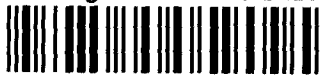


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COUNCIL OF THE DISTRICT OF COLUMBIA

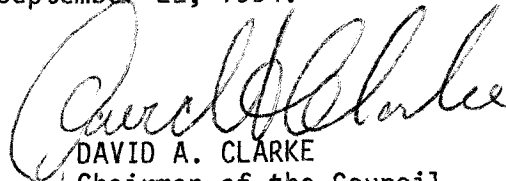
NOTICE

D.C. LAW 10-173

"National Voter Registration Act Conforming
Amendment Act of 1994".

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. 10-572 on first and second readings, June 21, 1994 and July 5, 1994, respectively. Following the signature of the Mayor on July 25, 1994, this legislation was assigned Act No. 10-293, and published in the August 5, 1994, edition of the D.C. Register (Vol.41 page 5154) and transmitted to Congress on July 28, 1994 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 10-173 effective September 22, 1994.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July	28,29
August	1,2,3,4,5,8,9,10,11,12,15,16,17,18,19,22,23,24,25,26
September	12,13,14,15,16,19,20,21

AN ACT

Codification

D.C. ACT 10-293

District of Columbia Code

(1995 Supplement)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 25, 1994

To amend the District of Columbia Election Code of 1955 to bring election laws into conformity with the National Voter Registration Act of 1993, to define certain terms, to require a write-in candidate to file a declaration of candidacy, to define the circumstances under which write-in votes are counted, to clarify that only the candidate with the highest number of votes may win an election, to provide for penalties for engaging in political activity within 50 feet of a polling place, to shorten the time for resolving tie votes, to provide for the filling of vacancies in the offices of Delegate, United States Senator and United States Representative, to provide for notice to voters whose special or challenged ballots are rejected, to remove the newspaper publication requirement with respect to initiative and referendum measure language preparation, to remove a copy of the notice of intent to recall from recall petitions, to determine the period for posting Advisory Neighborhood Single-Member District recall petitions and to amend the Advisory Neighborhood Commissions Act of 1975 to provide for the recertification of an Advisory Neighborhood Commission vacancy through a written request by a registered voter.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "National Voter Registration Act Conforming Amendment Act of 1994".

Sec. 2. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Code § 1-1301 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Code § 1-1302) is amended by adding 5 new paragraphs to read as follows:

"(17) The term "voter registration agency" means an office designated under section 7(d)(1) and the National Voter Registration Act of 1993 to perform voter registration activities.

"(18) The term "application distribution agency" means an agency designated under section 7(d)(14) in whose office or offices mail voter registration applications are made available for general distribution to the public.

"(19) The term "duly registered voter" means a registered voter who resides at the address listed on the Board's records.

Section
1-1302

"(20) The term "registered qualified elector" means a registered voter who resides at the address listed on the Board's records.

"(21) The term "qualified registered elector" means a registered voter who resides at the address listed on the Board's records."

(b) Section 7 (D.C. Code § 1-1311) is amended as follows:

Section
1-1311

(1) Subsection (a) is amended to read as follows:

"(a) No person shall be registered to vote in the District of Columbia unless:

"(1) He or she meets the qualifications as a qualified elector as defined in section 2(2);

"(2) He or she executes an application to register to vote by signature or mark (unless prevented by physical disability) on a form approved pursuant to subsection (b) of this section or by the Federal Election Commission attesting that he or she meets the requirements as a qualified elector, and if he or she desires to vote in party election, this form shall indicate his or her political party affiliation; and

"(3) The Board approves his or her registration application as provided in subsection (e) of this section."

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

"(b) In administering the provisions of subsection (a)(2) of this section:

"(1) The Board shall prepare and use a registration application form that meets the requirements of the National Voter Registration Act of 1993 and of the Federal Election Commission, and in which each request for information is readily understandable and can be satisfied by a concise answer or mark.

"(2) Mail-in voter registration application forms approved by the Board shall be designed to provide an easily understood method of registering to vote by mail and shall be mailed to the Board with postage prepaid. These forms shall have printed on them, in bold face type, the penalties for fraudulently attempting to register to vote pursuant to section 14(a) of this act and the National Voter Registration Act of 1993.

"(3) The Board shall accept any application form that has been preapproved by the Board for the purpose of voter registration and meets the requirements of this subsection or has been approved for use by federal legislation or regulation."

(3) Subsection (c)(1) is amended to read as follows:

"(c)(1)(A) Each Bureau of Motor Vehicle Services application (including any renewal application) shall automatically serve as an application to register to vote in the District of Columbia, unless the applicant fails to sign the voter registration portion of the application.

"(B) The Bureau of Motor Vehicle Services and the Board shall jointly develop an application form that shall allow an applicant who wishes to register to vote to do so by the use of a single form that contains the necessary information for voter registration and the information required for the issuance, renewal, or correction of the applicant's driver's permit or non-driver's identification card in any motor vehicle services office.

"(C) The application for voter registration submitted pursuant to this subsection shall be considered as an update to any previous voter registration.

"(D) Any application submitted for the purpose of a change of address or name accepted by the Bureau of Motor Vehicle Services, pursuant to this subsection, shall be considered notification to the Board of the change of address or name unless the applicant states on the combined portion of the form that the change of address or name is not for voter registration purposes.

"(E) The combined portion of the application shall be designed so that the applicant can:

"(i) Clearly state whether the change of address or name is for voter registration purposes;

"(ii) Provide a mailing address, if mail is not received at the residence address; and

"(iii) State whether he or she is a citizen of the United States.

"(F) On a separate and distinct portion of the form, to be used for voter registration purposes, the applicant shall:

"(i) Indicate a choice of party affiliation (if any);

"(ii) Indicate the last address of voter registration (if known); and

"(iii) Sign, under penalty of perjury, an attestation, which sets forth the requirements for voter registration, and states that he or she meets each of those requirements.

"(G) The instructions for completing the form shall also include a statement that:

"(i) If an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

"(ii) If an applicant does register to vote, the information that the applicant submits on a voter registration application will remain confidential and will be used only for voter registration purposes.

"(H) The deadline for transmission of the voter registration application to the Board shall be not later than 10 days after the date of acceptance by the Bureau of Motor Vehicle Services, except that if a voter registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the Board not later than 5 days after the date of its acceptance.

"(I) An application to register to vote or for change of address, party, or name shall be considered received by the Board pursuant to section 7(e) on the date it was accepted by the Bureau of Motor Vehicle Services.

"(J) Any form issued by mail for the purposes of correcting or updating a driver's permit or non-driver's identification card shall be designed so that the individual may state whether the change of address or name is for voter registration purposes and provide a mailing address, if mail is not received at the residence address."

(4) Subsection (d) is amended to read as follows:

"(d)(1)(A) Any agency of the District of Columbia government that provides public assistance or funds programs primarily engaged in providing services to persons with disabilities shall be designated as a voter registration agency.

"(B) In addition to the agencies named in subparagraph (A) of this paragraph, the Senior Citizens Branch of the Department of Recreation and Parks and the Office on Aging shall be designated as voter registration agencies.

"(C) The Mayor may designate any other executive branch agency of the District of Columbia government as a voter registration agency by filing written notice of the designation with the Board.

"(D) The District shall cooperate with the Secretary of Defense to develop and implement procedures for persons to apply to register to vote at Armed Forces recruitment offices.

"(2) The agencies named in paragraphs (1)(A), (B), and (C) of this subsection shall:

"(A) Distribute with each application for service or assistance, and with each recertification, renewal, or change of address form relating to the service or assistance, a voter registration application, unless the applicant, in writing, declines to register to vote;

"(B) Provide assistance to applicants in completing voter registration application forms, unless the applicant refuses assistance;

"(C) Provide the services described in this paragraph at the person's home, if a voter registration agency provides services to a person with a disability at the person's home; and

"(D) Accept completed forms and forward these forms to the Board as prescribed in this section.

"(3) Each voter registration agency shall, on its own application, document, or on a separate form, provide to each applicant for service or assistance, recertification or renewal, or change of address the following information:

"(A) The question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";

"(B) Boxes for the applicant to check to indicate whether the applicant would like to register or decline to register to vote (failure to check either box being deemed to constitute a declination to register for purposes of subparagraph (C) of this paragraph, together with the statement (in close proximity to the boxes and in prominent type), "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";

"(C) The statement, "If you would like help completing the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may complete the application form in private.";

"(D) The statement, "If you believe that someone has interfered with your right to register or decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the chief administrative officer of the Board of Elections and Ethics." The name, title, address, and telephone number of the chief administrative officer shall be included on the form; and

"(E) If the voter registration agency provides public assistance, the statement, "Applying to register or declining to register

to vote will not affect the amount of assistance that you will be provided by this agency.

"(4) No person who provides a voter registration service at a District of Columbia government agency shall:

"(A) Seek to influence an applicant's political preference or party registration;

"(B) Display any political preference or party allegiance;

"(C) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

"(D) Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

"(5) Each agency that has been designated a voter registration agency in paragraph (1) of this subsection shall provide to each applicant who does not decline to register the same degree of assistance with regard to the completion of the registration application form as provided by the office with regard to the completion of its own forms, unless the applicant refuses assistance.

"(6) No information that relates to a declination to register to vote in connection with an application made at an office described in this subsection may be used for any purpose other than voter registration.

"(7) No voter registration agency shall reveal whether a particular individual completed an application to register to vote except when ordered by the officer designated in paragraph (12)(A) of this subsection when a complaint has been filed pursuant to paragraph (11) of this subsection or pursuant to section 11 of the National Voter Registration Act of 1993.

