

Council of the District of Columbia
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY
COMMITTEE REPORT
1350 Pennsylvania Avenue, N.W., Washington, DC 20004

To: Members of the Council of the District of Columbia

From: Councilmember Charles Allen *CA*
Chairperson, Committee on the Judiciary and Public Safety

Date: November 23, 2020

Subject: Report on B23-0165, the “Initiative and Referendum Process Improvement Amendment Act of 2020”

The Committee on the Judiciary and Public Safety, to which Bill 23-0165, the “Initiative and Referendum Process Improvement Amendment Act of 2020”, was referred, reports favorably thereon and recommends approval by the Council of the District of Columbia.

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STATEMENT OF PURPOSE AND EFFECT

I. Purpose and Effect

Bill 23-0165, the “Initiative and Referendum Process Improvement Amendment Act of 2020”, was introduced on February 26, 2019, by Committee Chairperson Charles Allen, Councilmember Elissa Silverman, and Chairman Phil Mendelson. B23-0165 was referred to the Committee on the Judiciary and Public Safety on March 5, 2019, and the Committee held a public hearing on the bill on June 13, 2019.

Over the last several years, the Committee has made significant improvements to the District’s election processes, including through innovations in petition circulation and reducing stresses on our high-volume polling places.¹ The Committee has also considered ways to better engage District voters, expand the franchise, and lift the voices of all District residents, through public financing of elections and automatic voter registration, for example.²

The purpose of B23-0165 is to further improve the District’s elections by streamlining the processes for initiative and referendum measures and ensuring these tools are used effectively and democratically. The bill makes several changes to current law, most notably requiring the Board of Elections (“Board”) to solicit an opinion from the Attorney General and the General Counsel of the Council on whether a proposed measure is a proper subject of initiative or referendum and to receive a fiscal impact statement from the Office of the Chief Financial Officer for an initiative measure. The Committee Print also includes permanent versions of emergency legislation the Council passed as a result of the COVID-19 pandemic to facilitate elections and ethics processes during a public health emergency, as well as related non-COVID emergency and temporary legislation passed during the session.

II. Background

a. Background on Initiatives and Referenda

A ballot initiative is a mechanism that enables voters to bypass their state legislature by placing a proposed law on the ballot. There are two types of initiatives: direct and indirect.³ In states with direct initiative processes, proposals, once qualified, go directly on the ballot for a popular vote.⁴ With indirect initiative processes, the proposals are first submitted to the legislature, which has an opportunity to act on the proposed legislation before it is placed on the ballot for

¹ See e.g., B22-0087, the “Elections Modernization Amendment Act of 2017”, <https://lims.dccouncil.us/Legislation/B22-0087>.

² See B21-0194, the “Automatic Voter Registration Amendment Act of 2016”, <https://lims.dccouncil.us/Legislation/B21-0194>; B22-0192, the “Fair Elections Amendment Act of 2018”, <https://lims.dccouncil.us/Legislation/B22-0192>; B23-0312, the “Voting Rights Notification Amendment Act of 2018”, <https://lims.dccouncil.us/Legislation/B22-0312>; B23-0126, the “Improving Voter Registration for New Tenants and Homeowners Amendment Act of 2020”, <https://lims.dccouncil.us/Legislation/B23-0126>; and B23-0324, the “Restore the Vote Amendment Act of 2020”, <https://lims.dccouncil.us/Legislation/B23-0324>.

³ *Initiative, Referendum and Recall*, National Conference of State Legislatures (2012), <https://www.ncsl.org/research/elections-and-campaigns/initiative-referendum-and-recall-overview.aspx>.

⁴ *Id.*

voters.⁵ In this case, the initiative question will subsequently go on the ballot if the legislature rejects it, submits a different proposal that does not satisfy the proposers, or takes no action on the proposal.⁶ Twenty-four states have a process that enables voters to place initiatives on the ballot.⁷ States differ in the requirements for an initiative to qualify to be placed on the ballot; however, the process almost always includes the following: (1) a preliminary filing of a petition with a state official; (2) a review of the petition for satisfaction of statutory requirements; (3) the preparation of a ballot title and summary; (4) the circulation of the petition to obtain the required number of signatures; and (5) the submission of the petitions to the state official, who verifies the number of signatures.⁸

A referendum is a process which allows voters to approve or repeal an act of the legislature.⁹ If the legislature passes a law of which voters do not approve, voters may gather signatures to demand a popular vote on the law. Twenty-four states have processes for this “popular referendum” process.¹⁰ Generally, there is a time period after which the law is passed during which the petitioning for signatures must take place.¹¹ Once enough signatures are gathered and verified, the law appears on the ballot for a popular vote.¹² During the time between passage and the popular vote, the law may not take effect.¹³

b. *District Law*

In the District, voters can place both initiative and referendum measures on the ballot.¹⁴ The District has a “direct” initiative process – meaning voters collect signatures to place the measure directly on the ballot without the input of the District’s legislative body, the Council. The process to place an initiative on the ballot entails the proposer filing with the Board of Elections, which determines whether the measure is a proper subject matter for an initiative.¹⁵ After the Board

⁵ *Id.*

⁶ *Id.*

⁷ *Initiative and Referendum States*, National Conference of State Legislatures, <https://www.ncsl.org/research/elections-and-campaigns/chart-of-the-initiative-states.aspx>. The states that allow initiatives are: Alaska, Arizona, Arkansas, California, Colorado, Florida, Idaho, Illinois, Maine, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. *Id.*

⁸ *Id.*

⁹ *Supra* note 3.

¹⁰ *Supra* note 7. The states that allow referendum measures are: Alaska, Arizona, Arkansas, California, Colorado, Idaho, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming.

¹¹ *Supra* note 3.

¹² *Id.*

¹³ *Id.*

¹⁴ D.C. Code § 1-204.101; D.C. Code § 1-1001.16.

¹⁵ “(b)(1) Upon receipt of each proposed initiative or referendum measure, the Board shall refuse to accept the measure if the Board finds that it is not a proper subject of initiative or referendum, whichever is applicable, under the terms of title IV of the District of Columbia Home Rule Act, or upon any of the following grounds:

(A) The verified statement of contributions has not been filed pursuant to §§ 1-1163.07 and 1-1163.09;

(B) The petition is not in the proper form established in subsection (a) of this section;

(C) The measure authorizes, or would have the effect of authorizing, discrimination prohibited under Chapter 14 of Title 2; or

(D) The measure presented would negate or limit an act of the Council of the District of Columbia pursuant to § 1-204.46.” D.C. Code § 1001.16(b).

determines that the measure is proper subject matter, the Board prepares a “true and impartial summary statement”, a short title, and the legislative language for the proposed measure.¹⁶ The Board adopts and publishes these items and allows for 10 calendar days for any person to seek review in the Superior Court of the District of Columbia.¹⁷ These items are included in all petitions, ballots, and other proceedings related to the measure.¹⁸ The Board then provides the proposer, at a public meeting, with an original petition form containing relevant information and an affidavit.¹⁹ In order for the initiative to qualify for the ballot, the proposer must collect valid signatures of registered qualified electors equal in number to 5 percent of the registered voters in the District.²⁰ The total must include 5 percent of the registered electors in each of 5 or more of the 8 Wards.²¹ The proposer has 180 calendar days following the Board’s certification of the measure to collect the signatures and file the petition with the Board.²² The Board then reviews the petition and may reject it for enumerated reasons, including that the petition bears an insufficient number of signatures.²³ The proposer has an opportunity to appeal the Board’s decision to reject the petition to the Superior Court.²⁴ The public may inspect the petition, and any qualified elector may challenge the validity of the petition within 10 days.²⁵ Once the Board has determined the petition as qualifying, it certifies the initiative and places the measure on the ballot for the “next primary, general, or city-wide special election held at least 90 days after the date on which the measure has been certified as qualified to appear on the ballot”.²⁶

The referendum process in the District is almost identical to the initiative process with a key difference. A proposer of a referendum measure must secure the same number of signatures as one does for an initiative measure, but must do so before the act which is the subject of the referendum has become law.²⁷ Pursuant to the Home Rule Act, the Chairman of the Council transmits a copy of an act to Congress, and the act takes effect upon the expiration of a 30-calendar-day period of review.²⁸ No act is subject to referendum if it has taken effect.²⁹ Therefore, a proposer of a referendum has only approximately 30 days to collect signatures and file the petition with the Board (the timeframe varies depending on the congressional schedule). Once the proposer presents the signatures to the Board, the Board must notify Congress, which returns the act to the Chairman of the Council, and no further action can be taken on the act until after the referendum election is held or the proposed referendum fails to meet the requirements to be on the ballot.³⁰ If the proposer referendum fails to meet the requirements, the act is resubmitted to Congress for review.³¹

¹⁶ D.C. Code § 1001.16(c).

¹⁷ *Id.* at (d)-(e).

¹⁸ *Id.* at (f).

¹⁹ *Id.* at (h).

²⁰ *Id.* at (i).

²¹ *Id.*

²² *Id.* at (j).

²³ *Id.* at (k).

²⁴ *Id.* at (l).

²⁵ *Id.* at (o).

²⁶ *Id.* at (p).

²⁷ *Id.* at (j)(2).

²⁸ D.C. Code § 1-206.02(c).

²⁹ D.C. Code § 1001.16(j)(2).

³⁰ D.C. Code § 1-204.102(b).

³¹ D.C. Code § 1-1001.16(m).

The initiative and referendum process caught the public's attention in recent years as a result of Initiative 77 – a ballot initiative to phase out the minimum wage exemption for tipped employees.³² The proposers of the initiative were successful in gaining the necessary signatures to qualify for the ballot, and the measure was placed on the Democratic Primary Election ballot on June 19, 2018. Voters passed Initiative 77 with 55 percent of the vote.³³ In October 2018, the initiative was repealed by the Council by a vote of 8-5.³⁴ Following this repeal, supporters of the initiative proposed a veto referendum to reverse the Council's action and reenact Initiative 77. Opponents then filed a lawsuit challenging the referendum's language on November 26, 2018, and the D.C. Superior Court ruled in favor of the opponents on December 12, 2018.³⁵ The judge ruled that the Board did not give the public sufficient notice about a meeting it held on the language of the proposed referendum, and as a result, the referendum could not proceed.³⁶

Throughout the Initiative 77 process and the following attempted referendum, it became clear that there were flaws with the District's system. For one, the initiative was placed on the Primary Election ballot for the Democratic Party as allowed by the current law. The District has a closed primary – meaning that only registered party voters can vote in the party's primary. For the June 19 election, the Board of Elections printed separate ballots with the Initiative 77 question on it for non-Democrat voters and spent considerable time educating voters about their ability to vote on the question regardless of their party. However, Republican voters are not accustomed to voting in the District's major primary election and independent voters are not accustomed to voting in primary elections at all. Moreover, historically, voter turnout overall is significantly lower in primary elections than in general elections.

All of these factors led many to criticize the policy allowing the Board to place the measure on the primary election ballot – and several witnesses called for a change at the hearing. Linda Softli from the League of Women Voters testified that initiatives should only be placed on general election ballots because voter turnout in primary elections is almost half of what it is in general elections – and this is particularly true in Wards 7 and 8.³⁷ She noted that placing initiatives on general election ballots ensures that the largest number of residents have their voices heard regarding highly impactful issues, and this, in turn, provides a stronger mandate to elected officials to honor the vote of the people.³⁸ The Board itself agreed that this change should be made. Director

³² Ally Schweitzer, *A Guide to D.C.'s Initiative 77, the Minimum-Wage Proposal Pitting Restaurant Workers Against Each Other*, WAMU (June 7, 2018), <https://wamu.org/story/18/06/07/guide-d-c-s-initiative-77-minimum-wage-proposal-pitting-restaurant-workers/>.

³³ Fenit Nirappil, *It's official: D.C. Council has repealed Initiative 77, which would have raised pay for tipped workers*, WASH. POST (Oct. 16, 2018), https://www.washingtonpost.com/local/dc-politics/its-official-dc-council-has-repealed-initiative-77/2018/10/16/0532341a-d0b5-11e8-b2d2-f397227b43f0_story.html.

³⁴ *Id.*

³⁵ Fenit Nirappil, *Judge halts efforts to put Initiative 77 wage back on D.C. ballot*, WASH. POST (Dec. 12, 2018), https://www.washingtonpost.com/local/dc-politics/judge-halts-effort-to-put-initiative-77-tipping-measure-back-on-dc-ballot/2018/12/12/95d802ac-fe31-11e8-83c0-b06139e540e5_story.html?noredirect=on.

³⁶ *Id.*

³⁷ Committee on the Judiciary and Public Safety, *Public Hearing on B23-0165, the "Initiative and Referendum Process Improvement Amendment Act of 2019"* (June 13, 2019) (testimony of Linda Softli, Second Vice President, League of Women Voters of the District of Columbia), https://lms.dccouncil.us/downloads/LIMS/41954/Hearing_Record/B23-0165-HearingRecord1.pdf.

