

AN ACT
D.C. ACT 20-620

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 6, 2015

To amend the District of Columbia Election Code of 1955 to alter the date of District of Columbia primary elections and make conforming amendments to facilitate compliance with federal election law.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Primary Date Alteration Amendment Act of 2014".

Sec. 2. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 702; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

(a) Section 5 (D.C. Official Code § 1-1001.05) is amended as follows:

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

(A) Paragraph (4) is amended to read as follows:

“(4) Provide for recording and counting votes by means of ballots or machines or both; provided, that the Board may begin counting votes 15 days before the day of the election, but may not publish or disclose tabulation results before 8:00 p.m. on the day of the election;”.

(B) A new paragraph (10A) is added to read as follows:

“(10A) Accept absentee ballots received by the Board by 8:00 p.m. on the day of the election;”.

(C) Paragraph (11) is amended to read as follows:

“(11) Certify nominees and the results of elections in sufficient time to comply with the requirements of the Uniformed and Overseas Citizens Absentee Voter Act, approved August 28, 1986 (100 Stat. 924; 42 U.S.C. § 1973ff *et seq.*);”.

(D) Paragraph (16) is amended by striking the word “and”.

(E) Paragraph (17) is amended by striking the period and inserting the phrase “; and” in its place.

(F) A new paragraph (18) is added to read as follows:

“(18) Tabulate all ballots in sufficient time to comply with the requirements of the Uniformed and Overseas Citizens Absentee Voter Act, approved August 28, 1986 (100 Stat. 924; 42 U.S.C. § 1973ff *et seq.*);”.

(2) Subsection (b)(1) is amended by striking the phrase “shall, on the 1st Tuesday in April” and inserting the phrase “shall, on the 2nd Tuesday in June” in its place.

(3) Subsection (i) is amended as follows:

ENROLLED ORIGINAL

(A) Paragraph (5) is amended by striking the phrase “, and”.

(B) Paragraph (6) is amended by striking the period and inserting the phrase “; and” in its place.

(C) A new paragraph (7) is added to read as follows:

“(7) The documentation required for a qualified elector to verify residency and register to vote at the polling place.”.

(4) Subsection (k) is amended as follows:

(A) Paragraph (7) is amended by striking the word “and”.

(B) A new paragraph (7A) is added to read as follows:

“(7A) Recommendations for means by which the efficiency, accuracy, and speed of counting and reporting election results can be improved, including equipment or technology and an estimate of associated costs; and”.

(b) Section 7 (D.C. Official Code § 1-1001.07) is amended as follows:

(1) Subsection (g)(5) is amended by striking the phrase “or Board regulation. Each individual who registers on Election Day shall cast a special ballot, subject to the Board’s verification of residence.” and inserting the phrase “or Board regulation, including a current and valid government photo identification or a copy of a current utility bill, bank statement, government check, pay check, or other document specified by the Board, that shows the current name and address of the voter. Each individual who successfully registers on Election Day shall cast a regular ballot.” in its place.

(2) Subsection (h) is amended by adding a new paragraph (2A) to read as follows:

“(2A) The Board shall publish and display on its website for a period of not less than 14 days preceding each election held under this act a searchable copy of the list of qualified electors registered to vote as of the date the voter registry closed.”.

(3) Subsection (i)(4) is amended as follows:

(A) Subparagraph (A) is amended by striking the phrase “polling place serving the current residence address.” and inserting the phrase “polling place serving the former residence address, subject to the requirements of section 302 of the Help America Vote Act, approved October 29, 2002 (116 Stat. 1706; 42 U.S.C. § 15483); provided, that the voter shall provide proof of address change in the form of a current and valid government photo identification or a copy of a current utility bill, bank statement, government check, pay check, or other document specified by the Board that shows the current name and address of the voter either in person on election day or at the Board’s office or a voter registration agency following the election.” in its place.

(B) Subparagraph (B) is repealed.

(C) Subparagraph (C) is amended to read as follows:

“(C) A registered voter who files an election day change of address may vote by regular ballot on election day only within the polling place assigned by the Board before election day.”.