"(8) A completed voter registration application or change of address or name accepted at a voter registration agency shall be transmitted by the agency to the Board by not later than 10 days after its acceptance by the agency, except that if a voter registration application is accepted at a voter registration agency office within 5 days before the deadline for voter registration in any election, the application shall be transmitted by the agency to the Board not later than 5 days after the date of acceptance.

"(9) An application accepted at a voter registration agency shall be considered to have been received by the Board pursuant to subsection (e) of this section as of the date of acceptance by the voter registration agency.

"(10) Notwithstanding any other provision of law, the Board shall ensure that the identity of the voter registration agency through which any particular individual is registered to vote is not disclosed to the public.

"(11) An allegation of violation of the National Voter Registration Act of 1993 or of this act may be made in writing, filed with the chief administrative officer of the Board and detail concisely the alleged violation.

"(12)(A) The Board shall designate its chief administrative officer as the official responsible for the coordination of the District of

Columbia's responsibilities under the National Voter Registration Act of 1993 and as the official responsible for the coordination of this act.

"(B) The chief administrative officer designated under subparagraph (A) of this paragraph and the Board shall have the authority:

"(i) To request any voter registration agency to submit in writing any reports and to answer any questions as the chief administrative officer or the Board may prescribe that relate to the administration and enforcement of the National Voter Registration Act of 1993 and of this act; and

"(ii) To bring a civil action in the Superior Court of the District of Columbia for declaratory or injunctive relief with respect to the failure of any voter registration agency to comply with the requirements of this act.

"(13) The Board may adopt regulations with respect to the coordination and administration of the National Voter Registration Act Conforming Amendment Act of 1994 and the National Voter Registration Act of 1993.

"(14)(A) Agencies, other than voter registration agencies, may be designated as application distribution agencies. These agencies shall include the District of Columbia Public Library, the District of Columbia Fire Department, the Metropolitan Police Department, and any other executive agency the Mayor designates in writing.

"(B) Each application distribution agency shall request, and the Board shall provide, sufficient quantities of mail-in voter registration applications for distribution to the public.

"(C) These mail-in voter registration applications shall be placed in each office or substation of the agency in an accessible location and in clear view so that citizens may easily obtain a mail-in voter registration application.

"(D) Nothing in this subsection shall be deemed to require or permit employees of a mail-in voter registration application distribution agency to accept completed forms for delivery to the Board or to provide assistance in completing an application."

(5) Subsection (e) is amended to read as follows:

"(e)(1) Within 19 calendar days after the receipt of a registration application form from any applicant, the Board shall mail a non-forwardable voter registration notification to the applicant advising the applicant of the acceptance or rejection of the registration application by its chief voter registration official.

"(2) If the application is accepted, the notification shall include the applicant's name, address, date of birth, party affiliation (if any), ward, precinct and Advisory Neighborhood Commission single-member district ("SMD"), the address of the applicant's polling place and the hours during which the polls will be open. The Board may include along with the registration notification any voter education materials it deems appropriate. Registration of the applicant shall be effective on the date the Board determines that the applicant is a qualified elector and eligible to register to vote in the District of Columbia.

"(3) 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 appeal the rejection pursuant to subsection (f) of this section.

"(4) If the voter registration notification is returned to the Board as undeliverable, the Board shall mail the notice provided in subsection (j)(3) of this section.

"(5)(A) Any duly registered voter may file with the Board objections to the registration of any person whom he or she has reason to believe is fictitious, deceased, a disqualified person, or otherwise ineligible to vote (except with respect to a change of residence), or file a request for the addition of any person whose name he or she has reason to believe has been erroneously omitted or cancelled from the voter roll. Application for the correction of the voter roll or the challenge of the right to vote of any person named on the voter roll shall be in writing and include any evidence in support of the challenge that the registrant is not qualified to be a registered voter. The challenge or application shall be filed with the Board not later than 90 days before the date of any election held under this act.

"(B) The Board shall send notice to any person whose registration has been challenged along with a copy of any evidence filed in support of the challenge. The notice shall be sent to the address listed on the Board's records. The notice shall state that the registrant must respond to the challenge not later than 30 days from the date of the mailing of the notice or be cancelled from the voter roll.

"(C) The Board's chief voter registration official shall make a determination with respect to the challenge within 10 days of receipt of the challenged registrant's response. The determination shall be sent by 1st class mail to the challenged registrant and the person who filed the challenge. Within 14 days of mailing the notice, any aggrieved party may appeal, in writing, the chief voter registration official's determination to the Board. The Board shall conduct a hearing and issue a decision within 30 days of receipt of the written notice of appeal.

"(D) With respect to a request for the addition of a person to the voter roll, if the Board's records do not evidence that the individual named has been erroneously omitted or cancelled, the Board shall send notice to the individual named in the request and to the person who filed the request. The notice shall state that the named individual must file a completed voter registration application in order to become a registered voter in the District.

"(6) An individual whose registration has been cancelled under this section shall not be eligible to vote except by re-registration as provided in this section."

(6) Subsection (f) is amended to read as follows:

"(f) In the case where a voter registration application is rejected pursuant to subsection (e) of this section, the Board shall immediately notify the individual of the rejection by 1st class mail. The individual may request a hearing before the Board on the rejection within 14 days after the notification is mailed. Upon the request for a hearing, the Board shall hold the hearing within 30 days after receipt of the request. At the hearing, the applicant and any interested party, may appear and give testimony on the issue. The Board shall determine the issue within 2 days after the hearing. Any aggrieved party may appeal the decision of the Board to the Superior Court of the District of Columbia within 3 days after the Board's decision. The decision of the Court shall be final and not appealable. If any part of the process is pending on the date

of any election held under this act, the person whose registration is in question shall be permitted to cast a ballot in such election which is designated "challenged". The ballot shall be counted in the election if the applicant is ultimately deemed to be a qualified registered elector."

(7) Section (g) is amended to read as follows:

"(g)(1) The registry shall be open during reasonable business hours, except that:

"(A) The registry shall not be open during the 30-day period that immediately precedes any primary, general, or District-wide special election.

"(B) The registry for a ward or Advisory Neighborhood Commission SMD shall not be open during the 30-day period that immediately precedes a special election for that ward or SMD.

"(2) The Board shall process mailed voter registration applications and registration, update notifications received postmarked by not later than the 30th day preceding any election and timely completed non-postmarked voter registration applications and registration update notifications mailed and received not later than the 23rd day preceding any election. All other voter registration applications and update notifications received during the 30 days immediately preceding the date of any election shall be held and processed after the registry reopens.

"(3) The Board may close the registry on Saturdays, Sundays, and holidays except that, if the deadline for voter registration in any election shall fall on a Saturday, Sunday or holiday, the deadline for voter registration shall extend to the next business day.

"(4) The close of the registry shall not apply for purposes of change of address on election day by registrants pursuant to subsection (i)(4) of this section."

(8) Subsection (i) is amended to read as follows:

"(i)(1) A person shall be entitled to vote in an election in the District of Columbia if he or she is a duly registered voter. A qualified elector shall be considered duly registered in the District if he or she has met the requirements for voter registration and, on the day of the election, either resides at the address listed on the Board's records or files an election day change of address pursuant to this subsection.

"(2) Each registered voter who changes place of residence from that listed on the Board's records shall notify the Board, in writing, of the new residence address. A change of address shall be effective on the date the notification was mailed as shown by the United States Postal Service postmark. If not postmarked, the notification shall be effective on the date of receipt by the Board. Change of address notifications from registrants shall be accepted pursuant to subsection (g) of this section, except that any registrant who has not notified the Board of his or her current residence address by the deadline established by subsection (g) of this section may be permitted to vote at the polling place that serves the current residence address by filing an election day change of address notice pursuant to paragraph (4) of this subsection.

"(3) Each registered voter who votes at a polling place on election day shall affirm his or her residence address as it appears on the official registration roll for the precinct. The act of signing a copy of the official registration roll for the precinct shall be deemed affirmation of the voter's address as it appears on the Board's registration records.

"(4)(A) A registered voter who has moved within the District but has not notified the Board in writing of his or her current address by the deadline established pursuant to subsection (g) of this section, or who is designated inactive pursuant to subsection (j) of this section, shall, prior to being permitted to vote, file notification of a change of address on a form provided by the Board, at the polling place serving the current residence address.

"(B) A registered voter who files an election day change of address at the precinct of current residence in accordance with paragraph (4) of this subsection shall, by written affirmation, establish identity and current residence within the precinct at the time of voting.

"(C) The ballot of each person who files a change of address at a polling place shall be stamped "special" and placed in a sealed envelope. The outside of the special ballot envelope shall contain the affirmation signed by the voter attesting to his or her qualifications to vote in the election, the date of birth of the voter, and any other information as the Board deems necessary for its chief registration official to determine that the individual is qualified to have the ballot counted. The official in charge of the polling place shall provide the voter with written notification of the means by which the voter can determine from the Board whether the ballot will be counted and of the voter's right of appeal pursuant to section 9(e) should the chief registration official determine that the voter is not qualified to vote in the election.

"(5)(A) 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.

"(B) Where 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, the Board shall notify the Corporation Counsel of the District of Columbia."

(9) Subsection (j) is amended to read as follows:

"(j)(1) The Board shall develop a systematic program to maintain the voter roll and keep it current. This program shall include the following:

"(A) In January of each odd-numbered year, the Board shall confirm the address of each registered voter who did not confirm his or her address through the voting process or file a change of address at the polls in the preceding general election by mailing a first class non-forwardable postcard to the address listed on the Board's records.

"(B)(i) If the United States Postal Service returns the notice and provides a new address for the registrant within the District of Columbia, the Board shall change the address on its records and mail to both the old and new addresses of the registrant a forwardable notification that the address has been changed to reflect the information obtained from the United States Postal Service.

