(a)) is amended to read as follows:

"(a)(1) The first elections for members of Advisory Neighborhood Commissions shall be held on February 3, 1976. The next election shall be held on the date of the general election held during 1977 for members of the District of Columbia Board of Education. Except as provided in paragraph (2), such elections shall be held thereafter on the date of such general election in every odd-numbered year.

"(2) In lieu of the 1983 general election for members of Advisory Neighborhood Commissions, the general election for members of Advisory Neighborhood Commissions shall be held on the Tuesday after the first Monday in November of 1984."

(b) Subsection (b) (D.C. Code, sec. 1-257(b)) is amended to read as follows:

"(b)(1) Except as provided in paragraph (2), each member of an Advisory Neighborhood Commission shall serve for a term of two years which shall begin at noon on the second day of January next following the date of election of such member, or at noon on the day after the date the Board certifies such election of such member, whichever is later, except that the terms of the members elected at the first election for members of an Advisory Neighborhood Commission held after the effective date of this act shall begin at noon on the first day of March, 1976, or at noon on the day after the date the Board certifies the results of such election, whichever is later, and shall terminate at noon on the second day of January, 1978.

"(2) Each member of an Advisory Neighborhood Commission elected in 1984 shall serve for a term of one year, which shall begin at noon on the second day of January next following the date of election of such member or at noon on the day after the date the Board certifies such election of such member, whichever is later.

"(3) Each member of an Advisory Neighborhood Commission holding office at the effective date of the

Election Practices Amendments Act of 1983 shall continue in office until noon on the second day of January next following the date of the election provided for in paragraph (2)."

(c) Subsection (d)(1) (D.C. Code, sec. 1-257(d)(1)) is amended by striking the phrase "due to death, resignation, failure to continue the qualifications for office under section 6(a) or removal".

(d) Subsection (d)(5) (D.C. Code, sec. 1-257(d)(5)) is amended to read as follows:

"(5)(A) Within five days (excluding Saturdays, Sundays, and legal holidays) after the date that the Board declares such vacancy by publication in the District of Columbia Register, the Board shall make available petitions for the purpose of obtaining the signatures of registered qualified electors within the respective single-member district.

"(B) In the event petitions are not obtained by any registered qualified electors within the respective single-member district, the Board shall republish the notice required by subparagraph (A).

"(C) Within thirty days of the date the Board makes the petitions available individuals interested in filling such vacancy shall submit a petition to the Board containing the signatures of thirty-five registered qualified electors within the single-member district. The Board, after a ten-day challenge period, shall transmit a

list of the names of individuals qualifying for appointment to the respective Advisory Neighborhood Commission. The Advisory Neighborhood Commission shall appoint, after a public hearing and any other efforts designed to elicit the preference of the voters of the affected single-member district, by majority vote of the remaining members, an individual from the said list to fill the vacancy at its next regular meeting.

"(D) The Board shall certify the filling of the vacancy by publication in the District of Columbia Register."

Sec. 3. Section 5(a) and (b) of the Supplementary Neighborhood Commissions Act, effective June 19, 1976 (D.C. Law 1-72; D.C. Code, sec. 1-268(a) & (b)), is amended to read as follows:

D.C. Code,  
sec. 1-268  
(1981 ed.)

"(a)(1) Except as provided in paragraph (2), the election of members of the Advisory Neighborhood Commissions which are established under this act shall be held on November 2, 1976. The next such election shall be held on the date of the general election held during 1977 for members of the District of Columbia Board of Education. Thereafter, such elections shall be held on the date of such general election in every odd-numbered year.

"(2) In lieu of the 1983 general election for members of Advisory Neighborhood Commissions, the general election for members of Advisory Neighborhood Commissions established under this act shall be held on the Tuesday after the first Monday in November of 1984.

"(b)(1) Except as provided in paragraph (2), each member shall serve for a term beginning on the second day of January, 1978. Thereafter, members elected to such Advisory Neighborhood Commissions shall serve for terms of two years which shall begin at noon on the second day of January next following the date of election of such members, or at noon on the day after the date the Board certifies the election of such members, whichever is later.

"(2) Each member of an Advisory Neighborhood Commission elected in 1984 under this act shall serve for a term of one year, which shall begin at noon on the second day of January next following the date of election of such members or at noon on the day after the date the Board certifies the election of such members, whichever is later.

"(3) Each member of an Advisory Neighborhood Commission holding office on the effective date of the District of Columbia Election Code of 1955 and Related Election Practices Amendments Act of 1983 shall continue in office until noon on the second day of January next following the date of the election provided for in paragraph (2)."