³⁸ *Id.*

Alice Miller testified that doing so would help eliminate confusion on the eligibility of independent and minor party voters during primary elections.³⁹

In addition, during the Initiative 77 process, there was widespread criticism that the summary and legislative language that appeared on the ballot were confusing and even inaccurate. Many believed the language was a misrepresentation of what the initiative was asking of voters, causing voters to vote one way or the other without a full understanding of the legal language or the effects of the proposal. At the Committee's hearing on B23-0165, witnesses testified that there should be input on the proposed language from the Board of Elections, the Office of the Attorney General, the Executive Office of the Mayor, and the General Counsel of the Council before the language goes on the ballot.⁴⁰ Witnesses noted that initiatives are complex issues that should have more discussion at the qualification threshold.⁴¹

c. *Best Practices*

In 2001, the National Conference of State Legislatures ("NCSL") assembled a task force to review the growing use of initiatives and referenda around the country. In a report titled, *Initiative and Referendum in the 21st Century*, the National Conference of State Legislatures Task Force offered a set of guidelines and outlined recommendations to enhance the processes for initiatives and referenda and ultimately produce better public policy.⁴² Below are discussed several of the critical recommendations.

i. Drafting Assistance

First, the NCSL Taskforce recommends that drafting assistance be available to proponents of initiatives – either by the state legislature or by a state agency.⁴³ NCSL suggests that the review should include non-binding suggestions for improving the initiative's technical format and content.⁴⁴ The reason for this recommendation is that initiatives and referenda are often drafted by non-lawyer voters who have little or no background in legislative drafting.⁴⁵ As a result, the proposed language can be confusing and inconsistent with constitutional or other statutory language.⁴⁶ Correcting these kinds of errors or inconsistencies early in the process can help avoid delays caused by court challenges later in the process.⁴⁷ NCSL also recommends make the comments and recommendations of such a review process public so that the public has an opportunity to comment.⁴⁸

³⁹ *Id.* (testimony of Alice Miller, Executive Director, Board of Elections).

⁴⁰ *Id.* (testimony of Andrew Kline, Principal, The Veritas Law Firm).

⁴¹ *Id.* (testimony of Kesh Ladduwahetty, Operations Director, D.C. for Democracy).

⁴² *Initiative and Referendum in the 21st Century: Final Report and Recommendations of the NCSL I&R Task Force*, National Conference of State Legislatures (July 2002), https://www.ncsl.org/Portals/1/documents/legismgt/irtaskfc/IandR_report.pdf.

⁴³ *Id.* at 22.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

Numerous states offer some type of assistance or advice to drafters of initiatives. In some states, the review is purely technical – the proposal is reviewed to ensure it meets legal requirements and adheres to drafting conventions.⁴⁹ However, in other states, proponents may seek drafting assistance to improve the quality of the content of the proposal before submitting the proposal to the appropriate state official.⁵⁰ States vary on whether review is mandatory, whether the review is technical or on content, and which state official is responsible for review.⁵¹

Table 1: State-by-State Review of Initiative by Agency⁵²

<i>State</i>	<i>Technical</i>	<i>Content</i>	<i>Reviewing Agency</i>
Alaska	No	Optional	Department of Law
Arizona	Mandatory	No	Secretary of State
Arkansas	Mandatory	No	Secretary of State
California	Optional	Optional	Legislative Counsel
Colorado	Mandatory	Mandatory	Legislative Counsel and Legal Services
Florida	Mandatory	No	Division of Elections
Idaho	Mandatory	Mandatory	Attorney General
Maine	Mandatory	No	Secretary of State
Massachusetts	Mandatory	Mandatory	Attorney General
Michigan	Optional	No	Bureau of Elections
Mississippi	Mandatory	Mandatory	Revisor of Statutes
Missouri	Mandatory	No	Secretary of State and Attorney General
Montana	Mandatory	Mandatory	Legislative Services Division and Attorney General
Nebraska	Mandatory	No	Revisor of Statutes
Nevada	Mandatory	No	Secretary of State
North Dakota	Mandatory	No	Secretary of State and Attorney General
Oklahoma	Mandatory	No	Attorney General and Secretary of State
Oregon	Optional	Optional	Legislative Counsel and State Treasurer
South Dakota	Mandatory	No	Director of Legislative Research Council
Utah	Mandatory	Mandatory	Lieutenant Governor
Washington	Optional	Optional	Assistant Code Revisor
Wyoming	Mandatory	Mandatory	Secretary of State; Legislative Service Office; and executive agencies may render assistance

Source: NCSL

⁴⁹ *Id.* at 23.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

ii. Fiscal Impact Statement

The NCSL Taskforce also recommends that states require the drafting of a fiscal impact statement for each initiative proposal.⁵³ This fiscal impact statement should appear on the petition, any voter information pamphlets, and on the ballot.⁵⁴ The Taskforce believes that fiscal impact statements are an important way to better educate the public about the impact of an initiative on the jurisdiction and help voters make an informed decision on the matter.⁵⁵ A number of states require a fiscal impact statement if a proposed initiative would have a monetary effect on a state's budget.⁵⁶

Table 2: Fiscal Impact Statements

<i>State</i>	<i>Who Prepares FIS</i>	<i>Where FIS is Published</i>
Arizona	Joint Legislative Budget Committee (after the measure qualifies for the ballot)	Voter information pamphlet
California	Department of Finance, Joint Legislative Budget Committee, and Attorney General	Petition, voter information pamphlet, and ballot
Colorado	Director of Research of the Legislative Council	Voter information pamphlet
Mississippi	Legislative Chief Budget Officer	Petition, voter information pamphlet, and ballot
Missouri	State Auditor and Attorney General	Petition, voter information pamphlet, and ballot
Montana	Budget Director	Petition, ballot, and voter pamphlet
Nevada	Secretary of State and Fiscal Analysis Division of the Legislative Counsel Bureau	Ballot, voter information pamphlet
Ohio	Tax Commissioner	Voter information pamphlet
Oregon	Secretary of State, Treasurer, Director of Department of Administrative Service, and Director of Department of Revenue	Voter information pamphlet, ballot
Utah	Office of Legislative Research	Voter information pamphlet
Washington	Office of Financial Management, Secretary of State, Attorney General, and any other appropriate state agency	Voter information pamphlet, Secretary of State web site
Wyoming	Secretary of State and initiative sponsors	A newspaper of general circulation in state, ballot

Source: NCSL

⁵³ *Id.* at 27.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

iii. General Election Ballot

In addition, the NCSL Taskforce recommends that initiatives should appear only on general election ballots.⁵⁷ Voter turnout typically is significantly lower in primary elections, special elections, and odd-year elections.⁵⁸ Therefore, when initiatives are placed on ballots outside of the general election, fewer voters actually weigh in on the proposals.⁵⁹ For the process to be as democratic as possible, as many voters as possible should vote on an initiative proposal.⁶⁰ Most, but not all, states that have an initiative process in place require initiatives to be placed on a general election ballot.⁶¹

III. Committee Reasoning

a. *Initiative and Referendum Provisions*

In drafting the Committee Print, the Committee considered all of the testimony received by the Committee and the best practices recommended by the NSCL Taskforce, as well as limitations created by the Home Rule Act.

The Committee Print requires the Board of Elections to solicit an opinion from the Attorney General and the General Counsel of the Council on whether a measure is a proper subject of initiative or referendum. This allows the Board to gain input from the District's top legal experts at the threshold stage of the process, which can help avoid challenges to the Board's decision later in the process. The Attorney General and the General Counsel must provide an opinion back to the Board within 15 business days after a request is received for an initiative measure and within 5 business days for a referendum measure. The timeframe for a referendum measure is truncated as a result of the short timeframe a proposer of a referendum measure has to collect signatures on the proposal.

The Print also requires the Board to write the summary statement of a proposed measure in "plain language". Furthermore, as suggested by witnesses at the hearing, the Board of Elections must consult experts in the legal drafting of the measure, including the Attorney General and General Counsel of the Council. Both of these provisions seek to allow voters to more easily decipher what a proposal is asking of the voter. The provisions also provide for greater input on the wording of the measure early in the process, which, as the NCSL Taskforce noted, can help avoid litigation later in the process.

In addition, the Print requires the Board to solicit a fiscal impact statement ("FIS") from the Office of the Chief Financial Officer ("OCFO") and requires OCFO to provide a FIS within 15 business days after the Board's request. The Print requires the FIS to be published by the Board along with the proposed measure. In the District, although an initiative proposal cannot appropriate

⁵⁷ *Id.* at 57.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

funds, a measure can authorize government spending.⁶² Therefore, requiring a FIS to be created and made public to voters can help voters make a more educated decision about the proposal in terms of their priorities for spending taxpayer funds. For this reason, requiring a FIS is one of the best practices recommended by the NCSL Taskforce.

The Print also clarifies that, if a referendum fails to meet the requirements for signatures, the act which was subject of the referendum is transmitted to Congress for review for only the *remaining period of review*. In other words, if the referendum were recalled from Congress with 10 days remaining of the approximately 30-day review period, then the act is resubmitted to Congress with only 10 remaining days of review, rather than starting the 30-day review period again. The Committee believes this provision may prevent potential abuse of the system in which a proposer could continue to attempt a referendum on the same piece of legislation, perpetually holding up the effect date of an act. The voters would also have failed to meet the threshold signature requirement, so the subject act should not have to be retransmitted for another entire period of review.

In terms of requiring initiatives to be placed on general election ballots, the Committee agrees that this change would better serve the public and be a best practice for all of the reasons laid out by the NCSL Taskforce and witnesses at the hearing. However, the requirement that an initiative measure be placed on the ballot “at the next general, special, or primary election held at least 90 days after the measure is received” is in the Home Rule Act.⁶³ This language likely requires the Board to hold the initiative vote on the *next* election’s ballot, whether that be a general, special, or primary election. Changing this provision would require the Board of Elections to submit the proposal to the voters of the District for approval.⁶⁴ Therefore, the Committee does not include such a provision in this Print, but recommends that the District consider going through the Charter amendment process to make this change.

b. *Other Provisions*

The Committee Print also includes permanent versions of provisions the Council passed in its COVID-19 emergency legislation related to elections and ethics processes during a declared public health emergency. First, the Print makes permanent several provisions passed to assist the Board of Elections in the operation of the June Primary and November General Elections during the public health emergency. During these two elections, the Board used “Vote Centers”, which allowed any voter to vote at any location regardless of precinct. The Print makes permanent the Board’s explicit ability to operate Vote Centers in lieu of traditional polling places if the Board chooses to do so. The Print also makes permanent the residency exception for District government employees who wish to serve as poll workers. Current law requires all poll workers to be District residents who are registered to vote in the District; however, as a result of the pandemic, the Council created an exception for District employees. This exception allowed hundreds of District government employees, regardless of residency or voter registration, to assist the Board of Elections by filling the election worker gap created by the pandemic.

⁶² D.C. Code § 1-1001.16(b).

⁶³ D.C. Code § 1-204.103.

⁶⁴ D.C. Code § 1-203.03.

In addition, the Print also makes permanent a polling place for incarcerated individuals at the Central Detention Facility and the Correctional Treatment Facility. Over the last several years, the Committee has worked hard to increase voter participation among incarcerated and returning residents of the District through increasing agency budgets and passing legislation. The Council also recently passed the Restore the Vote Amendment Act of 2020, which allows all incarcerated individuals, regardless of the type of conviction, to vote while incarcerated.⁶⁵ The Committee believes that providing a permanent polling place at the Jail is another important step in facilitating voter turnout among this population.

The Print also makes permanent emergency provisions passed by the Council to facilitate petitioning by candidates during the pandemic. The Print allows petition sheets to be made electronically available by the Board to the candidate and allows the candidate to make petition sheets electronically available to the qualified petition circulators. The petition sheets must still be filed with the Board in hard copy, but the electronic distribution allows safer, socially-distanced petitioning and a more streamlined process. The Print makes similar changes to the petitioning process for initiatives and referendum measures – allowing candidates to electronically circulate petitions, but requiring petition sheets to be filed in hard copy with the Board.

Furthermore, the Print makes permanent emergency legislation allowing the Board of Ethics and Government Accountability (“BEGA”) flexibility during a time for which the Mayor has declared a public health emergency. The Print permits BEGA to change the dates by which public reports are required to be filed and the dates by which confidential disclosure of financial interest reports are required to be filed during a public health emergency. The Print also allows BEGA to change the date by which lobbyists are required to file reports during a public health emergency. In addition, the Print allows the Office of Campaign Finance to conduct trainings online during a period of time for which the Mayor has declared a public health emergency, and makes clarifying changes to the Fair Elections Program requirements, including to make perfectly clear that prospective Fair Elections candidates must pay all fines and penalties *assessed* for violations before filing with the Director of Campaign Finance – whether or not those fines and penalties are technically *due* or *delinquent*.

Lastly, the Print makes several other election-related changes, such as requiring voter registration agencies to regularly promote election-related information on their social media platforms, prohibiting individuals from intentionally destroying campaign signs until 4 days after the election, allowing a person who has complied with the rules of the political party to be listed on the ballot in a presidential preference primary by means other than gathering petition signatures,⁶⁶ and extending the deadline for write-in candidates to meet qualifications and submit declarations of candidacy after an election.

LEGISLATIVE HISTORY

February 26, 2019 B23-0165 is introduced by Chairperson Allen, Councilmember Silverman, and Chairman Mendelson.

⁶⁵ B23-0324, the “Restore the Vote Amendment Act of 2020”, <https://lims.dccouncil.us/Legislation/B23-0324>.

⁶⁶ The Council passed this provision in emergency and temporary legislation. *See* B23-0575, the “Primary Election Filing Requirement Emergency Amendment Act of 2019”, <https://lims.dccouncil.us/Legislation/B23-0575>.

March 5, 2019	B23-0165 is referred to the Committee on Judiciary and Public Safety.
March 8, 2019	Notice of Intent to Act on B23-0165 is published in the <i>District of Columbia Register</i> .
May 24, 2019	Notice of Public Hearing on B23-0165 is published in the <i>District of Columbia Register</i> .
June 13, 2019	Public Hearing on B23-0165 is held by the Committee on the Judiciary and Public Safety.
November 23, 2020	Consideration and vote on B23-0165 by the Committee on the Judiciary and Public Safety.

POSITION OF THE EXECUTIVE

The Executive did not provide testimony or comments on B23-0165.

ADVISORY NEIGHBORHOOD COMMISSION COMMENTS

The Committee did not receive comments from Advisory Neighborhood Commissions.