"(ii) If the United States Postal Service returns the notice and provides a new address outside the District of Columbia, the Board shall mail a forwardable notice to both the old and new address informing the registrant how to register to vote in the new jurisdiction or correct the address information obtained from the United States Postal Service.

"(iii) If the United States Postal Service returns the notice to the Board as undeliverable, the Board shall mail to the registrant at his or her last known address the notice prescribed in sub-subparagraph (ii) of this subparagraph.

"(C) The notices prescribed in subparagraphs (A) and (B) of this paragraph shall include a pre-addressed and postage paid return notification postcard to enable the registrant to correct any address information obtained from the United States Postal Service. In addition, the notices shall include the following information:

"If you did not change your residence, or changed residence but remained in the District, you should return the card not later than the deadline for mail registration for the next federal election (the 30th day before the election). If the card is not returned, affirmation of your address may be required before you are permitted to vote in any election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if you do not vote in an election during that period, your name will be removed from the list of eligible voters."

"(D) The Board may, in addition, utilize information obtained from the United States Postal Service, the National Change of Address System ("NCOA"), the Bureau of Motor Vehicle Services (subject to the provisions of subsection (c)(1)(D) of this section, which identifies registrants who have moved from the addresses listed on the Board's records. In these cases the Board shall issue the notices prescribed in subparagraph (B) of this paragraph.

"(2)(A) Upon mailing of the notice required in subparagraph (B) of this paragraph, the registrant's voter registration status shall be designated as inactive on the voter roll.

"(B) Where a registered voter is designated as inactive on the voter roll pursuant to subparagraph (A) of this paragraph and the registrant provides the Board with a current residence address, or votes in any election in accordance with subsection (i) of this section by the date established in subparagraph (C) of this paragraph, the inactive designation shall be removed from the registrant's record.

"(C) Where the Board mails the notice required in paragraph (1)(B) of this section, and the registrant fails to respond to the notice and fails to vote during the period beginning on the date the notice was mailed and ending on the day after the 2nd general election for federal office, the registrant's name shall be removed from the voter roll.

"(3) As part of its systematic voter roll maintenance program, the Board may, by regulation, develop additional procedures to identify and remove from the voter roll registrants who are deceased and no notification was received from the Bureau of Vital Statistics, who have moved from the District and no notification was received from the registrant or the United States Postal Service, or who otherwise no longer meets the qualifications as a duly registered voters.

"(4) Any systematic program conducted by the Board to identify individuals who do not reside at the address listed on the Board's records shall be completed not less than the 90th day immediately preceding any primary, general, or District-wide special election.

"(5) The voter registrations of individuals whose registrations are designated as inactive on the voter roll, pursuant to paragraph (2) of this subsection:

"(A) Shall not be utilized in the calculation of the number of signatures required for qualification of candidate, initiative, referendum, and recall petitions;

"(B) Shall not be counted as valid in the verification of signatures pursuant to sections 8(o), 16(o), and 17(k);

"(C) Shall not be included where the Board is required:

"(i) To provide lists of registered voters at the polls on election day or for public inspection;

"(ii) To calculate or report the number of registered voters for an administrative purpose; or

"(iii) For the issuance of information mailings; and

"(D) Their names shall not be sold by the Board either in hard copy form or electronic media, except upon specific request of the purchaser and the fact that the registrations are designated as inactive is made known to the purchaser."

(c) Section 8(r) (D.C. Code § 1-1312(r)) is amended to read as follows:

Section
1-1312

"(r)(1) In any primary, general, or special election held in the District of Columbia to nominate or elect candidates to public office, a voter may cast a write-in vote for a candidate other than those who have qualified to appear on the ballot.

"(2) To be eligible to receive the nomination of a political party for public office, a write-in candidate shall be a duly registered member of the party nominated and shall meet all the other qualifications required for election to the office and shall declare his or her candidacy not later than 4:45 p.m. on the 3rd day immediately following the date of the election on a form or forms prescribed by the Board.

"(3) To be eligible for election to public office, a write-in candidate shall be a duly registered elector and shall meet all of the other qualifications required for election to the office and shall declare his or her candidacy not later than 4:45 p.m. on the 7th day immediately following the date of the election in which he or she was a candidate on a form or forms prescribed by the Board.

"(4) In party office elections, write-in voting provisions may also be subject to the party rules."

(d) Section 9 (D.C. Code § 1-1313) is amended as follows:

Section
1-1313

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

"(b)(1) Except as provided in paragraph (2) of this subsection, the vote of a person who is a registered qualified elector of the District shall be valid only if the vote is cast in the voting precinct that serves his or her current residence address.

"(2) The Board shall permit any duly registered voter to vote by absentee ballot who may be absent from the District on election day, or, who, as a condition of his or her employment with the Board on any election day, is required to be absent from the voting precinct in which he or she is registered to vote, or who because of his or her physical condition, is unable to vote in person at the polling place in his or her voting precinct on election day, or any other reason the Board, by regulation, may authorize."

(2) Subsection (e) is amended to read as follows:

"(e) A voter's act of signing a challenged or special ballot envelope shall be deemed the filing of an appeal by the voter of the refusal by the Board's chief voter registration official to permit the voter to vote on election day by regular ballot, and a waiver of personal notice from the Board of any denial or refusal to a later count of the challenged or special ballot. No earlier than 8 days and not later than 10 days after the date of any election held under this act, the Board shall conduct a hearing on the petition of any voter who cast a challenged or special ballot in the election to have that voter's vote counted in the same manner as all other ballots cast in that election. The Board shall inform the voter of the dates scheduled for the hearings and the manner by which the voter may learn whether the Board has decided to count or reject the voter's challenged or special ballot. The notice shall be in writing and shall be provided to the voter at the time of voting. No later than the 2nd Wednesday following the election, the Board shall cause to be placed in its main office, in the main public library, and at least one branch public library located in each ward, an alphabetical list of those persons whose challenged or special ballots have been rejected with the reason or reasons for the rejection. The Board shall publish notice of the availability of the list in at least 1 newspaper of general circulation on the Tuesday following the date of the election. In addition, not later than the Tuesday following the election, during regular business hours, the Board shall maintain a telephone service by which any voter who has voted a special or challenged ballot may learn whether the challenged or special ballot will be counted or has been rejected. At the hearing, the petitioner may appear and give testimony on the question of the decision not to count the challenged or special ballot. The Board shall make a determination within 2 days after the date of the hearing. Any aggrieved party may appeal the decision of the Board to the Superior Court of the District of Columbia within 3 days after the date of the Board's decision. The decision of the Court in any such case shall be final and not appealable."

(3) Subsection (g) is amended to read as follows:

"(g)(1) No person shall vote more than once in any election nor shall any person vote in a primary or party election held by a political party other than that to which he or she has declared himself or herself to be a member.

"(2) A name written on a ballot in any election shall not be counted as valid unless the individual whose name is written on the ballot has complied with the requirements of section 8(r)."

(e) Section 10(b), (c), and (d) (D.C. Code § 1-1314(b), (c), and (d)) is amended to read as follows:

"(b)(1) All elections prescribed by this act shall be conducted by the Board in conformity with the provisions of this act. In all elections held pursuant to this act, the polls shall be open from 7:00 a.m. to 8:00 p.m. Candidates who receive the highest number of votes, other than candidates for election as political party officials or delegates to national conventions nominating candidates for President and Vice President of the United States, shall be declared winners. If after the date of an election and prior to the certification of the election results, the qualified candidate who has received the highest number of votes dies, withdraws, or is found to be ineligible to hold the office, or in the event no candidate qualifies for election, the Board shall declare no winner, and the office

Section
1314

shall become vacant as of the date of the beginning of the term of office for which the election was held. With respect to a primary election, the position of candidate shall be vacant until filled pursuant to subsection (d) of this section.

"(2)(A) No person shall canvass, electioneer, circulate petitions, post any campaign material or engage in any activity that interferes with the orderly conduct of the election within a polling place or within a 50-foot distance from the entrance and exit of a polling place. The Board, by regulation, shall establish procedures for determination and clear marking of the 50-foot distance.

"(B) A person who violates the provisions of this paragraph shall, upon conviction, be fined not less than \$50 or more than \$500, or imprisoned for not more than 30 days or both.

"(c) In the case of a tie vote, the resolution of which will affect the outcome of any election, the candidates receiving the tie vote shall cast lots before the Board at 12:00 noon on a date to be set by the Board. This date shall be set no sooner than 2 days following determination by the Board of the results of the election which resulted in a tie. The candidate to whom the lot shall fall shall be declared the winner. If the candidate or candidates fail to appear by 12:00 noon on said day, the Board shall cast lots for him or her or them. For purpose of casting lots, any candidate may appear in person, or by proxy appointed in writing.

"(d)(1) In the event that any official, other than Delegate, Mayor, member of the Council, member of the Board of Education, or winner of a primary election for the office of Delegate, Mayor, or member of the Council, elected pursuant to this act dies, resigns, or becomes unable to serve during his or her term of office leaving no person elected pursuant to this act to serve the remainder of the unexpired term of office, the successor or successors to serve the remainder of the term shall be chosen pursuant to the rules of the duly authorized party committee, except that the successor shall have the qualifications required by this act for the office.

"(2)(A) In the event that a vacancy occurs in the office of Delegate before May 1 of the last year of the Delegate's term of office, the Board shall hold a special election to fill the unexpired term. The special election shall be held on the 1st Tuesday that occurs more than 114 days after the date on which the vacancy is certified by the Board unless the Board determines that the vacancy could be filled more practicably in a special election held on the same day as the next District-wide special, primary, or general election that is to occur within 60 days of the date on which the special election would otherwise have been held under the provisions of this subsection. The person elected to fill the vacancy in the office of Delegate shall take office the day on which the Board certifies his or her election.