(c) Section 8(r) (D.C. Official Code § 1-1001.08(r)) is amended as follows:

ENROLLED ORIGINAL

(1) Paragraph (2) is amended by striking the phrase “not later than 4:45 p.m. on the third day immediately following the date of the election” and inserting the phrase “not later than 4:45 p.m. on the day following the date of the election” in its place.

(2) Paragraph (3) is amended by striking the phrase “not later than 4:45 p.m. on the seventh day immediately following the date of the election” and inserting the phrase “not later than 4:45 p.m. on the third day immediately following the date of the election” in its place.

(d) Section 9 (D.C. Official Code § 1-1001.09) is amended as follows:

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

“(3) Except pursuant to section 7(i)(4), no registered qualified elector of the District may cast a vote in a precinct that does not serve his or her current residence; provided, that a senior or voter with a disability whose precinct is inaccessible as defined by section 8 of the Voting Accessibility for the Elderly and Handicapped Act, approved September 28, 1984 (98 Stat. 1678; 42 U.S.C. § 1973ee-6), may be assigned by the Board to an accessible polling place.”.

(2) Subsection (b-1) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

“(1) For each primary and general election, the Board shall designate no fewer than 8 early voting centers, with at least one early voting center available in a central location within each election ward.”.

(B) Paragraph (2) is amended by striking the number “7” and inserting the number “10” in its place.

(3) Subsection (e) is amended as follows:

(A) Paragraph (2) is amended by striking the phrase “Not later than the Tuesday following the election” and inserting the phrase “In sufficient time to comply with the requirements of the Uniformed and Overseas Citizens Absentee Voter Act, approved August 28, 1986 (100 Stat. 924; 42 U.S.C. § 1973ff *et seq.*)” in its place.

(B) Paragraph (3) is amended to read as follows:

“(3) If the Board has made a preliminary determination that a challenged ballot shall not be counted, it shall afford the challenged voter an opportunity to contest that determination in a hearing before the Board. The hearings authorized pursuant to this paragraph shall take place not later than 2 days after that election. The Board shall inform the voter of the date scheduled for the hearing and the manner by which he or she may learn the Board's final decision to count or reject the voter's challenged ballot. The notice shall be in writing and shall be provided to the voter at the time of voting. At the hearing, the voter may appear and testify. The Board shall make a final determination within one day after the date of the hearing. The voter may appeal the decision of the Board to the Superior Court of the District of Columbia within one business day after the date of the Board's decision. The decision of the court shall be final and not appealable.”.

(C) Paragraph (4) is amended to read as follows:

“(4) If the Board has determined that a special ballot shall not be counted, it shall afford the voter an opportunity to contest that determination in a hearing held before the Board not later than 2 days after any election held pursuant to this act. The Board shall inform the voter

in writing, at the time of voting, of the date scheduled for the hearing and the manner by which the voter may learn whether the Board has decided to count or reject his or her special ballot. The Board shall make a final determination within one day after the date of the hearing. The voter may appeal the decision of the Board to the Superior Court of the District of Columbia within one business day after the date of the Board's decision. The decision of the court shall be final and not appealable.”.

(e) Section 9a(b) (D.C. Official Code § 1-1001.09a(b)) is amended by striking the phrase “primary, general, and special election,” and inserting the phrase “general and special election,” in its place.

(f) Section 10(a) (D.C. Official Code § 1-1001.10(a)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “1st Tuesday in April” and inserting the phrase “2nd Tuesday in June” in its place.

(2) Paragraph (3) is amended as follows:

(A) Subparagraph (A) is amended by striking the phrase “1st Tuesday in April of each even-numbered year” and inserting the phrase “2nd Tuesday in June of 2016 and the 1st Tuesday in September of each even-numbered year thereafter;” in its place.

(B) Subparagraph (B) is amended by striking the phrase “1st Tuesday in April in 1974, and every 2nd year thereafter,” and inserting the phrase “2nd Tuesday in June of 2016 and the 1st Tuesday in September of each even-numbered year thereafter,” in its place.