WITNESS LIST AND HEARING TESTIMONY

On Thursday, June 13, 2019, the Committee on the Judiciary and Public Safety held a public hearing on B23-0165. A video recording of the hearing can be viewed at <https://entertainment.dc.gov/page/on-demand-2019>. The following witnesses testified at the hearing or submitted statements to the Committee:

Public Witnesses

Andrew Kline – Principal, The Veritas Law Firm

Mr. Kline testified in support of B23-0165, but stated that the bill does not go far enough. He believes that the Council should think seriously about the desirability of allowing statutory initiatives at all. In the alternative, he recommends that the Council consider only allowing advisory initiatives or initiatives establishing general policy. Specifically, he believes that initiatives seeking to set pricing or wages should be prohibited entirely.

He then provided recommendations to consider if the Council decides to continue to allow statutory initiatives. First, to ensure statutory language is clear and consistent, he believes there should be input concerning the proposed language of an initiative. Second, he believes that the Board of Elections, the Office of the Attorney General, the Executive Office of the Mayor, and the General Counsel of the Council should all weigh in concerning the summary statement of any initiative. Third, all circulators, not just nonresident circulators, should be required to register with

the Board of Elections, so that they are readily available for service of process in the event of a challenge. Fourth, he stated that the Board of Elections' rules should be reformed to allow challengers sufficient time to review signatures. Fifth, he believes that notice of action by the Board of Elections should be required to be timely set forth in the D.C. Register, and not merely be posted on the agency's website.

Upon questioning, Chairperson Allen pushed back on Mr. Kline's suggestion that the Executive be consulted, noting that an initiative is a legislative process, which is a function of the legislative branch. Mr. Kline reiterated that he believes the more input on the language, the better, but he stated that he does not feel strongly about requiring the Executive to be involved. He further noted that the current system is the most unfair to independent voters who are not registered with a party. He relayed an anecdote from an independent voter who allegedly was (incorrectly) told by the Board that he was unable to vote on Initiative 77, and he would have to switch to a party to participate and then switch back to independent status.

Dorothy Brizill – Executive Director, D.C. Watch

Ms. Brizill testified that she has been involved in a number of initiatives and referenda throughout the last several decades. She stated that current law and regulations required the Board to send the legislative text of initiatives to the Attorney General and General Counsel of the Council, so she does not believe the bill makes changes in this regard. She believes, instead, that the problem is the language "gets shuffled through" and does not receive the proper attention it requires. She believes that the bill should amend the law to require a "sign-off" by the Attorney General and the General Counsel of the Council. Chairperson Allen clarified that the current law is permissive – the Board *may* request input from the Attorney General and General Counsel of the Council. The proposed bill amends the law to make this input mandatory. He noted, however, that he is hesitant to require a "sign-off" because this could unintentionally create a situation where political motivations cause the Council to refuse to sign off.

Ms. Brizill further testified that there have been past situations in which the legislative text of an initiative has been so unclear as to what was being proposed that citizens had to take it to the Superior Court to have a judge rewrite the language. She also reiterated Mr. Kline's point that the Board gave confusing guidance as to whether independents could vote on Initiative 77 when it was held on a primary election date. She believes that the Board sent an unclear mailer on this topic, which perpetuated the confusion.

Linda Softli – Second Vice President, League of Women Voters of the District of Columbia

Ms. Softli testified in support of the bill, noting that the League of Women Voters of the District of Columbia has held the position that ballot initiatives should be held during even-numbered-year general elections, not primaries, since 1985. She noted that placing initiatives on general election dates ensures that the largest number of residents have their voices heard regarding highly impactful issues. This, in turn, provides a stronger mandate to elected officials to honor the vote of the people. Upon questioning, Ms. Softli agreed with Chairperson Allen that turnout in primaries is almost half what it is in general elections, and this is one reason to move initiative

measures to general election ballots. She noted that, especially in Wards 7 and 8, voter turnout is particularly low during primary elections.

Keshini Ladduwahetty – Operations Director, D.C. for Democracy

Ms. Ladduwahetty testified that D.C. for Democracy has not yet developed a position on the bill. However, she noted, asking for an opinion regarding initiatives and referenda from the Office of the Attorney General and the General Counsel of the Council seems prudent. She further stated that D.C. for Democracy does not want the bill to pose further obstacles to initiatives being able to qualify for the ballot, since she believes there are already many constraining requirements. She also noted that she appreciates the intent of the bill to broaden the voter base by requiring initiatives to be voted upon in general elections. However, she believes this must be balanced against the need to vote on initiatives in a timely manner. She added that when the Council overturned the results of Initiative 77, voters were told in no uncertain terms that their votes do not count. She thinks it would be appropriate to require a supermajority or unanimous vote of the Council to overturn initiatives in the future. She also noted that during the referendum process on the repeal of Initiative 77, the technical reasons given by the court to block the process made no sense, further adding to voters' beliefs that their voices are not heard. She concluded by agreeing that the processes for initiatives and referenda should be reformed, but that the Council should hold more hearings and hear more voices on the reforms before passing the bill.

Upon questioning, Ms. Ladduwahetty testified that the bill strikes the right balance in terms of asking for the input of the Attorney General and Council on the initiative text but not allowing these entities to have veto power. She stated that initiatives are a complex issue, and she appreciates testimony that there needs to be greater input and debate on the topic.

Government Witness

Alice Miller – Executive Director, D.C. Board of Elections

Director Miller testified that the bill's requirement that the Board of Elections solicit opinions from the Office of the Attorney General and the General Counsel of the Council is consistent with the Board's longstanding practice of doing so. Therefore, the Board has no objection to this provision. Director Miller further testified that the Board has no objection to the bill's requirement that the Board consult with legislative drafting experts. She noted, however, that these suggestions should have to be provided to the Board prior to the public meeting at which the Board adopts the formulations for an initiative or referendum measure. She concluded by stating that the Board believes that requiring initiative measures to appear only on general election ballots would help eliminate confusion as to the eligibility of independent and minor party voters during primary elections.

IMPACT ON EXISTING LAW

B23-0165 amends the District of Columbia Elections Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), to include Vote Centers operated by the Board in the definition of "polling place", create a polling place for individuals incarcerated in

the Department of Corrections' custody or care at the Central Detention Facility and Correctional Treatment Facility, allow a person who has complied with the rules of the political party to be listed on the ballot by means other than gathering petition signatures, allow District government employees to serve as election workers, regardless of their residency or where they are registered to vote, require voter registration agencies to regularly promote election-related information on their social media platforms, require petition sheets circulated in support of a candidate to be filed with the Board in hard copy but allow petition sheets to be made electronically available by the Board to the candidate and the candidate to the qualified petition circulators, extend the deadline for a write-in candidate to meet qualifications and submit a declaration of candidacy following an election, prohibit individuals from intentionally removing or destroying campaign signs before 4 days after the election, require the Board to request opinions from the Attorney General and the General Council of the Council on whether a measure is a proper subject of initiative or referendum, require the Attorney General and the General Counsel of the Council to provide opinions within 15 business days or 5 business days for an initiative or referendum, respectively, require the summary statement to be written in plain language, require the Board to consult experts in legal drafting, including the Attorney General and General Counsel of the Council, require the Office of the Chief Financial Officer to issue a fiscal impact statement for initiative measures within 15 business days after receipt of request from the Board, require the Board to, within 24 hours of adoption, notify the proposer, submit the measure to the D.C. Register and at least one newspaper, and publish the measure on its website, require the Board to transmit the measure by e-mail to the proposer, allow the Board to provide petition sheets to candidates electronically and candidates to provide those sheets electronically to circulators, but require them to be filed in hard copy with the Board, allow proponents of a recall to print from the original blank petition sheets on paper of good writing quality, and make technical and conforming changes.

Further, B23-0165 amends the Government Ethics Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.01 *et seq.*), to allow the Board to change the dates by which public reports are required to be filed and by which the names of public officials are to be published during a period of time for which the Mayor has declared a public health emergency, allow the Board to change the date by which confidential disclosure of financial interest reports are required to be filed and by which such reports are required to be reviewed during a period of time for which the Mayor has declared a public health emergency, and allow the Board to change the date by which lobbyists are required to file reports during a period of time for which the Mayor has declared a public health emergency.

The Committee Print lastly amends the Campaign Finance Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1163.01 *et seq.*), to permit the Director of Campaign Finance to conduct trainings online during a period of time for which the Mayor has declared a public health emergency, clarify that, in order to be certified as a participating candidate in the Fair Elections Program, a candidate must submit a signed affidavit declaring that the candidate has paid any fines or penalties assessed for a violation of this act, whether or not those fines or penalties are due or delinquent at the time of filing the affidavit, allow the Director of Campaign Finance 5 business days to disburse half of the base amount; and allow the Director of Campaign Finance 5 business days to disburse matching payments for small-dollar contributions.

FISCAL IMPACT

The Committee adopts the fiscal impact statement of the District's Chief Financial Officer.

SECTION-BY-SECTION ANALYSIS

Section 1 States the short title.

Section 2 Amends the District of Columbia Elections Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), to:

(a) Include Vote Centers operated by the Board in the definition of “polling place”;

(b) Make conforming changes;

(c) Make conforming changes;

(d) Create a polling place for individuals incarcerated in the Department of Corrections' custody or care at the Central Detention Facility and Correctional Treatment Facility; allow a person who has complied with the rules of the political party to be listed on the ballot by means other than gathering petition signatures; make conforming changes; and allow District government employees to serve as election workers, regardless of their residency or where they are registered to vote;

(e) Make conforming changes;

(f) Make conforming changes; and require voter registration agencies to regularly promote election-related information on their social media platforms;

(g) Make conforming changes; require petition sheets circulated in support of a candidate to be filed with the Board in hard copy but allow petition sheets to be made electronically available by the Board to the candidate and the candidate to the qualified petition circulators; make conforming changes; and extend the deadline for a write-in candidate to meet qualifications and submit a declaration of candidacy following an election;

(h) Make conforming changes;

(i) Make conforming changes;

(j) Make conforming changes; and prohibit individuals from intentionally removing or destroying campaign signs before 4 days after the election;

(k) Make conforming changes;

(l) Require the Board to request opinions from the Attorney General and the General Counsel of the Council on whether a measure is a proper subject of initiative or referendum; require the Attorney General and the General Counsel of the Council to provide opinions within 15 business days or 5 business days for an initiative or referendum, respectively; require the summary statement to be written in plain language; require the Board to consult experts in legal drafting, including the Attorney General and General Counsel of the Council when preparing the measure; require the Office of the Chief Financial Officer to issue a fiscal impact statement for initiative measures within 15 business days after receipt of request from the Board; require the Board to, within 24 hours of adoption, notify the proposer, submit the measure to the *D.C. Register* and at least one newspaper, and publish the measure on its website; require the Board to transmit the measure by e-mail to the proposer; allow the proposer to print from the original blank petition sheets on paper that is not white; allow the Board to provide petition sheets to candidates electronically and candidates to provide those sheets electronically to circulators, but require them to be filed in hard copy with the Board; make technical and conforming changes; require an act which was the subject of a referendum proposal that failed to qualify for the ballot to be transmitted to Congress for the remaining period of review; and

(m) Make conforming changes; and allow proponents of a recall to print from the original blank petition sheets on paper of good writing quality.

Section 3

Amends the Government Ethics Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.01 *et seq.*), to:

(a) Allow the Board to change the dates by which public reports are required to be filed and by which the names of public officials are to be published during a period of time for which the Mayor has declared a public health emergency;

(b) Allow the Board to change the date by which confidential disclosure of financial interest reports are required to be filed and by which such reports are required to be reviewed during a period of time for which the Mayor has declared a public health emergency; and

(c) Allow the Board to change the date by which lobbyists are required to file reports during a period of time for which the Mayor has declared a public health emergency.

Section 4

Amends the Campaign Finance Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1163.01 *et seq.*), to:

(a) Permit the Director of Campaign Finance to conduct trainings online during a period of time for which the Mayor has declared a public health emergency;

(b) Clarify that, in order to be certified as a participating candidate in the Fair Elections Program, a candidate must submit a signed affidavit declaring that the candidate has paid any fines or penalties assessed for a violation of this act, whether or not those fines or penalties are due or delinquent at the time of filing the affidavit;

(c) Allow the Director of Campaign Finance 5 business days to disburse half of the base amount; and

(d) Allow the Director of Campaign Finance 5 business days to disburse matching payments for small-dollar contributions.

Section 5 Contains the applicability clause.

Section 6 Contains the fiscal impact statement.

Section 7 Contains the effective date.

COMMITTEE ACTION

On November 23, 2020, the Committee on the Judiciary and Public Safety held an Additional Meeting to consider B23-0165, the “Initiative and Referendum Process Improvement Amendment Act of 2020”. The meeting was called to order at 11:05 a.m. Chairperson Charles Allen recognized a quorum consisting of himself and Councilmembers Anita Bonds, Mary M. Cheh, Vincent C. Gray, Jr. Brooke Pinto, and Chairman Phil Mendelson.

Chairperson Allen moved the Committee Report and Print for B23-0165 en bloc with leave for staff to make technical, editorial, and conforming changes. Councilmember Pinto commented that she is proud to have supported the Restore the Vote Amendment Act of 2020 and strongly supports creating a polling place at the D.C. Jail. She also stated that the bill includes important lessons learned during the pandemic for elections. Lastly, she noted that the bill helps voters make informed decisions about ballot initiatives. Chairman Mendelson commented that this bill helps resolve uncertainty that arose during the Initiative 77 process. Councilmember Cheh questioned whether this bill makes the initiative process easier or more difficult – to which both Committee Chairperson Allen and Chairperson Mendelson answered that it makes it more accessible and clearer, in line with best practices. Councilmember Bonds asked whether the Committee was considering including language about ballot boxes, to which Committee Chairperson Allen responded that the Committee plans to consider lessons learned from the elections this year in separate legislation in the new Council Period.