Sec. 4. Section 4(d) of the District of Columbia Statehood Constitutional Convention Initiative of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)), is amended as follows:

D.C. Code  
sec. 1-113  
(1981 ed)

(a) In paragraph (1) strike the year "1983" wherever it appears and insert the year "1984" in lieu thereof;

(b) In the 2nd sentence of paragraph (2) strike the

year "1985" and insert the year "1987" in lieu thereof; and

(c) In the 3rd sentence of paragraph (2) strike the year "1985" and insert the year "1991" in lieu thereof.

Sec. 5. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Code, sec. 1-1301 et seq.), is amended as follows:

(a) Section 2 (D.C. Code, sec. 1-1302) is amended by adding a new paragraph (16) at the end thereof to read as follows:

D.C. Code,  
sec. 1-130  
(1981 ed.)

"(16)(A) 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.

"(B) In determining what is a principal or primary place of abode of a person the following circumstances relating to the person may be taken into account:

"(i) business pursuits;

"(ii) employment;

"(iii) income sources;

"(iv) residence for income or other tax purposes;

"(v) residence of parents, spouse, and children;

"(vi) leaseholds;

"(vii) situs of personal and real

property; and

"(viii) motor vehicle registration.

"(C) A qualified elector who has left his or her home and gone into another state or territory for a temporary purpose only shall not be considered to have lost his or her residence in the District.

"(D) If a qualified elector moves to another state or territory with the intention of making it his or her permanent home, he or she shall notify the Board, in writing, and shall be considered to have lost residence in the District.

"(E) No person shall be deemed to have gained or lost a residence by reason of absence while employed in the service of the District or the United States governments, while a student at any institution of learning, while kept at any institution at public expense, or while absent from the District with the intent to have the District remain his or her residence. If a person is absent from the District, but intends to maintain residence in the District for voting purposes, he or she shall not register to vote in any other state or territory during his or her absence."

(b) Section (5)(e) (D.C. Code, sec. 1-1306(e)) is amended as follows:

(1) Paragraph (1) (D.C. Code, sec. 1-1306(e)(1)) is amended to read as follows:

D.C. Code  
sec. 1-1  
(1981 ed  
  
Note, D.  
Code, se  
1-612.16  
(1981 ed



"(e)(1) The Board shall select, employ, and fix the compensation for an Executive Director and such staff the Board deems necessary, subject to the pay limitations of section 1117 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 11, 1981 (D.C. Law 4-7; D.C. Code, sec. 1-612.16). The Executive Director shall serve at the pleasure of the Board. The Board, at the request of the Director of Campaign Finance, shall provide employees, subject to the compensation provisions of this paragraph, as requested to carry out the powers and duties of the Director. Employees assigned to the Director shall, while so assigned, be under the direction and control of the Director and may not be reassigned without the concurrence of the Director."

(2) By adding a new paragraph (3) to the end thereof to read as follows:

"(3) The Board may appoint a General Counsel to serve at the pleasure of the Board. The General Counsel shall be entitled to receive compensation at the same rate as the Executive Director of the Board and shall be responsible solely to the Board. The General Counsel shall perform such duties as may be delegated or assigned to him or her by rule or order of the Board."

(c) Section 7 (D.C. Code, sec. 1-1311) is amended as follows:

(1) Subsection (a)(1) (D.C. Code, sec. 1-1311(a)(1)) is amended to read as follows:

"(a)(1) A person shall be entitled to vote in an

D.C. Cod.  
sec. 1-  
(1981 e

election in the District only if he or she is a qualified elector. A qualified elector shall be considered duly registered in the District if he or she registered under this Act after January 1, 1968, and voted in the primary or general election held in 1982 or registered to vote after September 29, 1982, except that any qualified elector may vote in any election through November, 1984. All other registrations are void. The Board shall mail a notice, which includes a registration application, to each registered qualified elector who did not vote in the primary or general election held in 1982 or who did not register to vote after September 29, 1982."

(2) Subsection (b)(1) is amended to read as follows:

"(b)(1) For the purpose of this paragraph, the term 'qualified elector' means (in addition to the provisions of section 2) any person who is 18 years of age, is a United States citizen, has maintained his or her residence in the District for at least 30 days preceding the next election, and does not claim voting residence in another state or territory."

(3) Subsection (f-1) (D.C. Code, sec. 1-1311(f-1)) is amended to read as follows:

"(f-1)(1) When a registered voter changes his or her place of residence he or she shall notify the Board, in writing or in person, of the address of his or her new residence at least 30 days prior to an election.

"(2) When a registered voter changes his or her

place of residence and fails to notify the Board of such changes at least 30 days prior to any election, he or she shall not be permitted to vote.