"(B) In the event that a vacancy occurs in the office of Delegate on or after May 1 of the last year of the Delegate's term of office, the Mayor shall appoint a successor to complete the remainder of the term of office.

"(3) In the event of a vacancy in the office of United States Representative or United States Senator elected pursuant to section 4 of the District of Columbia Statehood Constitutional Convention Initiative of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Code § 1-113) and that vacancy cannot be filled pursuant to paragraph (1) of this

subsection, the Mayor shall appoint, with the advice and consent of the Council, a successor to complete the remainder of the term of office."

(f) Section 14(a) (D.C. Code § 1-1318(a)) is amended to read as follows:

"(a) Any person who shall register, or attempt to register, or vote or attempt to vote under the provisions of this act and make any false representations as to his or her qualifications for registering or voting or for holding elective office, or be guilty of violating sections 7(d)(2)(D), 9, 12, or 13 or be guilty of bribery or intimidation of any voter at an election, or being registered, shall vote or attempt to vote more than once in any election so held, or shall purloin or secrete any of the votes cast in an election, or attempt to vote in an election held by a political party other than that to which he or she has declared himself or herself to be affiliated, or, if employed in the counting of votes in any election held pursuant to this act, knowingly make a false report in regard, and every candidate, person, or official of any political committee who shall knowingly make any expenditure or contribution in violation of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 447; D.C. Code § 1-1401 *et seq.*), shall, upon conviction, be fined not more than \$10,000, or be imprisoned not more than 5 years or both."

(g) Section 16 (D.C. Code § 1-1320(d)) is amended as follows:

Section
1-1320

(1) Subsection (d) is amended to read as follows:

"(d) After preparation, the Board shall adopt the summary statement, short title, and legislative form at a public meeting and shall within 5 days, notify the proposer of the measure of the exact language. In addition, the Board, within 5 days of adoption, shall submit the summary statement, short title, and legislative form to the District of Columbia Register for publication."

(2) Subsection (e)(A) is amended to read as follows:

"(A) If any registered qualified elector of the District of Columbia objects to the summary statement, short title, or legislative form of the initiative measure formulated by the Board pursuant to subsections (c) and (d) of this section, that person may seek review in the Superior Court of the District of Columbia within 10 calendar days from the date the Board publishes the summary statement, short title, and legislative form in the District of Columbia Register stating objections and requesting appropriate changes. The Superior Court of the District of Columbia shall expedite the consideration of this matter."

(3) Subsection (g) is amended to read as follows:

"(g) Upon final establishment of the summary statement, short title, and legislative form of an initiative or referendum proposal, the Board shall prepare and provide to the proposer at a public meeting an original petition form which the proposer shall formally adopt as his or her own form. The proposer shall print from the original blank petition sheets on white paper of good writing quality of the same size as the original. Each initiative or referendum petition sheet shall consist of 1 double-sided sheet providing numbered lines for 20 printed names and signatures with residence addresses (street numbers) and ward numbers, and shall have printed on it, in a manner prescribed by the Board, the following:

"(1) A warning statement that declares that only duly registered voters of the District of Columbia may sign the petition;

"(2) A statement that requests that the Board hold an election on the initiative or referendum measure that states the measure's serial number and short title; and

"(3) The text of the official summary and short title of the measure printed on the front of the petition sheet."

(4) Subsection (h) is amended to read as follows:

"(h) Each petition sheet for an initiative or referendum measure shall contain an affidavit, made under penalty of perjury, in a form determined by the Board and signed by the circulator of that petition sheet which contains the following:

"(1) The printed name of the circulator;

"(2) The residence address of the circulator, giving the street number;

"(3) That the circulator of the petition sheet was in the presence of each person when the appended signature was written;

"(4) That according to the best information available to the circulator, each signature is the genuine signature of the person it purports to be; and

"(5) The dates between which the signatures to the petition were obtained."

(h) Section 17 (D.C. Code Section § 1-1321) is amended as follows:

(1) Subsection (e) is amended to read as follows:

"(e) Upon filing with the Board the notice of intention of recall and the elected officer's response, the Board shall prepare and provide to the proponent an original petition form which the proposer shall formally adopt as his or her own form. The proponent shall print from the original blank petition sheets on white paper of good writing quality of the same size as the original. Each recall petition sheet shall be double sided and consist of numbered lines for 20 names and signatures with residence address (street numbers), and, where applicable, the ward numbers, and shall be have printed on it the following:

"(1) A warning statement that declares that only duly registered electors of the District of Columbia may sign the petition;

"(2) The name of the elected officer sought to be recalled and the office which he or she holds;

"(3) A statement that requests that the Board hold a recall election in a manner prescribed in amendment number 2 to Title IV of the District of Columbia Self-Government and Governmental Reorganization Act, effective March 10, 1978 (D.C. Law 2-46; D.C. Code §§ 1-291 to 1-295);

"(4) The name and address of the proposer or proposers of the recall; and

"(5) 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."

(2) Subsection (i) is amended to read as follows:

"(i) Upon the submission of a recall petition by the proposer to the Board, the Board shall refuse to accept the petition upon any of the following grounds:

"(1) Except in the case of a recall petition for an Advisory Neighborhood Commissioner, the financial disclosure statement of the proposer has not been filed pursuant to sections 204 and 206 of the District of Columbia Campaign Finance Reform and Conflict of Interest

Section
1-1321

Act, approved August 14, 1974 (88 Stat. 447; D.C. Code § 1-1401 et seq.);

"(2) The petition is not the proper form established in subsection (e) of this section;

"(3) The restrictions for initiating the recall process established in subsection (c) of this section were not observed;

"(4) The time limitation established in subsection (g) of this section within which the recall petition may be circulated and submitted to the Board has expired;

"(5) The petition clearly bears on its face an insufficient number of signatures to qualify for the ballot; or

"(6) The petition was circulated by persons who, if the officer sought to be recalled was elected at-large, were not qualified registered electors of the District of Columbia or if the officer sought to be recalled was elected from a ward, qualified registered electors of that ward, or if the officer sought to be recalled was elected from an Advisory Neighborhood Commission SMD, qualified registered electors of that SMD."

(i) Subsection (k)(2) is amended to read as follows:

"(2) The Board shall post, within 3 calendar days after the acceptance of a recall petition, whether in the normal course or at the direction of a court, by making available for public inspection in the office of the Board, the petition for the recall measure or facsimile. Any registered qualified elector, during a 10 day period (including Saturdays, Sundays, and holidays, except that with respect to a petition to recall a member of an Advisory Neighborhood Commission SMD, the 10-day period shall not include Saturdays, Sundays, and holidays), beginning on the day the recall petition was posted by the Board, may challenge the validity of such petition by a written statement duly signed by the challenger and filed with the Board, specifying concisely the alleged defects in the petition. The provisions of section 8(o)(2) shall be applicable to a challenge and the Board may establish any necessary rules and regulations consistent that concerns the process of the challenge."

Sec. 3. Section 8(d)(1) of the Advisory Neighborhood Commissions Act of 1975, effective October 10, 1975 (D.C. Law 1-21; D.C. Code § 1-257(d)(1)), is amended to read as follows:

Section
1-257

"(1) Whenever a vacancy exists in the office of a Commissioner, the Board shall hold a special election in the SMD to fill the vacancy. The election shall be held not less than 60 days after the Board certifies the vacancy. The election shall be held at the earliest date established by this paragraph, but, at the Board's sole discretion, it shall be either: (i) the 1st Tuesday of January, March, May, July, September, or November; or (ii) in a special, primary, or general election to be held in the District within 30 days of the date on which a special election would otherwise be held pursuant to (i) of this paragraph. If the 1st Tuesday should fall on a legal holiday in the District, the Board shall schedule the election to occur on another day of the same week. If no person declares and qualifies to be a candidate to fill the vacancy, the Board shall not recertify the vacancy except upon the written request of a registered voter residing within the SMD in which case the Board shall hold a special election in accordance with provisions of this

paragraph. No special election shall be held to fill a vacancy following the general election in the last year of a term."

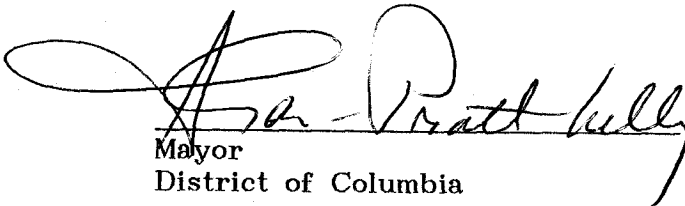
Sec. 4. This act shall apply as of January 1, 1995.

Sec. 5. 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, 1993 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

Note, Sections
1-1302
1-1311
1-1312
1-1313
1-1314
1-1320
1-1321
1-257



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: July 25, 1994



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Ten

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 10-572

[X] Item on Consent Calendar

[X] ACTION & DATE: Adopted First Reading, 6-21-94

[X] VOICE VOTE: Approved

Recorded vote on request

Absent: Barry, Lightfoot and Smith

[] ROLL CALL VOTE - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and rows for CHMN. CLARKE, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, SMITH, JR., THOMAS, SR.

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

CERTIFICATION RECORD

Signature of Secretary to the Council

Date: July 7, 1994

[X] Item on Consent Calendar

[X] ACTION & DATE: Adopted Final Reading, 7-5-94

[X] VOICE VOTE: Approved

Recorded vote on request

Absent: Brazil and Thomas

[] ROLL CALL VOTE - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and rows for CHMN. CLARKE, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, SMITH, JR., THOMAS, SR.