The Committee then voted 6-0 to approve the Committee Report and Print, with the Members voting as follows:

YES: Chairperson Allen, Councilmembers Bonds, Cheh, Gray, and Pinto, and Chairman Mendelson

NO: None

PRESENT: None

ABSENT: None

LIST OF ATTACHMENTS

- (A) B23-0165, as introduced
- (B) Notice of Public Hearing, as published in the *District of Columbia Register*
- (C) Agenda and Witness List
- (D) Witness Testimony
- (E) Fiscal Impact Statement
- (F) Legal Sufficiency Determination
- (G) Comparative Committee Print
- (H) Committee Print

ATTACHMENT A

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council

From : 
Nyasha Smith, Secretary to the Council

Date : March 05, 2019

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Tuesday, February 26, 2019. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Initiative and Referendum Process Improvement Amendment Act of 2019", B23-0165

INTRODUCED BY: Councilmembers Allen, Silverman, and Chairman Mendelson

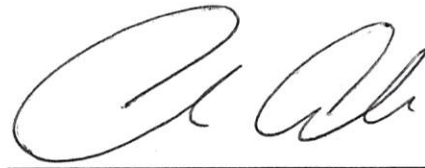
The Chairman is referring this legislation to the Committee on Judiciary and Public Safety.

Attachment

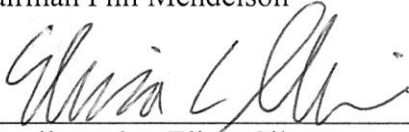
cc: General Counsel
Budget Director
Legislative Services

1 

2 Chairman Phil Mendelson



Councilmember Charles Allen

3 

6 Councilmember Elissa Silverman

10 A BILL

15 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

20 To amend the District of Columbia Election Code of 1955 to require the Board of Elections to
21 solicit an opinion from the Attorney General for the District of Columbia and the General
22 Counsel of the Council of the District of Columbia on the proper subject determination of
23 an initiative or referendum measure and to consult those entities on the legislative drafting
24 of the measure, to clarify the congressional review period for a referendum measure, and
25 to require that initiative measures be placed on a general election ballot.

26 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
27 act may be cited as the "Initiative and Referendum Process Improvement Amendment Act of
28 2019".

29 Sec. 2. Section 16 of the District of Columbia Election Code of 1955, effective June 7,
30 1979 (69 Stat. 704; D.C. Official Code § 1-1001.16), is amended as follows:

31 (a) Subsection (b) is amended by adding a new paragraph (1A) to read as follows:

32 "(1A) Before the Board accepts a measure as a proper subject of initiative or
33 referendum, the Board shall solicit opinions from the Attorney General for the District of Columbia
34 and the General Counsel of the Council of the District of Columbia on whether the measure is a
35 proper subject of initiative or referendum."

(b) Subsection (c)(3) is amended by striking the phrase “The Board may consult experts in the field of legislative drafting, including, but not limited to, Corporation Counsel of the District of Columbia and officers of the Council of the District of Columbia” and inserting the phrase “The Board shall consult experts in the field of legislative drafting, including the Attorney General for the District of Columbia and the General Counsel of the Council of the District of Columbia” in its place.

(c) Subsection (m) is amended by striking the phrase “Congress for review” and inserting the phrase “Congress for the remaining period of review” in its place.

(d) Subsection (p)(1) is amended by striking the phrase “primary, general, or city-wide special election” and inserting the phrase “general election” in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. 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 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.

ATTACHMENT B

**Council of the District of Columbia
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

ANNOUNCES A PUBLIC HEARING ON

**“EXPANDING THE FRANCHISE: STRATEGIES FOR INCREASING VOTER
REGISTRATION AND TURNOUT”**

B23-0031, THE “PAID LEAVE TO VOTE AMENDMENT ACT OF 2019”

**B23-0126, THE “IMPROVING VOTER REGISTRATION FOR NEW TENANTS AND
HOMEOWNERS AMENDMENT ACT OF 2019”**

AND

**B23-0165, THE “INITIATIVE AND REFERENDUM PROCESS IMPROVEMENT
AMENDMENT ACT OF 2019”**

**Thursday, June 13, 2019, 9:30 a.m.
Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Thursday, June 13, 2019, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public hearing on the subject of “Expanding the Franchise: Strategies for Increasing Voter Registration and Turnout” and to consider B23-0031, the “Paid Leave to Vote Amendment Act of 2019”; B23-0126, the “Improving Voter Registration for New Tenants and Homeowners Amendment Act of 2019”; and B23-0165, the “Initiative and Referendum Process Improvement Amendment Act of 2019”. The hearing will take place in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 9:30 a.m.

The District is a year away from the 2020 primary election and 16 months away from the general election, thus the time is ripe for the Committee to explore voter engagement strategies throughout the District. The purpose of B23-0031, the “Paid Leave to Vote Amendment Act of 2019”, is to provide employees with up to two hours of paid leave in order to vote in District elections. B23-

0126, the “Improving Voter Registration for New Tenants and Homeowners Amendment Act of 2019”, would require housing providers and title companies to provide voter registration information to new tenants and homeowners at lease-signing and closing, respectively. Finally, B23-0165, the “Initiative and Referendum Process Improvement Amendment Act of 2019”, would require the Board of Elections to solicit an opinion from the Attorney General for the District of Columbia and the General Counsel of the Council of the District of Columbia on the proper subject determination of an initiative or referendum measure and to consult those entities on the legislative drafting of the measure, to clarify the congressional review period for a referendum measure, and to require that initiative measures be placed on a general election ballot.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee via email at judiciary@dccouncil.us and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Monday, June 10**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses should bring **twenty copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to judiciary@dccouncil.us.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at judiciary@dccouncil.us. **The record will close at the end of the business day on June 27.**

ATTACHMENT C

**Council of the District of Columbia
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY
AGENDA & WITNESS LIST
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

ANNOUNCES A PUBLIC HEARING ON

**EXPANDING THE FRANCHISE: STRATEGIES FOR INCREASING VOTER
REGISTRATION AND TURNOUT**

B23-0031, THE "PAID LEAVE TO VOTE AMENDMENT ACT OF 2019"

**B23-0126, THE "IMPROVING VOTER REGISTRATION FOR NEW TENANTS AND
HOMEOWNERS AMENDMENT ACT OF 2019"**

AND

**B23-0165, THE "INITIATIVE AND REFERENDUM PROCESS IMPROVEMENT
AMENDMENT ACT OF 2019"**

**Thursday, June 13, 2019, 9:30 a.m.
Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

AGENDA AND WITNESS LIST

- I. CALL TO ORDER**
- II. OPENING REMARKS**
- III. WITNESS TESTIMONY**

i. Public Witnesses

- 1. Andrew Kline, Principal, The Veritas Law Firm**

2. Dorothy Brizill, Executive Director, D.C. Watch
3. Linda Softli, Second Vice President, League of Women Voters of D.C.
4. Kamolika Das, Policy Analyst, D.C. Fiscal Policy Institute
5. Keshini Ladduwahetty, Operations Director, D.C. for Democracy

IV. ADJOURNMENT

ATTACHMENT D

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON JUDICIARY AND PUBLIC SAFETY**

**Thursday, June 13, 2019, 9:30 AM
Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

**Bill 23-0165, the "Initiative and Referendum Process Improvement
Amendment Act of 2019"**

**Testimony of Andrew J. Kline, General Counsel
Restaurant Association of Metropolitan Washington**

Andrew J. Kline, Esq.
Veritas Law Firm
1225 19th Street NW, Suite 320
Washington, DC 20036
202.686.7600
akline@theveritaslawfirm.com

Good Morning Committee Chairman Allen, Council Members and Council Staff. I am Andrew Kline, an attorney with the Veritas Law firm. In addition, I am General Counsel to the Restaurant Association Metropolitan Washington (RAMW). RAMW has close to one thousand members, most of which are independent hospitality establishments located within the District of Columbia. As you know, both RAMW and the Veritas Law Firm have had extensive experience with initiatives and most recently, a referendum. We believe there are important issues that should be addressed related to both processes. Thank you, Council Member Allen, for introducing this legislation, holding this hearing and allowing us to testify.

We support the bill that has been introduced, but do not believe that it goes far enough. In further consideration of reform, we strongly recommend that the Committee review the final recommendations contained in the National Conference of State Legislatures' Initiative and Referendum Task Force (the "Task Force") final report entitled Initiative and Referendum in the 21st Century, July 2002.

[http://www.ncsl.org/Portals/1/documents/legismgt/irtaskfc/landR_report.pdf]

As the Task Force said, "[U]nlike our legislatures' process of representative government, decisions made through the initiative process do not provide an opportunity to accommodate minority interests. Most importantly, initiatives ask voters to make simple yes-no decisions about complex issues without subjecting the issue to detailed expert analysis and without asking voters to balance competing needs with limited resources. In short, the initiative affects the ability of representative democracy to develop policies and priorities in a comprehensive and balanced manner."

We recommend that the Council take a serious "second look" at the desirability of statutory initiatives and consider allowing only advisory initiatives or, in the alternative, initiatives establishing general policy. Initiatives which seek to set pricing or wages should be specifically prohibited.

If specific statutory changes are to continue to be considered by Initiative, we recommend the following:

1. There be ample input concerning statutory language proposed by initiative to ensure that the language is consistent with other laws, is clear, and not misleading.

2. The Board of Elections, Office of the Attorney General, the Executive Office of the Mayor and the Counsel to the Council of the District of Columbia all have input to concerning the language of any summary statement to ensure such statement is not misleading and properly captures the effect of statutory changes proposed by initiative. Assuring clear language should be independent of whether there is a challenge to the language. It is apparent that the Board of Elections did not do this with respect to the summary statement of Initiative 77 as the Court readily changed the language upon the arguments of the plaintiffs in the lawsuit challenging the subsequent referendum which sought to use almost the same language as Initiative 77.

3. All circulators, not just nonresident circulators, should be required to register with the Board of Election so that they are identifiable upon conclusion of the signature gathering process and readily available for service of process in the event of a challenge.

4. The Board's rules should to be reformed so that anyone challenging the signatures of an initiative petition has sufficient time to review the efficacy of the signatures. Challengers should in no way be limited in challenging signatures by what they may or may not have put in an initial petition challenging signatures, as such petition is required to be filed just a short time after signatures are presented to the Board of Elections for certification and before a thorough examination of signatures can usually be conducted.

5. Notice of action by the Board of Elections should be required to be timely set forth in the DC Register, the official publication for all District of Columbia notices. The public should not be expected to continually visit the Board of Elections website to determine Board of Elections action, but instead should be able to rely on the DC Register as the repository for all official District of Columbia notices. Certainly, as suggested by the Court in the Referendum 008 proceedings, it is appropriate for the District to consider publication of the DC register bi-weekly rather than merely weekly, as the number of notices has ballooned under various open meeting and notice requirements of law and the deadline long before weekly Register publication hampers timely notice to the public

Thank you for giving me the opportunity to testify on these important issues. I am happy to answer any questions.

Testimony before the Hon. Charles Allen
Council of the District of Columbia Committee on Judiciary and Public Safety

RE: Expanding the Franchise: Strategies for Increasing Voter Registration and Voter Turnout
June 13, 2019

Good Morning. My name is Linda Softli and I am the Second Vice President of the League of Women Voters of the District of Columbia. Kathy Chiron the President is out of town. I speak on behalf of the LWV DC Board of Trustees.

First, we appreciate the efforts to expand access to voting and participatory decision making reflected in the bills considered during this hearing, *Expanding the Franchise: Strategies for Increasing Voter Registration and Voter Turnout*. The League of Women Voters is a citizens' organization that has fought since 1920 to improve our government and to engage citizens in the decisions that have an impact on their lives. Core to our work in the District and nationally is expanding access and participation to voting. We believe the suite of bills being considered today help to advance that access in the District.

We applaud the current expansive early voting program in place at polling locations throughout the city that increase opportunities to vote. However, more can be done to assist residents of our city who find themselves forced to choose between exercising their voting rights and either losing wages or jobs. the *Paid Leave to Vote Amendment Act (B23-31)*, introduced by Councilmembers Cheh, Allen, Nadeau, Gray, Grosso, Silverman, Todd, Bonds, T. White, R. White, and Chairman Mendelson, could help remedy that pressure.

We are excited about the suite of changes in the *Improving Voter Registration for New Tenants and Homeowners Amendment Act of 2019 (B-0216)*, introduced by Councilmembers Allen, Nadeau, Bonds, Evans, and R. White, that would result in voter registration information being included alongside documentation that both new home buyers and renters will receive. The League of Women Voters of the District of Columbia has worked in the past with the Greater Capital Area Association of Realtors (GCAAR) to offer such information to new homeowners. If enacted, this program would provide new residents with timely information about how to register and vote in the District.

The League of Women Voters of the District of Columbia supports both B23-31, the *Paid Leave to Vote Amendment Act of 2019 (B23-31)* and the *Improving Voter Registration for New Tenants and Homeowners Amendment Act of 2019 (B23-0126)*. Both bills are in line with our position to protect the rights of citizens to vote and to encourage citizens to vote, and our principles, as captured in the newly updated Impact on Issues.

Since 1985, The League of Women Voters of the District of Columbia has held the position that ballot initiatives should be held during even-numbered year general elections, not primaries. Holding voting on initiatives during the general election ensures that the largest proportion of residents have their voices heard

regarding highly impactful issues and provides a stronger mandate to elected officials to honor the vote of the people. We support the *Initiative and Referendum Process Improvement Amendment Act of 2019* (B23-165), introduced by Councilmembers Allen, Silverman, and Chairman Mendelson, as it is in line with our position document, *Where We Stand*.

We believe that the bills before you can further the access to and involvement in voting and participatory decision-making, further strengthening the people's voice in our government. And we believe that our nation's capital should be in the forefront of reform that protects that voice.

We hope that you will take positive action on these bills. Thank you for your attention.