"(3) If the Board learns that a registered voter has changed his or her name or has moved within or outside of the election ward or precinct in which he or she is registered, and within 30 days from the date of such change has not applied to the Board to change his or her registration cards, the Board shall notify the voter by first-class mail sent to the address as it appears on the Board's registration records, and to the new address, if it is known, that if he or she does not advise the Board by a signed affidavit of his or her correct address or name within 2 weeks of the date appearing on the notice, his or her name will be removed from the registration records, and he or she will have to reregister before he or she can vote in future elections.

"(4) The Board, upon receipt of a signed authorization from a voter to cancel his or her registration, shall remove the registration from the registration records. Upon receipt of this authorization, the Board, upon a comparison of the voter's signature with his or her signature as it appears on the registration records, shall remove the voter's registration from the records and retain the cancellation authorization in the records of the Board."

(4) By adding new subsections (i), (j), and (k) at the end thereof to read as follows:

"(i) The Director of the Department of Human Services shall furnish the Board at least monthly a list of the names, addresses, and dates of birth if known, of all District residents 18 years of age and over reported deceased within the District together with the names and addresses of District residents who have been reported deceased by other jurisdictions since the date of the previous report.

"(j) The Board shall request from the Superior Court of the District of Columbia at least monthly the names and addresses of all persons incarcerated as a result of felony convictions since the date of the last such report and the former and present names and addresses of all persons whose names have been changed by decree or order of the Court since the date of the previous report.

"(k) The Board shall request from the United States District Court for the District of Columbia the names and addresses of all persons incarcerated as a result of felony convictions since the date of the previous report."

(d) Section 8 (D.C. Code, sec. 1-1312) is amended as follows:

D.C. Code,  
sec. 1-1312  
(1981 ed.)

(1) Subsection (b)(2) is amended to read as follows:

"(2) Only registered, qualified electors of the District of Columbia are authorized to circulate nominating petitions of candidates for elected office pursuant to this Act."

(2) Subsection (o)(1) is amended to read as


follows:

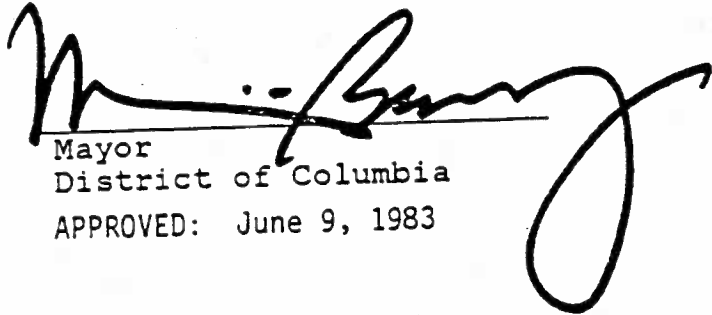
"(o)(1) The Board is authorized to accept any nominating petition for a candidate for any office as bona fide with respect to the qualifications of the signatures thereto if the original or facsimile thereof has been posted in a suitable public place for a 10-day period beginning on the 3rd day after the filing deadline for nominating petitions for the office. Any registered qualified elector may within the 10-day period challenge the validity of any petition by written statement signed by the challenger and filed with the Board and specifying concisely the alleged defects in the petition. A copy of the challenge shall be sent by the Board promptly to the person designated for the purpose in the nominating petition."

Sec. 6. Section 301(b) of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 455; D.C. Code, sec. 1-1431(b)), is repealed.

D.C. Code,  
sec. 1-1431  
(1981 ed.)

Sec. 7. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code,

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED: June 9, 1983



RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B 5-11

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 4-26-83

VOICE VOTE: Unanimous

Recorded vote on request

Absent: Crawford

ROLL CALL VOTE: - RESULT \_\_\_\_\_

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MOORE, JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X - Indicates Vote      A.B. - Absent      N.V. - Present, not voting

CERTIFICATION RECORD

Russell A. Smith  
Secretary to the Council

May 26, 1983  
Date

Item on Consent Calendar

ACTION & DATE: Adopted Amended First Reading, 5-10-83

VOICE VOTE: By Majority

Recorded vote on request

Absent: Moore

ROLL CALL VOTE: - RESULT \_\_\_\_\_

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MOORE, JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X - Indicates Vote      A.B. - Absent      N.V. - Present, not voting

CERTIFICATION RECORD

Russell A. Smith  
Secretary to the Council

May 26, 1983  
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 5-24-83

VOICE VOTE: Unanimous

Recorded vote on request

Absent: Moore and Crawford

ROLL CALL VOTE: - RESULT \_\_\_\_\_

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MOORE, JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X - Indicates Vote      A.B. - Absent      N.V. - Present, not voting

CERTIFICATION RECORD

Russell A. Smith  
Secretary to the Council

May 24, 1983  
Date