(C) Subparagraph (C) is amended by striking the phrase “1st Tuesday in April of every 4th year, commencing with calendar year 1974,” and inserting the phrase “1st Tuesday in September of every 4th year, commencing with calendar year 2018,” in its place.

Sec. 3. Section 101 of the Initiative, Referendum and Recall Procedures Act of 1979, effective June 7, 1979 (D.C. Law 3-1; D.C. Official Code § 1-1021.01), is amended by striking the word “thereafter” and inserting the phrase “thereafter; provided, that if the action is required for compliance with the Uniformed and Overseas Citizens Absentee Voter Act, approved August 28, 1986 (100 Stat. 924; 42 U.S.C. § 1973ff *et seq.*), and the final date for completing the action falls on a Saturday, Sunday, or legal holiday, it shall be considered timely if taken on the immediately preceding regular business day” in its place.

Sec. 4. The Uniform Military and Overseas Voters Act of 2012, effective June 5, 2012 (D.C. Law 19-137; D.C. Official Code § 1-1061.01 *et seq.*), is amended as follows:

(a) Section 103 (D.C. Official Code § 1-1061.03) is amended as follows:

(1) Paragraph (2) is repealed.

(2) Paragraph (3) is repealed.

(3) Paragraph (4) is repealed.

(b) Section 104(d)(2) (D.C. Official Code § 1-1061.04(d)(2)) is repealed.

(c) Section 108 (D.C. Official Code § 1-1061.08) is repealed.

(d) Section 110 (D.C. Official Code § 1-1061.10) is amended by striking the phrase “submitted by the voter on the date of the election by mailing or other authorized means of delivery no later than 12:01 a.m. at the place where the voter completes the ballot” and inserting the phrase “received by the Board of Elections no later than 8:00 p.m. on the date of the election” in its place.

(e) Section 112 (D.C. Official Code § 1-1061.12) is repealed.

(f) Section 116(a) (D.C. Official Code § 1-1061.16(a)) is amended by striking the number “100” and inserting the number “60” in its place.

(g) Section 119 (D.C. Official Code § 1-1061.19) is repealed.

Sec. 5. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. Effective date.

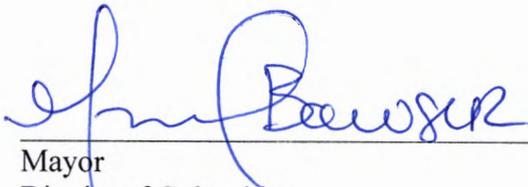
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as

ENROLLED ORIGINAL

provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 6, 2015



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

Docket No. **B20-265**

ITEM ON CONSENT CALENDAR
 ACTION & DATE
 VOICE VOTE
RECORDED VOTE ON REQUEST

ADOPTED FIRST READING, 12/2/2014

APPROVED

ABSENT

ROLL CALL VOTE - Result _____ (_____)

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Cheh	X				Orange		X		
Alexander		X			Evans		X			Wells	X			
Bonds	X				Graham	X								
Bowser	X				Grosso	X								
Catania	X				McDuffie	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

1/12/15
Date

ITEM ON CONSENT CALENDAR
 ACTION & DATE
 VOICE VOTE
RECORDED VOTE ON REQUEST

ADOPTED FINAL READING, 12/17/2014

APPROVED

ABSENT

ROLL CALL VOTE - Result _____ (_____)

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Cheh	X				Orange	X			
Alexander	X				Evans	X				Wells	X			
Bonds	X				Graham	X								
Bowser	X				Grosso	X								
Catania	X				McDuffie	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

1/12/15
Date

ITEM ON CONSENT CALENDAR
 ACTION & DATE
 VOICE VOTE
RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE - Result _____ (_____)

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson					Cheh					Orange				
Alexander					Evans					Wells				
Bonds					Graham									
Bowser					Grosso									
Catania					McDuffie									
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD



Secretary to the Council

Date