Resources Referenced

League of Voters, *Impact on Issues*

League of Women Voters of the District of Columbia, *Where We Stand*

**TESTIMONY SUBMITTED BEFORE THE COUNCIL OF THE DISTRICT OF
COLUMBIA COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY**

ON

“Expanding the Franchise: Strategies for Increasing Voter Registration and Turnout”

B23-0031 “Paid Leave to Vote Amendment Act of 2019”;

***B23-0126, “Improving Voter Registration for
New Tenants and Homeowners Amendment Act of 2019”;***

B23-0165, the “Initiative and Referendum Process Improvement Amendment Act of 2019”.

**Thursday, June 13, 2019 (Hearing Date)
Room 123, John A. Wilson Building
1350 Pennsylvania Ave., N.W.
Washington, D.C. 20004**

**Executive Director Alice P. Miller
D.C. Board of Elections**

As the Executive Director of the D.C. Board of Elections (“the Board”), I, Alice P. Miller hereby submit this written testimony on the above mentioned Bills on behalf of the Board. We would like to thank you for the opportunity to submit this written testimony regarding B23-0031 “Paid Leave to Vote Amendment Act of 2019,” B23-0126, “Improving Voter Registration for New Tenants and Homeowners Amendment Act of 2019,” and B23-0165, the “Initiative and Referendum Process Improvement Amendment Act of 2019.” These Bills aim to increase voter registration and turnout in the District of Columbia.

As usual, when providing testimony on proposed legislation, the Board does not take a position on these proposed Bills, but will instead comment on how they will affect the operations of the agency, if enacted.

The Board has no comments on the Paid Leave to Vote Amendment Act of 2019, as nothing in this proposed legislation will affect the Board’s operations.

B23-0126, Improving Voter Registration for New Tenants and Homeowners Amendment Act of 2019, would require the Board to (1) create a voter registration packet to provide to the Office of the Tenant Advocate and (2) develop and post on its website a voter registration packet that includes specific materials and information concerning online voter registration, facilitating the electronic update of a voter's address, and to ensure the voting rights of individuals with criminal records in the District of Columbia. This Bill further requires the Board to provide information on the website of the date of the next scheduled election, polling place locations, names and titles of elected officials, as well as the ability for voters to search for and identify their Ward Councilmember and Advisory Neighborhood Commissioner.

The requirements of B23-0126 can be accomplished and would be within the defined mission of the Board's overall objectives. The technical development of the link to the individual's elected officials might require some tweaks to the Voter Registration System to ensure alignment with the web portal, but it is an objective that the Board can meet.

Finally, B23-0165, the Initiative and Referendum Process Improvement Amendment Act of 2019, requires the Board to solicit opinions from the Attorney General for the District of Columbia and the General Counsel of the Council of the District of Columbia on whether the subject matter of an initiative or referendum is a proper subject matter before the Board accepts the proposed measure. This requirement is consistent with the Board's longstanding practice of submitting each proposed initiative or referendum measure to both the Attorney General and to the General Counsel of the Council for any comment on the appropriateness of the subject matter prior to accepting or rejecting the measure. Therefore, this requirement will not alter the Board's routine practice once a proposed initiative or referendum is filed with the agency.

B23-0165 further requires that the Board consult with experts in the field of legislative drafting including the Attorney General for the District of Columbia and the General Counsel for the Council. While the Board does not have any objection to this specific recommendation, the Board notes that any suggestions on a measure's legislative format would, of course, need to be provided prior to the public meeting at which the Board adopts the formulations for an initiative or referendum measure (summary statement, short title, and legislative form).

B23-0165 would also establish that initiative measures would only appear on general election ballots. The Board does not have any objection to this requirement and would note that the provision would help with eliminating confusion on the eligibility of Independent and Minor Party voters during a Primary Election.

Thank you for allowing us the opportunity to submit this testimony for the record.

ATTACHMENT E

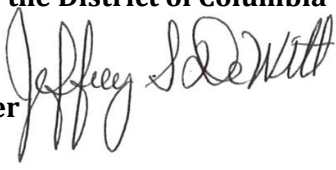
Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: November 23, 2020

SUBJECT: Fiscal Impact Statement – Initiative and Referendum Process
Improvement Amendment Act of 2020

REFERENCE: Bill 23-165, Draft Committee Print as circulated on November 20, 2020

Conclusion

Funds are not sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill. The Board of Elections (Board) requires \$100,000 in fiscal year 2022 and \$200,000 over the four-year financial plan period.

The bill's provision requiring polling places at Department of Corrections (DOC) facilities is subject to the required resources being included in an approved budget and financial plan. The bill's remaining provisions can be implemented beginning on the bill's effective date.

Background

The bill makes permanent several election changes made in 2020 during the public health emergency. First, the bill includes vote centers, which allow any eligible resident to vote regardless of their neighborhood precinct location, as polling places. Next, the bill maintains a 2020 requirement that the Board operates polling places for incarcerated individuals at the DOC's Central Detention Facility and the Correctional Treatment Facility.¹ The bill also makes permanent an alternative method for a candidate to be listed on a presidential primary ballot. If a candidate complies with the rules of their political party, the political party can certify to the Board; the window for this

¹ General Election Preparations Temporary Amendment Act of 2020, enacted October 28, 2020 (D.C. Act 23-442; 67 DCR 13022).

certification is no later than 24 hours after the date that is 90 days before the primary election.² Lastly, the bill makes permanent that District government employees who are not District residents or qualified District electors can be election workers.³

The bill requires the District's voter registration agencies to regularly promote election-related information on social media platforms, including information on how to register to vote and how to vote.⁴

The bill affirms that petition sheets circulated to qualify a candidate for the ballot must be submitted in hard copy to the Board, but allows the Board to provide the petition sheets to a candidate in electronic form. A candidate is allowed to provide petition sheets to the qualified petition circulators in electronic form. The bill also establishes that a petition sheet cannot be invalidated if a signer of the petition is also the qualified petition circulator.

The District allows a write-in candidate to be eligible for elected office in the District if they meet the qualifications for the office and declare their candidacy within three days of the date of the election on forms prescribed by the Board. The bill extends the amount of time a candidate must declare their candidacy from three days to seven days.

Currently, any person is prohibited from intentionally removing, defacing, damaging, or destroying a billboard, poster, or sign related to a candidate, referendum, initiative, or recall election beginning 30 days prior to an election through four days following the election-related activity.⁵ The bill eliminates the 30-day starting point for committing this civil infraction, making it an infraction to commit these acts at any point through four days after the election-related activity.

The bill enhances the initiative and referendum measure processes in the District. The bill requires the Board to request an advisory opinion from the Attorney General and the General Counsel of the Council for every initiative and referendum to ensure the subject matter is the proper subject of an initiative or referendum. The advisory opinions must be requested on the day an initiative or referendum is received and the Attorney General and Council's General Counsel must provide the opinion within 15 business days for an initiative and five business days for a referendum. The bill clarifies that the Board statement accepting an initiative or referendum must be written in plain language. The bill requires the Board to request, and the Chief Financial Officer (CFO) to issue, a fiscal impact statement on an initiative measure. The CFO must issue the fiscal impact statement within 15 business days of the Board's request.

The Board is required to adopt the summary statement, short title, and legislative form for an initiative or referendum measure at a public meeting. The bill requires that the Board notify the

² Primary Election Filing Requirement Temporary Amendment Act of 2020, effective March 19, 2020 (D.C. Law 23-69; 67 DCR 4176).

³ Election Worker Residency Requirement Waiver Temporary Amendment Act of 2020, enacted October 28, 2020 (D.C. Act 23-445; 67 DCR 13214).

⁴ COVID-19 Response Supplemental Temporary Amendment Act of 2020, effective October 9, 2020 (D.C. Law 23-129; 67 DCR 12235).

⁵ D.C. Official Code § 1-1001.14.

proposer of the measure via email within 24 hours of the Board's adoption and include the summary statement, short title, legislative form, and fiscal impact statement, if applicable. The bill also requires the Board to publish these documents in one newspaper of general circulation and on its website, in addition to the currently required District of Columbia Register.

The bill eliminates a 20-signature limit on one page of a petition for an initiative or referendum. The bill also authorizes the same new allowance on the electronic transmission of petition sheets from the Board to a measure proposer and from a measure proposer to a qualified petition circulator for an initiative or referendum measure as it does for a candidate for elected office.⁶

The bill also makes permanent deadline flexibilities afforded the Board of Ethics and Government Accountability (BEGA) and other agencies during the 2020 public health emergency.⁷ Public officials are required to file financial disclosure reports either annually or semiannually⁸ with BEGA by May 15th and November 15th. BEGA must also publish in the District of Columbia Register the names of all public officials and whether they have filed the required report, requested an extension, or failed to file the report by June 15th and December 15th depending on whether the official is an annual or semi-annual filer. The bill allows BEGA to change the filing dates and publishing dates at its discretion if the Mayor declares a public health emergency.⁹ All employees and Council employees who work in positions that could create a conflict of interest or the appearance of a conflict of interest must file an annual financial disclosure report by May 15th and have that report reviewed by their respective personnel authorities by June 1st. The bill also allows these filers and report reviewers to change the filing and review dates if the Mayor declares a public health emergency. The bill also allows BEGA to amend the filing dates of the quarterly lobbyist activity reports if the Mayor declares a public health emergency.¹⁰

The bill authorizes a candidate for public office and the treasurer of any political committee to attend the required campaign finance law training with the Director of Campaign Finance online rather than in-person if the Mayor has declared a public health emergency.

The bill clarifies that a candidate seeking participation in the Fair Elections program needs to affirm that they have paid all fines and penalties assessed, including delinquent fines. The bill makes permanent that the second half of the base payment and the matching payments under the Fair Elections program should be made within five business days, where it is currently five calendar days.¹¹

⁶ The bill also affirms that a petition sheet is valid if it contains the signature of the qualified petition circulator.

⁷ COVID-19 Response Supplemental Temporary Amendment Act of 2020, effective October 9, 2020 (D.C. Law 23-129; 67 DCR 12235).

⁸ Councilmembers are required to file semiannually while other public officials are only required to file annually.

⁹ As authorized by the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2304.01).

¹⁰ COVID-19 Response Supplemental Temporary Amendment Act of 2020, effective October 9, 2020 (D.C. Law 23-129; 67 DCR 12235)

¹¹ COVID-19 Response Supplemental Temporary Amendment Act of 2020, effective October 9, 2020 (D.C. Law 23-129; 67 DCR 12235).

The Honorable Phil Mendelson

FIS: Bill 23-165, "Initiative and Referendum Process Improvement Amendment Act of 2020," Draft Committee Print as circulated on November 20, 2020

Financial Plan Impact

Funds are not sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill. The Board requires \$100,000 in fiscal year 2022 and \$200,000 over the four-year financial plan period.

The Board ran polling places at DOC facilities during the 2020 elections as required under emergency and temporary legislation during the public health emergency. However, the Board requires additional resources to continue to run polling places at DOC facilities on a permanent basis. This requires a one-time purchase of election equipment at a cost of \$50,000 in fiscal year to 2022. It also requires \$50,000 annually, beginning in fiscal year 2022, to operate the polling places and \$150,000 over the four-year financial plan period. There are no costs for the Board or other agencies for the initiative and referendum process changes; there are likewise no costs for the voter registration changes and candidate petition changes.

BEGA implemented the filing deadline delays during the 2020 public health emergency and can continue to implement delayed deadlines under any future public health emergencies with the agency's existing budgeted resources. The Office of Campaign Finance can offer virtual trainings for candidates and treasurers and can implement the bill's requirements for public health emergencies with its existing budgeted resources.

ATTACHMENT F



OFFICE OF THE GENERAL COUNSEL

Council of the District of Columbia
1350 Pennsylvania Avenue NW, Suite 4
Washington, DC 20004
(202) 724-8026

MEMORANDUM

TO: Councilmember Charles Allen

FROM: Nicole L. Streeter, General Counsel *NLS*

DATE: November 21, 2020

RE: Legal sufficiency determination for Bill 23-165, the Initiative and Referendum Process Improvement Amendment Act of 2020

The measure is legally and technically sufficient for Council consideration.

The bill would amend the District of Columbia Elections Code of 1955 to:

- Include Vote Centers operated by the Board in the definition of “polling place”;
- Create a polling place for individuals incarcerated in the Department of Corrections’ custody or care at the Central Detention Facility and Correctional Treatment Facility;
- Allow a person who has complied with the rules of the political party to be listed on the ballot by means other than gathering petition signatures;
- Allow District government employees to serve as election workers, regardless of their residency or where they are registered to vote;
- Require voter registration agencies to regularly promote election-related information on their social media platforms;
- Require petition sheets circulated in support of a candidate to be filed with the Board in hard copy but allow petition sheets to be made electronically available by the Board to the candidate and the candidate to the qualified petition circulators;
- Extend the deadline for a write-in candidate to meet qualifications and submit a declaration of candidacy following an election;
- Prohibit individuals from intentionally removing or destroying campaign signs before 4 days after the election;

- Require the Board to request opinions from the Attorney General and the General Counsel of the Council on whether a measure is a proper subject of initiative or referendum;
- Require the Attorney General and the General Counsel of the Council to provide opinions within 15 business days or 5 business days for an initiative or referendum, respectively;
- Require the summary statement to be written in plain language;
- Require the Board to consult experts in legal drafting, including the Attorney General and General Counsel of the Council;
- Require the Office of the Chief Financial Officer to issue a fiscal impact statement for initiative measures within 15 business days after receipt of a request from the Board;
- Require the Board to, within 24 hours of adoption, notify the proposer, submit the measure to the D.C. Register and at least one newspaper, and publish the measure on its website;
- Require the Board to transmit the measure by e-mail to the proposer;
- Allow the proposer to print from the original blank petition sheets on paper that is not white;
- Allow the Board to provide petition sheets to candidates electronically and candidates to provide those sheets electronically to circulators, but require them to be filed in hard copy with the Board; and
- Allow proponents of a recall to print from the original blank petition sheets on paper of good writing quality.