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

CERTIFICATION RECORD

Signature of Secretary to the Council

Date: July 7, 1994

[] Item on Consent Calendar

[] ACTION & DATE:

[] VOICE VOTE:

Recorded vote on request

Absent:

[] ROLL CALL VOTE - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and rows for CHMN. CLARKE, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, SMITH, JR., THOMAS, SR.

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

CERTIFICATION RECORD

Secretary to the Council

Date



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

JUL 11 1994

The Honorable Sharon Pratt Kelly
Mayor of the District of Columbia
441 4th Street, N.W., 11th Floor
Washington, D.C. 20001

Re: Transmittal of Bill 10-572, "National Voter Registration
Act Conforming Amendment Act of 1994".

Date of Council Action: 07-05-94

Dear Mayor Kelly:

The above named enacted bill is hereby transmitted in accordance with Section 404(e) of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198.

Attached to this bill, for your information, is the report of the Council's standing committee with jurisdiction over this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "David A. Clarke".

David A. Clarke
Chairman of the Council

Enclosure

AN ACT

Codification

District of Columbia Code

(1995 Supplement)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Election Code of 1955 to bring election laws into conformity with the National Voter Registration Act of 1993, to define certain terms, to require a write-in candidate to file a declaration of candidacy, to define the circumstances under which write-in votes are counted, to clarify that only the candidate with the highest number of votes may win an election, to provide for penalties for engaging in political activity within 50 feet of a polling place, to shorten the time for resolving tie votes, to provide for the filling of vacancies in the offices of Delegate, United States Senator and United States Representative, to provide for notice to voters whose special or challenged ballots are rejected, to remove the newspaper publication requirement with respect to initiative and referendum measure language preparation, to remove a copy of the notice of intent to recall from recall petitions, to determine the period for posting Advisory Neighborhood Single-Member District recall petitions and to amend the Advisory Neighborhood Commissions Act of 1975 to provide for the recertification of an Advisory Neighborhood Commission vacancy through a written request by a registered voter.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "National Voter Registration Act Conforming Amendment Act of 1994".

Sec. 2. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Code § 1-1301 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Code § 1-1302) is amended by adding 5 new paragraphs to read as follows:

Section
1-1302ⁿ

"(17) The term "voter registration agency" means an office designated under section 7(d)(1) and the National Voter Registration Act of 1993 to perform voter registration activities.

"(18) The term "application distribution agency" means an agency designated under section 7(d)(14) in whose office or offices mail voter registration applications are made available for general distribution to the public.

"(19) The term "duly registered voter" means a registered voter who resides at the address listed on the Board's records.

"(20) The term "registered qualified elector" means a registered voter who resides at the address listed on the Board's records.

"(21) The term "qualified registered elector" means a registered voter who resides at the address listed on the Board's records."

(b) Section 7 (D.C. Code § 1-1311) is amended as follows:

Section
1-1311

(1) Subsection (a) is amended to read as follows:

"(a) No person shall be registered to vote in the District of Columbia unless:

"(1) He or she meets the qualifications as a qualified elector as defined in section 2(2);

"(2) He or she executes an application to register to vote by signature or mark (unless prevented by physical disability) on a form approved pursuant to subsection (b) of this section or by the Federal Election Commission attesting that he or she meets the requirements as a qualified elector, and if he or she desires to vote in party election, this form shall indicate his or her political party affiliation; and

"(3) The Board approves his or her registration application as provided in subsection (e) of this section."

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

"(b) In administering the provisions of subsection (a)(2) of this section:

"(1) The Board shall prepare and use a registration application form that meets the requirements of the National Voter Registration Act of 1993 and of the Federal Election Commission, and in which each request for information is readily understandable and can be satisfied by a concise answer or mark.

"(2) Mail-in voter registration application forms approved by the Board shall be designed to provide an easily understood method of registering to vote by mail and shall be mailed to the Board with postage prepaid. These forms shall have printed on them, in bold face type, the penalties for fraudulently attempting to register to vote pursuant to section 14(a) of this act and the National Voter Registration Act of 1993.

"(3) The Board shall accept any application form that has been preapproved by the Board for the purpose of voter registration and meets the requirements of this subsection or has been approved for use by federal legislation or regulation."

(3) Subsection (c)(1) is amended to read as follows:

"(c)(1)(A) Each Bureau of Motor Vehicle Services application (including any renewal application) shall automatically serve as an application to register to vote in the District of Columbia, unless the applicant fails to sign the voter registration portion of the application.

"(B) The Bureau of Motor Vehicle Services and the Board shall jointly develop an application form that shall allow an applicant who wishes to register to vote to do so by the use of a single form that contains the necessary information for voter registration and the information required for the issuance, renewal, or correction of the applicant's driver's permit or non-driver's identification card in any motor vehicle services office.

"(C) The application for voter registration submitted pursuant to this subsection shall be considered as an update to any previous voter registration.

"(D) Any application submitted for the purpose of a change of address or name accepted by the Bureau of Motor Vehicle Services, pursuant to this subsection, shall be considered notification to the Board of the change of address or name unless the applicant states on the combined portion of the form that the change of address or name is not for voter registration purposes.

"(E) The combined portion of the application shall be designed so that the applicant can:

"(i) Clearly state whether the change of address or name is for voter registration purposes;

"(ii) Provide a mailing address, if mail is not received at the residence address; and

"(iii) State whether he or she is a citizen of the United States.

"(F) On a separate and distinct portion of the form, to be used for voter registration purposes, the applicant shall:

"(i) Indicate a choice of party affiliation (if any);

"(ii) Indicate the last address of voter registration (if known); and

"(iii) Sign, under penalty of perjury, an attestation, which sets forth the requirements for voter registration, and states that he or she meets each of those requirements.

"(G) The instructions for completing the form shall also include a statement that:

"(i) If an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

"(ii) If an applicant does register to vote, the information that the applicant submits on a voter registration application will remain confidential and will be used only for voter registration purposes.

"(H) The deadline for transmission of the voter registration application to the Board shall be not later than 10 days after the date of acceptance by the Bureau of Motor Vehicle Services, except that if a voter registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the Board not later than 5 days after the date of its acceptance.

"(I) An application to register to vote or for change of address, party, or name shall be considered received by the Board pursuant to section 7(e) on the date it was accepted by the Bureau of Motor Vehicle Services.

"(J) Any form issued by mail for the purposes of correcting or updating a driver's permit or non-driver's identification card shall be designed so that the individual may state whether the change of address or name is for voter registration purposes and provide a mailing address, if mail is not received at the residence address."

(4) Subsection (d) is amended to read as follows:

"(d)(1)(A) Any agency of the District of Columbia government that provides public assistance or funds programs primarily engaged in providing services to persons with disabilities shall be designated as a voter registration agency.

"(B) In addition to the agencies named in subparagraph (A) of this paragraph, the Senior Citizens Branch of the Department of Recreation and Parks and the Office on Aging shall be designated as voter registration agencies.

"(C) The Mayor may designate any other executive branch agency of the District of Columbia government as a voter registration agency by filing written notice of the designation with the Board.

"(D) The District shall cooperate with the Secretary of Defense to develop and implement procedures for persons to apply to register to vote at Armed Forces recruitment offices.

"(2) The agencies named in paragraphs (1)(A), (B), and (C) of this subsection shall:

"(A) Distribute with each application for service or assistance, and with each recertification, renewal, or change of address form relating to the service or assistance, a voter registration application, unless the applicant, in writing, declines to register to vote;

"(B) Provide assistance to applicants in completing voter registration application forms, unless the applicant refuses assistance;

"(C) Provide the services described in this paragraph at the person's home, if a voter registration agency provides services to a person with a disability at the person's home; and

"(D) Accept completed forms and forward these forms to the Board as prescribed in this section.

"(3) Each voter registration agency shall, on its own application, document, or on a separate form, provide to each applicant for service or assistance, recertification or renewal, or change of address the following information:

"(A) The question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";

"(B) Boxes for the applicant to check to indicate whether the applicant would like to register or decline to register to vote (failure to check either box being deemed to constitute a declination to register for purposes of subparagraph (C) of this paragraph, together with the statement (in close proximity to the boxes and in prominent type), "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";

"(C) The statement, "If you would like help completing the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may complete the application form in private.";

"(D) The statement, "If you believe that someone has interfered with your right to register or decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the chief administrative officer of the Board of Elections and Ethics." The name, title, address, and telephone number of the chief administrative officer shall be included on the form; and

"(E) If the voter registration agency provides public assistance, the statement, "Applying to register or declining to register

to vote will not affect the amount of assistance that you will be provided by this agency.

"(4) No person who provides a voter registration service at a District of Columbia government agency shall:

"(A) Seek to influence an applicant's political preference or party registration;

"(B) Display any political preference or party allegiance;

"(C) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

"(D) Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

"(5) Each agency that has been designated a voter registration agency in paragraph (1) of this subsection shall provide to each applicant who does not decline to register the same degree of assistance with regard to the completion of the registration application form as provided by the office with regard to the completion of its own forms, unless the applicant refuses assistance.

"(6) No information that relates to a declination to register to vote in connection with an application made at an office described in this subsection may be used for any purpose other than voter registration.

"(7) No voter registration agency shall reveal whether a particular individual completed an application to register to vote except when ordered by the officer designated in paragraph (12)(A) of this subsection when a complaint has been filed pursuant to paragraph (11) of this subsection or pursuant to section 11 of the National Voter Registration Act of 1993.