The bill would amend the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to:

- Allow the Board to change the dates by which public reports are required to be filed and by which the names of public officials are to be published during a period of time for which the Mayor has declared a public health emergency;
- Allow the Board to change the date by which confidential disclosure of financial interest reports are required to be filed and by which such reports are required to be reviewed during a period of time for which the Mayor has declared a public health emergency;
- Allow the Board to change the date by which lobbyists are required to file reports during a period of time for which the Mayor has declared a public health emergency;

- Permit the Director of Campaign Finance to conduct trainings online during a period of time for which the Mayor has declared a public health emergency;
- Clarify that, in order to be certified as a participating candidate in the Fair Elections Program, a candidate must submit a signed affidavit declaring that the candidate has paid any fines or penalties assessed for a violation of the act, whether or not those fines or penalties are due or delinquent at the time of filing the affidavit;
- Allow the Director of Campaign Finance 5 business days to disburse half of the base amount under the Fair Elections Program; and
- Allow the Director of Campaign Finance 5 business days to disburse matching payments for small-dollar contributions under the Fair Elections Program.

I am available if you have any questions.

ATTACHMENT G

1 **Comparative Committee Print**
2 **B23-0165**
3 **Committee on the Judiciary & Public Safety**
4 **November 23, 2020**

5
6 **Section 2**
7

8 **D.C. Official Code § 1-1001.02. Definitions.**
9

10 [...]

11 (12) The term “recall” means the process by which the registered qualified electors of the
12 District of Columbia may call for the holding of an election to remove or retain an elected official
13 of the District of Columbia (except the Delegate to Congress for the District of Columbia) prior to
14 the expiration of ~~his or her~~ the elected official’s term.

15 (13) The term “elected official” means the Mayor, the Chairman and members of the
16 Council, the Attorney General, members of the State Board of Education, the Delegate to Congress
17 for the District of Columbia, United States Senator and Representative, and advisory neighborhood
18 commissioners of the District of Columbia.

19 (14) The term “printed” shall include any document produced by letterpress, offset press,
20 photo reproduction, multilith, or other mass reproduction means.

21 (15) The term “proposer” means one or more of the registered qualified electors of the
22 District of Columbia, including any entity, the primary purpose of which is the success or defeat
23 of a political party or principle, or any question submitted to vote at a public election by means of
24 an initiative, referendum or recall as authorized in amendments numbered 1 and 2 to Title IV of
25 the Home Rule Act (§§ 1-204.101 to 1-204.115). Such entities shall be treated as a political
26 committee as defined in § 1-1161.01(44) for purposes of this subchapter.

27 (16)(A) The term “residence,” for purposes of voting, means the principal or primary home
28 or place of abode of a person. Principal or primary home or place of abode is that home or place
29 in which the person’s habitation is fixed and to which a person, whenever ~~he or she~~ a person is
30 absent, has the present intention of returning after a departure or absence therefrom, regardless of
31 the duration of the absence.

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

- 34 (i) Business pursuits;
35 (ii) Employment;
36 (iii) Income sources;
37 (iv) Residence for income or other tax purposes;
38 (v) Residence of parents, spouse, and children;
39 (vi) Leaseholds;
40 (vii) Situs of personal and real property; and
41 (viii) Motor vehicle registration.

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

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

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

[...]

(31) ~~For the June 2, 2020, Primary Election and the June 16, 2020, Ward 2 Special Election, the term "polling place" shall include Vote Centers operated by the Board throughout the District~~
"Polling place" includes Vote Centers operated by the Board throughout the District.

D.C. Official Code § 1–1001.03. Board of Elections — Created; composition; term of office; vacancies; reappointment; designation of Chairman.

(a) There is created a District of Columbia Board of Elections (hereafter in this subchapter referred to as the "Board"), to be composed of 3 members, no more than 2 of whom shall be of the same political party, appointed by the Mayor, with the advice and consent of the Council. Members shall be appointed to serve for terms of 3 years, except the members 1st appointed under this subchapter. One member shall be appointed to serve for a 1-year term, 1 member shall be appointed to serve for a 2-year term, and 1 member shall be appointed to serve for a 3-year term, as designated by the Mayor.

(b) Any person appointed to fill a vacancy on the Board shall be appointed only for the unexpired term of the member whose vacancy ~~he or she is~~ the person is filling.

(c) A member may be reappointed, and, if not reappointed, the member shall serve until ~~his successor~~ the member's successor has been appointed and qualifies.

(d) The Mayor shall, from time to time, designate the Chairperson of the Board.

D.C. Official Code § 1–1001.04. Board of Elections — Qualifications; prohibited activities; compensation; removal; time for filling vacancy.

(a) When appointing a member of the Board, the Mayor and Council shall consider whether the individual possesses demonstrated integrity, independence, and public credibility and whether the individual has particular knowledge, training, or experience in elections law and procedure. A person shall not be a member of the Board unless ~~he or she~~ the individual:

(1) Is a duly registered voter;

(2) Has resided in the District continuously since the beginning of the 3-year period ending on the day ~~he or she~~ the individual is appointed; and

(3) Holds no other paid office or employment in the District government.

(b) No person, while a member of the Board, shall:

(1) Campaign for any other public office;

(2) Hold any office in any political party or political committee;

(3) Participate in or contribute to any political campaign of any candidate in any election held under this subchapter;

(3A) Be an officer or a director of an organization receiving District funds, or an employee of an organization receiving District funds, who has managerial or discretionary responsibilities with respect to those funds;

(4) Act in ~~his or her~~ the person's capacity as a member, to directly or indirectly attempt to influence any decision of a District government agency, department, or instrumentality relating to any action which is beyond the jurisdiction of the Board; or

(5) Be convicted of having committed a felony in the District of Columbia; or if the crime is committed elsewhere, conviction of such offense as would be a felony in the District of Columbia.

(c) Each member of the Board, including the Chairperson, shall receive compensation as provided in § 1-611.08(c-1)(10).

(d)(1) The Mayor may remove any member of the Board who engages in any activity prohibited by subsection (a) or (b) of this section, and appoint a new member to serve until the expiration of the term of the member so removed. When the Mayor believes that any member has engaged in any such activity ~~he or she~~ the Mayor shall notify such member, in writing, of the charge against ~~him or her~~ the member and that such member has 7 days in which to request a hearing before the Council on such charge. If such member fails to request a hearing within 7 days after receiving such notice then the Mayor may remove such member and appoint a new member.

(2) The hearing requested by a member may be either open or closed, as requested by such member. In the event such hearing is closed, the vote of the Council as a result of such hearing shall be taken at an open meeting of the Council. The Council shall begin such hearings within 60 calendar days after receiving notice from the Mayor indicating that a member has requested such a hearing. If two-thirds of the Council vote to remove such member then such member shall be removed.

(e) Any vacancy occurring on the Board shall be filled within 45 days after the occurrence of such vacancy, excluding Saturdays, Sundays, and holidays.

D.C. Official Code § 1-1001.05. Board of Elections – Duties.

(a) The Board shall:

(1) Accurately maintain a uniform, interactive computerized voter registration list which shall serve as the official voter registration list for all elections in the District, and shall contain the name, registration information, and a unique identifier assigned for every registered voter in the District. The voter registration list shall be administered pursuant to the Help America Vote Act of 2002 and pertinent federal and local law, and shall be coordinated with other District agency databases;

(2) Take whatever action is necessary and appropriate to actively locate, identify, and register qualified voters;

(3) Conduct elections;

(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;

(5) Publish in the District of Columbia Register no later than 45 days before each election held under this subchapter, a fictitious name sample design and layout of the ballot to be

used in the election. This requirement shall not apply to any special election to fill a vacancy in an Advisory Neighborhood Commission single-member district;

(6) Publish in 1 or more newspapers of general circulation in the District, a sample copy of the official ballot to be used in any such election; provided, that nothing contained herein shall require the publication of a sample copy of the official ballots to be used in the advisory neighborhood commissions' elections;

(7) Publish in the District of Columbia Register on the 3rd Friday of every month, the total number of qualified electors registered to vote in the District as of the last day of the month preceding publication. Such notice shall be broken down by ward and political party affiliation, where applicable, and shall list the total number of new registrants, party changes, cancellations, changes of names, and/or addresses processed under each category;

(8) Every 5 years, divide the District into appropriate voting precincts, each of which shall contain at least 350 registered persons; draw precinct lines within election wards created by the Council, subject to the approval of the Council, in whole or in part, by resolution;

(9) Operate polling places, including a polling place for individuals incarcerated in the Department of Corrections' custody or care at the Central Detention Facility and Correctional Treatment Facility;

[...]

(b)(1) The Board shall, on the 1st Tuesday in June of each presidential election year, conduct a presidential preference primary election within the District of Columbia in which the registered qualified voters therein may express their preference for candidates of each political party of the District of Columbia for nomination for President.

~~(2) No person shall be listed on the ballot as a candidate for nomination for President in such primary unless there shall have been filed with the Board no later than 90 days before the date of such presidential primary election a petition on behalf of his or her candidacy signed by at least 1,000, or 1%, whichever is less, of the qualified electors of the District of Columbia who are registered under § 1-1001.07, and of the same political party as the nominee~~
No person shall be listed on the ballot as a candidate for nomination for President in such presidential preference primary election unless:

(A) No later than 90 days before the date of such presidential preference primary election, there shall have been filed with the Board a petition on behalf of the person signed by at least 1,000, or 1%, whichever is fewer, of the qualified electors of the District who are registered under section 7, and are of the same political party as the nominee; or

(B) The person has complied with the rules of the political party to be listed on the ballot, and if the party rules provide for candidate qualification by means other than gathering petition signatures as described in subparagraph (A) of this paragraph, the political party shall certify to the Board no later than 24 hours after the date that is 90 days before the date of such presidential preference primary election the names of candidates for nomination who have qualified by such means.

[...]

(3)(B) No candidate for delegate or alternate may be listed on the ballot unless such candidate was properly selected according to the rules of ~~his~~ the candidate's political party relating to the nomination of candidates for delegate or alternate.

(C) The governing body of each eligible party shall file with the Board, no later than 180 days prior to the presidential preference primary election:

181 (i) Notification of that party's intent to conduct a presidential
182 preference primary; and

183 (ii) A plan for the election detailing the procedures to be followed
184 in the selection of individual delegates and alternates to the convention of that party, including
185 procedures for the selection of committed and uncommitted delegates.

186 (4) The Board shall:

187 (A) Arrange the ballot for the presidential preference primary so as to enable
188 each voter to indicate ~~his or her~~ the voter's choice for presidential nominee and for the slate of
189 delegates and alternates pledged to support that prospective nominee with 1 mark, and provide an
190 alternative to vote for individual delegates or uncommitted slates of delegates; and

191 (B) Clearly indicate on the ballot the candidate for nomination for President
192 which a slate or candidate for delegate supports, or name of the person who shall manage an
193 uncommitted slate of delegates.

194 (5) ~~The delegates and alternates, of each political party in the District of Columbia~~
195 ~~to the national convention of that party convened for the nomination of that party for President,~~
196 ~~elected in accordance with this subchapter, shall only be obliged to vote for the candidate whom~~
197 ~~he or she has been selected to represent in accordance with properly promulgated rules of the~~
198 ~~political party, on the 1st ballot cast at the convention for nominees for President, or until such~~
199 ~~time as such candidate to whom the delegate is committed withdraws his candidacy, whichever~~
200 ~~1st occurs~~ The delegates and alternates, of each political party in the District of Columbia to the
201 national convention of that party convened for the nomination of that party for President, elected
202 in accordance with this act, shall only be obliged to vote for the candidate whom the delegate or
203 alternate has been selected to represent in accordance with properly promulgated rules of the
204 political party, on the 1st ballot cast at the convention for nominees for President, or until such
205 time as such candidate to whom the delegate is committed withdraws the candidate's candidacy,
206 whichever 1st occurs.

207 (c) Each member of the Board and persons authorized by the Board may administer oaths
208 to persons executing affidavits pursuant to § 1-1001.08. It may provide for the administering of
209 such other oaths as it considers appropriate to require in the performance of its functions.

210 (d) The Board may permit either persons temporarily absent from the District or persons
211 physically unable to appear personally at an official registration place to register for the purpose
212 of voting in any election held under this subchapter.

213 (e)(1)(A) The Board shall select, employ, and fix the compensation for an Executive
214 Director and such staff the Board deems necessary, subject to the pay limitations of § 1-611.16.
215 The Executive Director shall serve at the pleasure of the Board.

216 (B) The Executive Director shall be a District resident throughout ~~his or her~~
217 the Executive Director's term and failure to maintain District residency shall result in a forfeiture
218 of the position.

219 (B-i) The requirements of subparagraph (B) of this paragraph shall not apply
220 to Executive Director Alice Miller, beginning on her hire date of July 6, 2016.

221 (C)(i)(I) Notwithstanding the provisions of Unit A of Chapter 14 of Title 2,
222 the Board shall use a ranking system based on a scale of 100 points for all employment decisions
223 for positions within the Board.

224 (II) An individual who is a District resident at the time of
225 application shall be awarded a 10-point hiring preference over a nonresident applicant; provided,

that the individual claims the preference. This 10-point preference shall be in addition to any points awarded on the 100-point scale.

(III) At the time of appointment, an individual who claimed the 10-point residency preference shall agree, in writing, to maintain District residency for a period of 7 consecutive years from the effective date of appointment into the position for which the individual claimed the residency preference.

(IV) An individual who claimed the residency preference and who fails to maintain District residency for 7 consecutive years from the individual's effective date of appointment shall forfeit the individual's District government employment.

(V) Each applicant for a position covered by this subparagraph shall be informed in writing of the provisions of this sub-subparagraph at the time of application.

(ii) The Board shall verify and enforce District residency requirements pursuant to § 1-515.04.

(iii) By November 1 of each year and pursuant to § 1-515.06, the Board shall submit to the Mayor an annual report detailing, for the previous fiscal year, compliance with residency requirements.

(2) No provision of this subchapter shall be construed as permitting the Board to appoint any personnel who are not full-time paid employees of the Board to preliminarily determine alleged violations of the law affecting elections, ~~conflicts of interest, or lobbying.~~

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

(4)(A) Except as provided in subparagraph (C) of this paragraph, the ~~The~~ Board shall select, appoint, and fix the compensation of temporary election workers to operate the polling places, including precinct captains who shall oversee the operations of polling places in accordance with rules prescribed by the Board, and polling place workers who shall assist the precinct captains. Precinct captains shall be qualified registered electors in the District. Polling place workers shall be qualified registered electors in the District; provided, that the Board may also appoint as polling place workers individuals who are at least 16 years of age on the day that they are working in this capacity, who reside in the District of Columbia, and who are enrolled in or have graduated from a public or private secondary school or an institution of higher education. Any polling place worker shall be required to:

(i) Complete at least 4 hours of training;

(ii) Receive certification as a polling place worker under standards that the Board shall promulgate; and

(iii) Take and sign an oath of office to honestly, faithfully, and promptly perform the duties of office.

(B) The Board shall establish standards to measure the performance of polling place workers, including the past performance of a polling place worker, and shall consider the polling place worker's past performance before appointing ~~him or her~~ the polling place worker to work as a polling place worker in a subsequent election.

(C) Election workers, including precinct captains and polling place workers, who are District government employees are not required to be District residents or qualified electors.

[...]

D.C. Official Code § 1–1001.05a. Advisory opinions.

[...]

(b) Advisory opinions shall be published in the District of Columbia Register within 30 days after their issuance; provided, that the identity of a person requesting an advisory opinion shall not be disclosed in the District of Columbia Register without ~~his or her~~ the person's prior consent in writing. When issued according to rules of the Board, an advisory opinion shall be deemed to be an order of the Board.

[...]

D.C. Official Code § 1–1001.07. Voter.

[...]

(d)(1)(A) Any agency of the District of Columbia government that provides public assistance or that operates 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 Department of Parks and Recreation, the Department of Corrections, the Department of Youth and Rehabilitative Services, the Office on Aging and Community Living, the District of Columbia Public Library, and the District of Columbia Public Schools shall be designated as voter registration agencies; provided, that access to voter registration services at District of Columbia Public Schools shall be restricted to District of Columbia Public Schools students and employees.

(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; ~~and~~

(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;

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

(E) Regularly promote election-related information on the voter registration agencies' social media platforms, including by providing information about how to register to vote and vote.

[...]

(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~~ Fire and Emergency Medical Services 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.

[...]

D.C. Official Code § 1-1001.08. Qualifications of candidates and electors; nomination and election of Delegate, Chairman of the Council, members of Council, Mayor, Attorney General, and members of State Board of Education; petition requirements; arrangement of ballot.

(a)(1) Each candidate for election to the office of national committeeman or alternate, or national committeewoman or alternate, and for election as a member or official designated for election at large under paragraph (4) of § 1-1001.01, shall be a qualified elector registered under § 1-1001.07 who has been nominated for such office, or for election as such member or official, by a nominating petition:

(A) Signed by not less than 500, or 1%, whichever is less, of the qualified electors registered under such § 1-1001.07, who are of the same political party as the candidate; and

(B) Filed with the Board not later than the 90th day before the date of the election held for such office, member, or official.

(2) In the case of a nominating petition for a candidate for election as a member or official designated for election from a ward under paragraph (4) of § 1-1001.01, such petition shall be prepared and filed in the same manner as a petition prepared and filed by a candidate under paragraph (1) of this subsection and signed by 100, or 1%, whichever is less, of the qualified electors residing in such ward, registered under § 1-1001.07, who are of the same political party as the candidate.

(b)(1)(A) No person shall hold elected office pursuant to this section unless ~~he or she~~ the person has been a bona fide resident of the District of Columbia continuously since the beginning of the 90-day period ending on the date of the next election, and is a qualified elector registered under § 1-1001.07.

(B) Repealed.

(C) Repealed.

(D) Any candidate for the position of Attorney General shall also meet the qualifications required by § 1-301.83 before the day on which the election for Attorney General is to be held.

(2) Only qualified petition circulators may circulate nominating petitions in support of candidates for elected office pursuant to this subchapter. The Board shall consider invalid the signatures on any petition sheet that was circulated by a person who, at the time of circulation, was not a qualified petition circulator.

(3) All signatures on a petition shall be made by the person whose signature it purports to be and not by any other person. Each petition shall contain an affidavit, made under penalty of perjury, in a form to be determined by the Board and signed by the circulator of that petition which shall state that the circulator is a qualified petition circulator and has:

(A) Personally circulated the petition;

(B) Personally witnessed each person sign the petition; and

(C) Inquired from each signer whether ~~he or she~~ the signer is a registered voter in the same party as the candidate and, where applicable, whether the signer is registered in and a resident of the ward from which the candidate seeks election.

(3A)(A) Petition sheets circulated in support of a candidate for elected office pursuant to this act must be filed with the Board in hard copy but may be electronically provided by the:

(i) Board to the candidate;

(ii) Candidate to qualified petition circulators; and

(iii) Qualified petition circulator to the candidate.

(B) Signatures on such petition sheets shall not be invalidated because the signer was also the circulator of the same petition sheet on which the signature appears.

(4) Any circulator who knowingly and willfully violates any provisions of this section, or any regulations promulgated pursuant to this section, shall upon conviction be subject to a fine of not more than \$10,000, or imprisonment for not more than 6 months, or both. Each occurrence of a violation of this section shall constitute a separate offense. Violations of this section shall be prosecuted in the name of the District of Columbia by the ~~Corporation Counsel~~ Attorney General of the District of Columbia.

(c)(1) In such election of officials referred to in paragraph (1) of § 1-1001.01, and in each election of officials designated for election at large pursuant to paragraph (4) of § 1-1001.01, the Board shall arrange the ballot of each party to enable the registered voters of such party to vote separately or by slate for each official duly qualified and nominated for election to such office.

(2) In each election of officials designated, pursuant to paragraph (4) of § 1-1001.01, for election from a ward, the Board shall arrange the ballot of each party to enable the registered voters of such party, residing in such ward, to vote separately or by slate for each official duly qualified and nominated from such ward for election to such office from such ward.

(d) Each political party which had in the next preceding election year at least 7,500 votes cast in the general election for a candidate of the party to the office of Delegate, Chairman of the Council, member of the Council, Mayor, or Attorney General, shall be entitled to elect candidates for presidential electors, provided that the party has met all deadlines set out in this subchapter or by regulation for the submission of a party plan for the election. The executive committee of the organization recognized by the national committee of each such party as the official organization of that party in the District of Columbia shall nominate by appropriate means the presidential

electors for that party. Nominations shall be made by message to the Board on or before September 1st next preceding a presidential election.

(e) The names of the candidates of each political party for President and Vice President shall be placed on the ballot under the title and device, if any, of that party as designated by the duly authorized committee of the organization recognized by the national committee of that party as the official organization of that party in the District. The form of the ballot shall be determined by that Board. The position on the ballot of names of candidates for President and Vice President shall be determined by lot. The names of persons nominated as candidates for electors of President and Vice President shall not appear on the ballot.

(f) A political party which does not qualify under subsection (d) of this section may have the names of its candidates for President and Vice President of the United States printed on the general election ballot provided a petition nominating the appropriate number of candidates for presidential electors signed by at least 1 per centum of registered qualified electors of the District of Columbia, as shown by the records of the Board as of the 144th day before the date of the presidential election, is presented to the Board on or before the 90th day before the date of the presidential election.

~~(g) No person may be elected to the office of elector of President and Vice President pursuant to this subchapter unless: (1) He or she is a registered voter in the District; and (2) He or she has been a bona fide resident of the District for a period of 3 years immediately preceding the date of the presidential election. Each person elected as elector of President and Vice President shall, in the presence of the Board, take an oath or solemnly affirm that he or she will vote for the candidates of the party he or she has been nominated to represent, and it shall be his or her duty to vote in such manner in the electoral college~~ (1) No person may be elected to the office of elector of President and Vice President pursuant to this act unless the person:

(A) Is a registered voter in the District; and

(B) Has been a bona fide resident of the District for a period of 3 years immediately preceding the date of the presidential election.

(2) Each person elected as elector of President and Vice President shall, in the presence of the Board, take an oath or solemnly affirm that the person will vote for the candidates of the party the person has been nominated to represent, and it shall be the person's duty to vote in such manner in the electoral college.

[...]

(l)(1) Designation of offices of local party committees to be filled by election pursuant to paragraph (4) of § 1-1001.01 shall be effected, in accordance with the provision of this subsection, by written communication signed by the ~~chairman~~ chairperson of such committee and filed with the Board not later than 180 days before the date of such election.

[...]

(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~~ the candidate's candidacy not later than 4:45 p.m. on the third 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 third 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~~ 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 the candidate's candidacy not later than 4:45 p.m. on the seventh day immediately following the date of the election in which the candidate 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.

(s) The Board shall submit to the Mayor and Council a feasibility study of mail-ballot voting procedures, within 6 months after October 21, 2000. The study shall outline the advantages and disadvantages of mail-ballot procedures and recommend whether mail-ballot procedures should be implemented in District of Columbia elections. The study shall include an analysis of the following issues and topics that the Board deems appropriate:

- (1) Administration and logistics;
- (2) Ballot integrity and electoral fairness;
- (3) Voter turnout;
- (4) Cost;
- (5) Applicability to special elections and regularly scheduled elections; and
- (6) The experiences of other jurisdictions that have used mail-ballot procedures.

D.C. Official Code § 1-1001.09. Secrecy required; place of voting; watchers; challenged ballots; assistance in marking ballot or operating voting machine; more than 1 vote prohibited; unopposed candidates; availability of regulations at polling place; deposit, inspection, and destruction of ballots.

(a) Voting in all elections shall be secret.

(b)(1) Except as provided in paragraphs (2) and (3) of this subsection, each registered qualified elector shall cast ~~his or her~~ the registered qualified elector's vote in the voting precinct that serves ~~his or her~~ the registered qualified elector's current residence address.

(2) The Board shall permit any duly registered voter to vote by absentee ballot, for any reason, under such rules as the Board may issue.

(3) No registered qualified elector of the District may cast a vote in a precinct that does not serve ~~his or her~~ the registered qualified elector's 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.

(b-1)(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.

(2) At each early voting center, the Board shall allow persons to vote in person for not more than 12 days before election day; provided, that no early voting shall occur on a holiday.

(3) The Department of General Services shall assist the Board in identifying appropriate locations for use as early voting centers.

496 (4) The Chief Technology Officer shall assist the Board in ensuring that each early
497 voting center maintains a secure network environment with the Board's office.

498 (5) Before January 31, 2011, the Board shall submit a report to the Council on the
499 effectiveness of using early voting centers, including information about:

- 500 (A) The effect of early voting centers on turnout rates;
501 (B) Whether the expanded use of early voting centers could permit for
502 consolidation of precincts; or
503 (C) Other information about cost savings opportunities for the use of polling
504 places.

505 (6) The Board shall issue rules implementing this subsection.

506 (b-2) The Board may provide blank ballots by fax, e-mail, or other electronic means to
507 absent uniformed services voters and overseas voters in federal elections.

508 (c) Any candidate or group of candidates may, not less than 2 weeks prior to such election,
509 petition the Board for credentials authorizing watchers at 1 or more polling places and at the place
510 or places where the vote is to be counted for the next election during voting hours and until the
511 count has been completed. The Board shall formulate rules and regulations not inconsistent with
512 this subchapter to prescribe the form of watchers' credentials, to govern the conduct of such
513 watchers, and to limit the number of watchers so that the conduct of the election will not of the
514 election will not be unreasonably obstructed. Such rules and regulations should provide fair
515 opportunity for watchers for all candidates or groups of candidates to challenge prospective voters
516 whom the watchers believe to be unqualified to vote, to question the accuracy in the vote count,
517 and otherwise to observe the conduct of the election at the polling place and the counting of votes.

518 (c-1) The Board shall issue rules for granting access to the electoral process, including
519 access to polling places, ballot-tabulation centers, and other similar locations, to election
520 observers. The rules shall take into account the need to avoid disruption and crowding in polling
521 places and ballot-tabulation centers and the need to ensure that all questions posed by observers
522 should be answered as fully, accurately, and cooperatively as possible. Election observers shall be
523 allowed uniform and nondiscriminatory access to all stages of the election process, including the
524 certification of election technologies, early and absentee voting, and vote tabulation. The Board
525 shall issue a public notice with respect to any denial of a request by any election observer for
526 access to any polling place for purposes of observing an election. The notice shall be issued not
527 later than 24 hours after the denial.

528 (d)(1) A registered voter may challenge another voter's status as a qualified elector of the
529 District of Columbia by stating in writing the name of the person challenged, the basis for the
530 challenge, and the evidence provided to support the challenge. The challenger shall sign an
531 affidavit, declaring under penalty of perjury, that the challenge is based upon substantial evidence
532 which ~~he or she~~ the challenger believes in good faith shows that the person challenged is not a
533 qualified elector of the District. After receiving a challenge ~~or making a challenge on his or her~~
534 ~~own initiative~~, the precinct captain or other official in charge of the polling place shall give the
535 challenged voter an opportunity to respond.

536 (2) Notwithstanding paragraph (1) of this subsection, a voter shall not be challenged
537 solely on the basis of characteristics or perceived characteristics not directly related to the
538 challenged voter's status as a registered qualified elector, including race, color, religion, sex,
539 personal appearance, sexual orientation, gender identity or expression, matriculation status,
540 political affiliation, or physical disability. The Board may remove a precinct captain or void the
541 credentials of an authorized watcher, or refer the matter for prosecution as a violation of § 1-

1001.12, if the Board determines that the precinct captain or the watcher has violated the provisions of this paragraph.