"(8) A completed voter registration application or change of address or name accepted at a voter registration agency shall be transmitted by the agency to the Board by not later than 10 days after its acceptance by the agency, except that if a voter registration application is accepted at a voter registration agency office within 5 days before the deadline for voter registration in any election, the application shall be transmitted by the agency to the Board not later than 5 days after the date of acceptance.

"(9) An application accepted at a voter registration agency shall be considered to have been received by the Board pursuant to subsection (e) of this section as of the date of acceptance by the voter registration agency.

"(10) Notwithstanding any other provision of law, the Board shall ensure that the identity of the voter registration agency through which any particular individual is registered to vote is not disclosed to the public.

"(11) An allegation of violation of the National Voter Registration Act of 1993 or of this act may be made in writing, filed with the chief administrative officer of the Board and detail concisely the alleged violation.

"(12)(A) The Board shall designate its chief administrative officer as the official responsible for the coordination of the District of

Columbia's responsibilities under the National Voter Registration Act of 1993 and as the official responsible for the coordination of this act.

"(B) The chief administrative officer designated under subparagraph (A) of this paragraph and the Board shall have the authority:

"(i) To request any voter registration agency to submit in writing any reports and to answer any questions as the chief administrative officer or the Board may prescribe that relate to the administration and enforcement of the National Voter Registration Act of 1993 and of this act; and

"(ii) To bring a civil action in the Superior Court of the District of Columbia for declaratory or injunctive relief with respect to the failure of any voter registration agency to comply with the requirements of this act.

"(13) The Board may adopt regulations with respect to the coordination and administration of the National Voter Registration Act Conforming Amendment Act of 1994 and the National Voter Registration Act of 1993.

"(14)(A) Agencies, other than voter registration agencies, may be designated as application distribution agencies. These agencies shall include the District of Columbia Public Library, the District of Columbia Fire Department, the Metropolitan Police Department, and any other executive agency the Mayor designates in writing.

"(B) Each application distribution agency shall request, and the Board shall provide, sufficient quantities of mail-in voter registration applications for distribution to the public.

"(C) These mail-in voter registration applications shall be placed in each office or substation of the agency in an accessible location and in clear view so that citizens may easily obtain a mail-in voter registration application.

"(D) Nothing in this subsection shall be deemed to require or permit employees of a mail-in voter registration application distribution agency to accept completed forms for delivery to the Board or to provide assistance in completing an application."

(5) Subsection (e) is amended to read as follows:

"(e)(1) Within 19 calendar days after the receipt of a registration application form from any applicant, the Board shall mail a non-forwardable voter registration notification to the applicant advising the applicant of the acceptance or rejection of the registration application by its chief voter registration official.

"(2) If the application is accepted, the notification shall include the applicant's name, address, date of birth, party affiliation (if any), ward, precinct and Advisory Neighborhood Commission single-member district ("SMD"), the address of the applicant's polling place and the hours during which the polls will be open. The Board may include along with the registration notification any voter education materials it deems appropriate. Registration of the applicant shall be effective on the date the Board determines that the applicant is a qualified elector and eligible to register to vote in the District of Columbia.

"(3) 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 appeal the rejection pursuant to subsection (f) of this section.

"(4) If the voter registration notification is returned to the Board as undeliverable, the Board shall mail the notice provided in subsection (j)(3) of this section.

"(5)(A) Any duly registered voter may file with the Board objections to the registration of any person whom he or she has reason to believe is fictitious, deceased, a disqualified person, or otherwise ineligible to vote (except with respect to a change of residence), or file a request for the addition of any person whose name he or she has reason to believe has been erroneously omitted or cancelled from the voter roll. Application for the correction of the voter roll or the challenge of the right to vote of any person named on the voter roll shall be in writing and include any evidence in support of the challenge that the registrant is not qualified to be a registered voter. The challenge or application shall be filed with the Board not later than 90 days before the date of any election held under this act.

"(B) The Board shall send notice to any person whose registration has been challenged along with a copy of any evidence filed in support of the challenge. The notice shall be sent to the address listed on the Board's records. The notice shall state that the registrant must respond to the challenge not later than 30 days from the date of the mailing of the notice or be cancelled from the voter roll.

"(C) The Board's chief voter registration official shall make a determination with respect to the challenge within 10 days of receipt of the challenged registrant's response. The determination shall be sent by 1st class mail to the challenged registrant and the person who filed the challenge. Within 14 days of mailing the notice, any aggrieved party may appeal, in writing, the chief voter registration official's determination to the Board. The Board shall conduct a hearing and issue a decision within 30 days of receipt of the written notice of appeal.

"(D) With respect to a request for the addition of a person to the voter roll, if the Board's records do not evidence that the individual named has been erroneously omitted or cancelled, the Board shall send notice to the individual named in the request and to the person who filed the request. The notice shall state that the named individual must file a completed voter registration application in order to become a registered voter in the District.

"(6) An individual whose registration has been cancelled under this section shall not be eligible to vote except by re-registration as provided in this section."

(6) Subsection (f) is amended to read as follows:

"(f) In the case where a voter registration application is rejected pursuant to subsection (e) of this section, the Board shall immediately notify the individual of the rejection by 1st class mail. The individual may request a hearing before the Board on the rejection within 14 days after the notification is mailed. Upon the request for a hearing, the Board shall hold the hearing within 30 days after receipt of the request. At the hearing, the applicant and any interested party, may appear and give testimony on the issue. The Board shall determine the issue within 2 days after the hearing. Any aggrieved party may appeal the decision of the Board to the Superior Court of the District of Columbia within 3 days after the Board's decision. The decision of the Court shall be final and not appealable. If any part of the process is pending on the date

of any election held under this act, the person whose registration is in question shall be permitted to cast a ballot in such election which is designated "challenged". The ballot shall be counted in the election if the applicant is ultimately deemed to be a qualified registered elector."

(7) Section (g) is amended to read as follows:

"(g)(1) The registry shall be open during reasonable business hours, except that:

"(A) The registry shall not be open during the 30-day period that immediately precedes any primary, general, or District-wide special election.

"(B) The registry for a ward or Advisory Neighborhood Commission SMD shall not be open during the 30-day period that immediately precedes a special election for that ward or SMD.

"(2) The Board shall process mailed voter registration applications and registration, update notifications received postmarked by not later than the 30th day preceding any election and timely completed non-postmarked voter registration applications and registration update notifications mailed and received not later than the 23rd day preceding any election. All other voter registration applications and update notifications received during the 30 days immediately preceding the date of any election shall be held and processed after the registry reopens.

"(3) The Board may close the registry on Saturdays, Sundays, and holidays except that, if the deadline for voter registration in any election shall fall on a Saturday, Sunday or holiday, the deadline for voter registration shall extend to the next business day.

"(4) The close of the registry shall not apply for purposes of change of address on election day by registrants pursuant to subsection (i)(4) of this section."

(8) Subsection (i) is amended to read as follows:

"(i)(1) A person shall be entitled to vote in an election in the District of Columbia if he or she is a duly registered voter. A qualified elector shall be considered duly registered in the District if he or she has met the requirements for voter registration and, on the day of the election, either resides at the address listed on the Board's records or files an election day change of address pursuant to this subsection.

"(2) Each registered voter who changes place of residence from that listed on the Board's records shall notify the Board, in writing, of the new residence address. A change of address shall be effective on the date the notification was mailed as shown by the United States Postal Service postmark. If not postmarked, the notification shall be effective on the date of receipt by the Board. Change of address notifications from registrants shall be accepted pursuant to subsection (g) of this section, except that any registrant who has not notified the Board of his or her current residence address by the deadline established by subsection (g) of this section may be permitted to vote at the polling place that serves the current residence address by filing an election day change of address notice pursuant to paragraph (4) of this subsection.

"(3) Each registered voter who votes at a polling place on election day shall affirm his or her residence address as it appears on the official registration roll for the precinct. The act of signing a copy of the official registration roll for the precinct shall be deemed affirmation of the voter's address as it appears on the Board's registration records.

"(4)(A) A registered voter who has moved within the District but has not notified the Board in writing of his or her current address by the deadline established pursuant to subsection (g) of this section, or who is designated inactive pursuant to subsection (j) of this section, shall, prior to being permitted to vote, file notification of a change of address on a form provided by the Board, at the polling place serving the current residence address.

"(B) A registered voter who files an election day change of address at the precinct of current residence in accordance with paragraph (4) of this subsection shall, by written affirmation, establish identity and current residence within the precinct at the time of voting.

"(C) The ballot of each person who files a change of address at a polling place shall be stamped "special" and placed in a sealed envelope. The outside of the special ballot envelope shall contain the affirmation signed by the voter attesting to his or her qualifications to vote in the election, the date of birth of the voter, and any other information as the Board deems necessary for its chief registration official to determine that the individual is qualified to have the ballot counted. The official in charge of the polling place shall provide the voter with written notification of the means by which the voter can determine from the Board whether the ballot will be counted and of the voter's right of appeal pursuant to section 9(e) should the chief registration official determine that the voter is not qualified to vote in the election.

"(5)(A) 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.

"(B) Where 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, the Board shall notify the Corporation Counsel of the District of Columbia."

(9) Subsection (j) is amended to read as follows:

"(j)(1) The Board shall develop a systematic program to maintain the voter roll and keep it current. This program shall include the following:

"(A) In January of each odd-numbered year, the Board shall confirm the address of each registered voter who did not confirm his or her address through the voting process or file a change of address at the polls in the preceding general election by mailing a first class non-forwardable postcard to the address listed on the Board's records.

"(B)(i) If the United States Postal Service returns the notice and provides a new address for the registrant within the District of Columbia, the Board shall change the address on its records and mail to both the old and new addresses of the registrant a forwardable notification that the address has been changed to reflect the information obtained from the United States Postal Service.

"(ii) If the United States Postal Service returns the notice and provides a new address outside the District of Columbia, the Board shall mail a forwardable notice to both the old and new address informing the registrant how to register to vote in the new jurisdiction or correct the address information obtained from the United States Postal Service.

"(iii) If the United States Postal Service returns the notice to the Board as undeliverable, the Board shall mail to the registrant at his or her last known address the notice prescribed in sub-subparagraph (ii) of this subparagraph.

"(C) The notices prescribed in subparagraphs (A) and (B) of this paragraph shall include a pre-addressed and postage paid return notification postcard to enable the registrant to correct any address information obtained from the United States Postal Service. In addition, the notices shall include the following information:

"If you did not change your residence, or changed residence but remained in the District, you should return the card not later than the deadline for mail registration for the next federal election (the 30th day before the election). If the card is not returned, affirmation of your address may be required before you are permitted to vote in any election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if you do not vote in an election during that period, your name will be removed from the list of eligible voters."

"(D) The Board may, in addition, utilize information obtained from the United States Postal Service, the National Change of Address System ("NCOA"), the Bureau of Motor Vehicle Services (subject to the provisions of subsection (c)(1)(D) of this section, which identifies registrants who have moved from the addresses listed on the Board's records. In these cases the Board shall issue the notices prescribed in subparagraph (B) of this paragraph.

"(2)(A) Upon mailing of the notice required in subparagraph (B) of this paragraph, the registrant's voter registration status shall be designated as inactive on the voter roll.

"(B) Where a registered voter is designated as inactive on the voter roll pursuant to subparagraph (A) of this paragraph and the registrant provides the Board with a current residence address, or votes in any election in accordance with subsection (i) of this section by the date established in subparagraph (C) of this paragraph, the inactive designation shall be removed from the registrant's record.

"(C) Where the Board mails the notice required in paragraph (1)(B) of this section, and the registrant fails to respond to the notice and fails to vote during the period beginning on the date the notice was mailed and ending on the day after the 2nd general election for federal office, the registrant's name shall be removed from the voter roll.

"(3) As part of its systematic voter roll maintenance program, the Board may, by regulation, develop additional procedures to identify and remove from the voter roll registrants who are deceased and no notification was received from the Bureau of Vital Statistics, who have moved from the District and no notification was received from the registrant or the United States Postal Service, or who otherwise no longer meets the qualifications as a duly registered voters.

"(4) Any systematic program conducted by the Board to identify individuals who do not reside at the address listed on the Board's records shall be completed not less than the 90th day immediately preceding any primary, general, or District-wide special election.

"(5) The voter registrations of individuals whose registrations are designated as inactive on the voter roll, pursuant to paragraph (2) of this subsection:

"(A) Shall not be utilized in the calculation of the number of signatures required for qualification of candidate, initiative, referendum, and recall petitions;

"(B) Shall not be counted as valid in the verification of signatures pursuant to sections 8(o), 16(o), and 17(k);

"(C) Shall not be included where the Board is required:

"(i) To provide lists of registered voters at the polls on election day or for public inspection;

"(ii) To calculate or report the number of registered voters for an administrative purpose; or

"(iii) For the issuance of information mailings; and

"(D) Their names shall not be sold by the Board either in hard copy form or electronic media, except upon specific request of the purchaser and the fact that the registrations are designated as inactive is made known to the purchaser."

(c) Section 8(r) (D.C. Code § 1-1312(r)) is amended to read as follows:

Section
1-1312

"(r)(1) In any primary, general, or special election held in the District of Columbia to nominate or elect candidates to public office, a voter may cast a write-in vote for a candidate other than those who have qualified to appear on the ballot.

"(2) To be eligible to receive the nomination of a political party for public office, a write-in candidate shall be a duly registered member of the party nominated and shall meet all the other qualifications required for election to the office and shall declare his or her candidacy not later than 4:45 p.m. on the 3rd day immediately following the date of the election on a form or forms prescribed by the Board.

"(3) To be eligible for election to public office, a write-in candidate shall be a duly registered elector and shall meet all of the other qualifications required for election to the office and shall declare his or her candidacy not later than 4:45 p.m. on the 7th day immediately following the date of the election in which he or she was a candidate on a form or forms prescribed by the Board.

"(4) In party office elections, write-in voting provisions may also be subject to the party rules."

(d) Section 9 (D.C. Code § 1-1313) is amended as follows:

Section
1-1313

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

"(b)(1) Except as provided in paragraph (2) of this subsection, the vote of a person who is a registered qualified elector of the District shall be valid only if the vote is cast in the voting precinct that serves his or her current residence address.

"(2) The Board shall permit any duly registered voter to vote by absentee ballot who may be absent from the District on election day, or, who, as a condition of his or her employment with the Board on any election day, is required to be absent from the voting precinct in which he or she is registered to vote, or who because of his or her physical condition, is unable to vote in person at the polling place in his or her voting precinct on election day, or any other reason the Board, by regulation, may authorize."

(2) Subsection (e) is amended to read as follows:

"(e) A voter's act of signing a challenged or special ballot envelope shall be deemed the filing of an appeal by the voter of the refusal by the Board's chief voter registration official to permit the voter to vote on election day by regular ballot, and a waiver of personal notice from the Board of any denial or refusal to a later count of the challenged or special ballot. No earlier than 8 days and not later than 10 days after the date of any election held under this act, the Board shall conduct a hearing on the petition of any voter who cast a challenged or special ballot in the election to have that voter's vote counted in the same manner as all other ballots cast in that election. The Board shall inform the voter of the dates scheduled for the hearings and the manner by which the voter may learn whether the Board has decided to count or reject the voter's challenged or special ballot. The notice shall be in writing and shall be provided to the voter at the time of voting. No later than the 2nd Wednesday following the election, the Board shall cause to be placed in its main office, in the main public library, and at least one branch public library located in each ward, an alphabetical list of those persons whose challenged or special ballots have been rejected with the reason or reasons for the rejection. The Board shall publish notice of the availability of the list in at least 1 newspaper of general circulation on the Tuesday following the date of the election. In addition, not later than the Tuesday following the election, during regular business hours, the Board shall maintain a telephone service by which any voter who has voted a special or challenged ballot may learn whether the challenged or special ballot will be counted or has been rejected. At the hearing, the petitioner may appear and give testimony on the question of the decision not to count the challenged or special ballot. The Board shall make a determination within 2 days after the date of the hearing. Any aggrieved party may appeal the decision of the Board to the Superior Court of the District of Columbia within 3 days after the date of the Board's decision. The decision of the Court in any such case shall be final and not appealable."

(3) Subsection (g) is amended to read as follows:

"(g)(1) No person shall vote more than once in any election nor shall any person vote in a primary or party election held by a political party other than that to which he or she has declared himself or herself to be a member.

"(2) A name written on a ballot in any election shall not be counted as valid unless the individual whose name is written on the ballot has complied with the requirements of section 8(r)."

(e) Section 10(b), (c), and (d) (D.C. Code § 1-1314(b), (c), and (d)) is amended to read as follows:

"(b)(1) All elections prescribed by this act shall be conducted by the Board in conformity with the provisions of this act. In all elections held pursuant to this act, the polls shall be open from 7:00 a.m. to 8:00 p.m. Candidates who receive the highest number of votes, other than candidates for election as political party officials or delegates to national conventions nominating candidates for President and Vice President of the United States, shall be declared winners. If after the date of an election and prior to the certification of the election results, the qualified candidate who has received the highest number of votes dies, withdraws, or is found to be ineligible to hold the office, or in the event no candidate qualifies for election, the Board shall declare no winner, and the office

Section
1314

shall become vacant as of the date of the beginning of the term of office for which the election was held. With respect to a primary election, the position of candidate shall be vacant until filled pursuant to subsection (d) of this section.

"(2)(A) No person shall canvass, electioneer, circulate petitions, post any campaign material or engage in any activity that interferes with the orderly conduct of the election within a polling place or within a 50-foot distance from the entrance and exit of a polling place. The Board, by regulation, shall establish procedures for determination and clear marking of the 50-foot distance.

"(B) A person who violates the provisions of this paragraph shall, upon conviction, be fined not less than \$50 or more than \$500, or imprisoned for not more than 30 days or both.

"(c) In the case of a tie vote, the resolution of which will affect the outcome of any election, the candidates receiving the tie vote shall cast lots before the Board at 12:00 noon on a date to be set by the Board. This date shall be set no sooner than 2 days following determination by the Board of the results of the election which resulted in a tie. The candidate to whom the lot shall fall shall be declared the winner. If the candidate or candidates fail to appear by 12:00 noon on said day, the Board shall cast lots for him or her or them. For purpose of casting lots, any candidate may appear in person, or by proxy appointed in writing.

"(d)(1) In the event that any official, other than Delegate, Mayor, member of the Council, member of the Board of Education, or winner of a primary election for the office of Delegate, Mayor, or member of the Council, elected pursuant to this act dies, resigns, or becomes unable to serve during his or her term of office leaving no person elected pursuant to this act to serve the remainder of the unexpired term of office, the successor or successors to serve the remainder of the term shall be chosen pursuant to the rules of the duly authorized party committee, except that the successor shall have the qualifications required by this act for the office.

"(2)(A) In the event that a vacancy occurs in the office of Delegate before May 1 of the last year of the Delegate's term of office, the Board shall hold a special election to fill the unexpired term. The special election shall be held on the 1st Tuesday that occurs more than 114 days after the date on which the vacancy is certified by the Board unless the Board determines that the vacancy could be filled more practicably in a special election held on the same day as the next District-wide special, primary, or general election that is to occur within 60 days of the date on which the special election would otherwise have been held under the provisions of this subsection. The person elected to fill the vacancy in the office of Delegate shall take office the day on which the Board certifies his or her election.

"(B) In the event that a vacancy occurs in the office of Delegate on or after May 1 of the last year of the Delegate's term of office, the Mayor shall appoint a successor to complete the remainder of the term of office.

"(3) In the event of a vacancy in the office of United States Representative or United States Senator elected pursuant to section 4 of the District of Columbia Statehood Constitutional Convention Initiative of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Code § 1-113) and that vacancy cannot be filled pursuant to paragraph (1) of this

subsection, the Mayor shall appoint, with the advice and consent of the Council, a successor to complete the remainder of the term of office."

(f) Section 14(a) (D.C. Code § 1-1318(a)) is amended to read as follows:

"(a) Any person who shall register, or attempt to register, or vote or attempt to vote under the provisions of this act and make any false representations as to his or her qualifications for registering or voting or for holding elective office, or be guilty of violating sections 7(d)(2)(D), 9, 12, or 13 or be guilty of bribery or intimidation of any voter at an election, or being registered, shall vote or attempt to vote more than once in any election so held, or shall purloin or secrete any of the votes cast in an election, or attempt to vote in an election held by a political party other than that to which he or she has declared himself or herself to be affiliated, or, if employed in the counting of votes in any election held pursuant to this act, knowingly make a false report in regard, and every candidate, person, or official of any political committee who shall knowingly make any expenditure or contribution in violation of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 447; D.C. Code § 1-1401 *et seq.*), shall, upon conviction, be fined not more than \$10,000, or be imprisoned not more than 5 years or both."

(g) Section 16 (D.C. Code § 1-1320(d)) is amended as follows:

Section
1-1320

(1) Subsection (d) is amended to read as follows:

"(d) After preparation, the Board shall adopt the summary statement, short title, and legislative form at a public meeting and shall within 5 days, notify the proposer of the measure of the exact language. In addition, the Board, within 5 days of adoption, shall submit the summary statement, short title, and legislative form to the District of Columbia Register for publication."

(2) Subsection (e)(A) is amended to read as follows:

"(A) If any registered qualified elector of the District of Columbia objects to the summary statement, short title, or legislative form of the initiative measure formulated by the Board pursuant to subsections (c) and (d) of this section, that person may seek review in the Superior Court of the District of Columbia within 10 calendar days from the date the Board publishes the summary statement, short title, and legislative form in the District of Columbia Register stating objections and requesting appropriate changes. The Superior Court of the District of Columbia shall expedite the consideration of this matter."

(3) Subsection (g) is amended to read as follows:

"(g) Upon final establishment of the summary statement, short title, and legislative form of an initiative or referendum proposal, the Board shall prepare and provide to the proposer at a public meeting an original petition form which the proposer shall formally adopt as his or her own form. The proposer shall print from the original blank petition sheets on white paper of good writing quality of the same size as the original. Each initiative or referendum petition sheet shall consist of 1 double-sided sheet providing numbered lines for 20 printed names and signatures with residence addresses (street numbers) and ward numbers, and shall have printed on it, in a manner prescribed by the Board, the following:

"(1) A warning statement that declares that only duly registered voters of the District of Columbia may sign the petition;

"(2) A statement that requests that the Board hold an election on the initiative or referendum measure that states the measure's serial number and short title; and

"(3) The text of the official summary and short title of the measure printed on the front of the petition sheet."

(4) Subsection (h) is amended to read as follows:

"(h) Each petition sheet for an initiative or referendum measure shall contain an affidavit, made under penalty of perjury, in a form determined by the Board and signed by the circulator of that petition sheet which contains the following:

"(1) The printed name of the circulator;

"(2) The residence address of the circulator, giving the street number;

"(3) That the circulator of the petition sheet was in the presence of each person when the appended signature was written;

"(4) That according to the best information available to the circulator, each signature is the genuine signature of the person it purports to be; and

"(5) The dates between which the signatures to the petition were obtained."

(h) Section 17 (D.C. Code Section § 1-1321) is amended as follows:

Section
1-1321

(1) Subsection (e) is amended to read as follows:

"(e) Upon filing with the Board the notice of intention of recall and the elected officer's response, the Board shall prepare and provide to the proponent an original petition form which the proposer shall formally adopt as his or her own form. The proponent shall print from the original blank petition sheets on white paper of good writing quality of the same size as the original. Each recall petition sheet shall be double sided and consist of numbered lines for 20 names and signatures with residence address (street numbers), and, where applicable, the ward numbers, and shall be have printed on it the following:

"(1) A warning statement that declares that only duly registered electors of the District of Columbia may sign the petition;

"(2) The name of the elected officer sought to be recalled and the office which he or she holds;

"(3) A statement that requests that the Board hold a recall election in a manner prescribed in amendment number 2 to Title IV of the District of Columbia Self-Government and Governmental Reorganization Act, effective March 10, 1978 (D.C. Law 2-46; D.C. Code §§ 1-291 to 1-295);

"(4) The name and address of the proposer or proposers of the recall; and

"(5) 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."

(2) Subsection (i) is amended to read as follows:

"(i) Upon the submission of a recall petition by the proposer to the Board, the Board shall refuse to accept the petition upon any of the following grounds:

"(1) Except in the case of a recall petition for an Advisory Neighborhood Commissioner, the financial disclosure statement of the proposer has not been filed pursuant to sections 204 and 206 of the District of Columbia Campaign Finance Reform and Conflict of Interest

Act, approved August 14, 1974 (88 Stat. 447; D.C. Code § 1-1401 *et seq.*);

"(2) The petition is not the proper form established in subsection (e) of this section;

"(3) The restrictions for initiating the recall process established in subsection (c) of this section were not observed;

"(4) The time limitation established in subsection (g) of this section within which the recall petition may be circulated and submitted to the Board has expired;

"(5) The petition clearly bears on its face an insufficient number of signatures to qualify for the ballot; or

"(6) The petition was circulated by persons who, if the officer sought to be recalled was elected at-large, were not qualified registered electors of the District of Columbia or if the officer sought to be recalled was elected from a ward, qualified registered electors of that ward, or if the officer sought to be recalled was elected from an Advisory Neighborhood Commission SMD, qualified registered electors of that SMD."

(i) Subsection (k)(2) is amended to read as follows:

"(2) The Board shall post, within 3 calendar days after the acceptance of a recall petition, whether in the normal course or at the direction of a court, by making available for public inspection in the office of the Board, the petition for the recall measure or facsimile. Any registered qualified elector, during a 10 day period (including Saturdays, Sundays, and holidays, except that with respect to a petition to recall a member of an Advisory Neighborhood Commission SMD, the 10-day period shall not include Saturdays, Sundays, and holidays), beginning on the day the recall petition was posted by the Board, may challenge the validity of such petition by a written statement duly signed by the challenger and filed with the Board, specifying concisely the alleged defects in the petition. The provisions of section 8(o)(2) shall be applicable to a challenge and the Board may establish any necessary rules and regulations consistent that concerns the process of the challenge."

Sec. 3. Section 8(d)(1) of the Advisory Neighborhood Commissions Act of 1975, effective October 10, 1975 (D.C. Law 1-21; D.C. Code § 1-257(d)(1)), is amended to read as follows:

Section
1-257

"(1) Whenever a vacancy exists in the office of a Commissioner, the Board shall hold a special election in the SMD to fill the vacancy. The election shall be held not less than 60 days after the Board certifies the vacancy. The election shall be held at the earliest date established by this paragraph, but, at the Board's sole discretion, it shall be either: (i) the 1st Tuesday of January, March, May, July, September, or November; or (ii) in a special, primary, or general election to be held in the District within 30 days of the date on which a special election would otherwise be held pursuant to (i) of this paragraph. If the 1st Tuesday should fall on a legal holiday in the District, the Board shall schedule the election to occur on another day of the same week. If no person declares and qualifies to be a candidate to fill the vacancy, the Board shall not recertify the vacancy except upon the written request of a registered voter residing within the SMD in which case the Board shall hold a special election in accordance with provisions of this

paragraph. No special election shall be held to fill a vacancy following the general election in the last year of a term."

Sec. 4. This act shall apply as of January 1, 1995.

Sec. 5. 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, 1993 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

Note, Section
1-1302
1-1311
1-1312
1-1313
1-1314
1-1320
1-1321
1-257



Chairman
Council of the District of Columbia

Mayor
District of Columbia



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Ten

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 10-572

X Item on Consent Calendar

Adopted First Reading, 6-21-94

X ACTION & DATE

Approved

X VOICE VOTE

Recorded vote on request

Barry, Lightfoot and Smith

Absent

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					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

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

CERTIFICATION RECORD

[Signature]

Secretary to the Council

July 7, 1994

Date

X Item on Consent Calendar

Adopted Final Reading, 7-5-94

X ACTION & DATE

Approved

X VOICE VOTE

Recorded vote on request

Brazil and Thomas

Absent

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					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

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

CERTIFICATION RECORD

[Signature]

Secretary to the Council

July 7, 1994

Date

Item on Consent Calendar

ACTION & DATE

VOICE VOTE

Recorded vote on request

Absent

ROLL CALL VOTE - RESULT

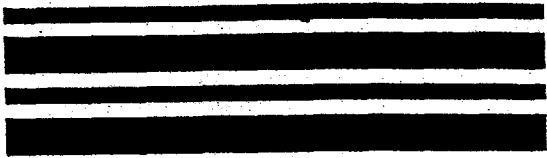
COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

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

CERTIFICATION RECORD

Secretary to the Council

Date



PATCH T (FILE A)