(3) The precinct captain shall review the evidence presented and shall affirm the challenge if ~~he or she~~ the precinct captain finds that it is based on substantial evidence specific to the voter being challenged and probative of the challenged voter's status as a qualified elector. The precinct captain shall deny the challenge if he or she finds that the challenge is not based on substantial evidence that is specific to the voter being challenged and probative of the challenged voter's status as a qualified elector. The precinct captain shall record the decision and the rationale for the decision on a form provided by the Board.

(4) If the precinct captain denies the challenge, ~~he or she~~ the precinct captain shall inform the challenger that the challenger may appeal the decision to the Board and shall give the challenger copies of the rules regarding challenges and appeals to the Board. Any appeal of the precinct captain's decision to deny the challenge shall be made either before the challenged voter casts a regular ballot, or before either the challenger or the challenged voter leaves the polling place, whichever is earlier. If the challenger does not appeal the precinct captain's decision to deny the challenge, the challenged voter shall cast a regular ballot.

(5) If the challenger appeals the precinct captain's decision to deny the challenge, the precinct captain shall state the facts of the case to the Board's hearing officer, who is authorized to rule on the appeal for the Board. A Board member, the Board's Executive Director, or the Board's chief voter registration official may serve as the Board's hearing officer for the appeal. The precinct captain shall contact the hearing officer by telephone. The hearing officer shall ensure that the hearing is recorded, and shall take testimony under oath from the challenger, the person challenged, the precinct captain, and any witnesses to the challenge who wish to testify. Each person who testifies before the hearing officer shall state for the record their:

(A) Name as recorded on the Board's voter registration list;

(B) Residence address, mailing address, and telephone number; and

(C) Role in the challenge.

(6) The hearing officer shall receive evidence and testimony pursuant to paragraph (5) of this subsection and then shall close the hearing. The hearing officer shall review all of the evidence presented pertaining to the challenge and make a decision regarding the appeal, based on ~~his or her~~ the hearing officer's determination of whether the challenger has presented substantial evidence that is specific to the voter being challenged and probative of the challenged voter's status as a qualified elector. The recording of the hearing shall be transcribed and shall serve as the official case record along with the written documentation of the precinct captain's initial decision to deny the challenge.

~~(7) The hearing officer shall notify the precinct captain of his or her decision on the appeal of the unsuccessful challenge, and the precinct captain shall notify each party of the hearing officer's decision. If the hearing officer affirms the precinct captain's decision to deny the challenge, the challenged voter shall cast a regular ballot. The precinct captain shall inform the challenger of his or her right to appeal the decision of the Board hearing officer to the Superior Court of the District of Columbia. If the hearing officer overturns the precinct captain's decision to deny the challenge, the challenged voter shall be allowed to vote only by casting a paper ballot marked "challenged" in accordance with the procedures set forth in paragraph (8) of this subsection. The hearing officer shall notify the precinct captain of the hearing officer's decision on the appeal of the unsuccessful challenge, and the precinct captain shall notify each party of the hearing officer's decision. If the hearing officer affirms the precinct captain's decision to deny the~~

challenge, the challenged voter shall cast a regular ballot. The precinct captain shall inform the challenger of the challenger's right to appeal the decision of the Board hearing officer to the Superior Court of the District of Columbia. If the hearing officer overturns the precinct captain's decision to deny the challenge, the challenged voter shall be allowed to vote only by casting a paper ballot marked "challenged" in accordance with the procedures set forth in paragraph (8) of this subsection.

(8) If the precinct captain affirms the challenge made at the polling place, or if the Board's hearing officer overturns the decision of the precinct captain to deny a challenge, the precinct captain shall allow the person to vote only by casting a paper ballot marked "challenged" and shall provide the voter with written notification of ~~his or her~~ the voter's right of appeal pursuant to subsection (e) of this section. Challenged ballots shall be segregated, and no challenged ballot shall be counted until the challenge has been removed pursuant to subsection (e) of this section. The precinct captain shall not allow the challenged voter to cast a "challenged" ballot unless the voter signs an affidavit swearing or affirming, under penalty of perjury, that ~~he or she~~ the voter is a registered qualified elector in the District of Columbia who resides in the precinct in which the ballot is to be cast, and if applicable, the Advisory Neighborhood Commission single-member district in which the ballot is to be cast.

(d-1) Any individual who alleges that their name has been erroneously omitted from the list of registered voters, or alleges that their name, address or party affiliation is erroneously printed on the list of registered voters, shall be permitted to cast a ballot. Ballots so cast shall be placed in a sealed envelope. The outside of the envelope shall contain the signature of the voter and such information as the Board deems necessary to determine that the individual is qualified to have the vote counted. The official in charge of the polling place shall provide the voter with written notification of appeal rights as provided in subsection (e) of this section, should the Board determine that the voter is not qualified to vote in the election.

(d-2) Any individual who votes in a federal election as a result of a court order or other order that extends the time established for closing the polls by a District law in effect 10 days before the date of that election shall vote in that election by casting a special ballot. Any ballot cast under this subsection shall be separated and held apart from other special ballots not affected by the order.

(e)(1) A voter's signing of a challenged or special ballot envelope shall be deemed as 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. The Board shall review all available evidence pertaining to the eligibility of each voter casting a challenged or special ballot, and shall make a preliminary decision about whether to count or to reject each challenged or special ballot based on its review of the available evidence.

(2) The Board shall maintain a toll-free telephone service during regular business hours for any person who has voted by a challenged or special ballot to learn the Board's preliminary decision whether to count or reject ~~his or her~~ the person's ballot and the reason for each decision.

(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 no earlier than 8 days and no later than 10 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~~ the voter 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.

(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 no earlier than 8 days and no later than 10 days after any election held pursuant to this subchapter. 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~~ the voter's 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.

(f) If a qualified elector is unable to record ~~his or her~~ the qualified elector's vote by marking the ballot or operating the voting machine an official of the polling place shall, on the request of the voter, enter the voting booth and comply with the voter's directions with respect to recording his or her vote. Upon the request of any such voter, a second official of the polling place shall also enter the voting booth and witness the recordation of the voter's directions. The official or officials shall in no way influence or attempt to influence the voter's decisions, and shall tell no one how the voter voted. The official in charge of the voting place shall make a return of all such voters, giving their names and disabilities.

(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~~ the person 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 § 1-1001.08(r).

[...]

D.C. Official Code § 1-1001.10. Dates for holding elections; votes cast for President and Vice President counted as votes for presidential electors; voting hours; tie votes; filling vacancy where elected official dies, resigns, or becomes unable to serve.

[...]

(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~~ the candidate or candidates. 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, member of the Council, Mayor, Attorney General, member of the State Board of Education, or winner of a primary election for the office of Delegate, member of the Council, Mayor, or Attorney General, elected pursuant to this

subchapter dies, resigns, or becomes unable to serve during ~~his or her~~ the official's term of office leaving no person elected pursuant to this subchapter 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 subchapter 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 Tuesday occurring at least 70 days and not more than 174 days after the date on which the vacancy occurs which the Board determines, based on a totality of the circumstances, taking into account, inter alia, cultural and religious holidays and the administrability of the election, will provide the opportunity for the greatest level of voter participation. 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~~ the person's 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 § 1-123 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.

(e)(1) In the event of a vacancy of an elected member of the State Board of Education, the Board of Elections shall hold a special election to fill the unexpired term of the vacant office. The special election shall be held on the Tuesday occurring at least 70 days and not more than 174 days after the date on which the vacancy occurs which the Board determines, based on a totality of the circumstances, taking into account, inter alia, cultural and religious holidays and the administrability of the election, will provide the opportunity for the greatest level of voter participation. The person elected as a member to fill a vacancy on the State Board of Education shall take office the day on which the Board of Elections certifies ~~his or her~~ the person's election.

(2) Repealed.

(f) Notwithstanding the provisions of subsection (e) of this section, if a vacancy of an elected member of the State Board of Education occurs on or after February 1st of the last year of the term of the vacant office, a special election shall not be held and the State Board of Education may appoint a person to fill such vacancy until the unexpired term ends. Any person appointed under this subsection shall have the same qualifications for holding such office as were required of ~~his or her~~ the person's immediate predecessor.

(g) A vacancy among the appointed Board members shall be filled within 45 days of its occurrence. The Mayor shall submit a nominee to the Council for confirmation within 30 days of the vacancy. Any Board member appointed to fill a vacancy shall serve until the end of the original term.

D.C. Official Code § 1-1001.14. Corrupt election practices.

(a) Any person who shall register, or attempt to register, or vote or attempt to vote under the provisions of this subchapter 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 § 1-1001.07(d)(2)(D), § 1-1001.09, § 1-1001.12, or § 1-1001.13 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 the person's qualifications for registering or voting or for holding elective office, or be guilty of violating section 7(d)(2)(D), section 9, section 12, or section 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 the person has declared himself or herself to be affiliated, or, if employed in the counting of votes in any election held pursuant to this subchapter, knowingly make a false report in regard thereto, and every candidate, person, or official of any political committee who shall knowingly make any expenditure or contribution in violation of subchapter I of Chapter 11 of this title, shall, upon conviction, be fined not more than \$10,000 or be imprisoned not more than 5 years, or both.

(a-1)(1) A person shall not knowingly or willfully:

(A) Pay, offer to pay, or accept payment of any consideration, compensation, gratuity, reward, or thing of value for registration to vote or for voting;

(B) Give false information as to his or her name, address, or period of residence for the purpose of establishing his eligibility to register or vote, that is known by the person to be false person's eligibility to register or vote, that is known by the person to be false;

(C) Procure or submit voter registration applications that are known by the person to be materially false, fictitious, or fraudulent;

(D) Procure, cast, or tabulate ballots that are known by the person to be materially false, fictitious, or fraudulent; or

(E) Conspire with another individual to do any of the above.

(2) A person who violates paragraph (1) of this subsection shall, upon conviction, be fined not more than \$10,000, be imprisoned not more than 5 years, or both.

(b)(1) Any person who signs an initiative, referendum or recall petition with any other than ~~his or her~~ the person's own name, or who signs a petition for an initiative, referendum or recall measure, knowing that he or she is not a registered qualified elector in the District of Columbia, or who makes a false statement as to his or her residency on any such petition, shall upon conviction be fined not more than \$10,000 or be imprisoned not more than 1 year, or both.

(2) Any public officer, involved in any part of the election process, who willfully violates any of the provisions of § 1-1001.16 or § 1-1001.17, shall be fined not more than \$10,000 or be imprisoned not more than 1 year, or both.

(3) Any person who: (A) For any consideration, compensation, gratuity, reward or thing of value or promise thereof, signs or promises to sign or declines to sign, or promises not to sign any initiative, referendum, or recall petition; or (B) pays or offers or promises to pay, or gives or offers or promises to give any consideration, compensation, gratuity, reward, or thing of value to any person to ~~induce him or her to sign or not to sign, his or her signatures induce the person to sign or not to sign, the person's signatures~~ upon any initiative, referendum, or recall petition, or to vote for or against, or to abstain from voting on, any initiative, referendum, or recall measure; or (C) by any other corrupt means or practice, or by threats or intimidation, interferes with, or attempts to interfere with, the right of any qualified registered elector to sign or not to sign any initiative, referendum, or recall petition, or to vote for or against, or to abstain from voting on any initiative, referendum, or recall measure; or (D) makes any false statement to the Board concerning

any initiative, referendum, or recall petition, or the signatures appended thereto shall be fined not more than \$10,000 or be imprisoned not more than 1 year, or both.

(4) Any proposer or circulator of an initiative, referendum, or recall petition who willfully violates any provision of §§ 1-1001.16 and 1-1001.17 shall, upon conviction thereof, be subject to a fine of not more than \$10,000 or to imprisonment of not more than 6 months, or both. Each occurrence of a violation of §§ 1-1001.16 and 1-1001.17 shall constitute a separate offense. Violations of §§ 1-1001.16 and 1-1001.17 shall be prosecuted in the name of the District of Columbia by the ~~Corporation Counsel~~ Attorney General of the District of Columbia.

(b-1)(1) A person who, ~~during the period beginning 30 days before any election or referendum, initiative, or recall and ending before the date that is 4 days after an election, referendum, initiative, or recall,~~ intentionally removes, defaces, damages, or destroys any lawfully placed billboard, poster, sign, or other material relating to any candidate for election for any office or to a referendum, initiative, or recall, shall be subject to imposition of civil fines, penalties, and fees for a civil infraction pursuant to Chapter 18 of Title 2 [§ 2-1801.01 et seq.].

(2) A person who violates paragraph (1) of this subsection shall be fined not more than \$100.

(3) This subsection shall not apply to:

(A) The candidate for election;

(B) A sponsor of a referendum, initiative, or recall;

(C) The owner of the material;

(D) The owner of the premises where the material is located;

(E) Persons authorized and acting on behalf of the owner of the material or the premises; or

(F) Any person charged with enforcement of any law of the District of Columbia acting within the scope of ~~his or her~~ the person's authority.

(c) The provisions of this section shall be supplemental to, and not in derogation of, any penalties under other laws of the District of Columbia.

D.C. Official Code § 1-1001.15. Candidacy for more than 1 office prohibited; multiple nominations; candidacy of officeholder for another office restricted.

(a) No person shall be a candidate for more than one office on the State Board of Education, the Council, Mayor, or Attorney General in any election for the members of the State Board of Education, the Council, Mayor, or Attorney General, and no person shall be a candidate for more than one office on the Council, Mayor, or Attorney General in any primary election. If a person is nominated for more than 1 such office, ~~he or she~~ the person shall, within 3 days after the Board has sent ~~him~~ the person notice that ~~he or she~~ the person has been so nominated, designate in writing the office for which ~~he or she~~ the person wishes to run, in which case ~~he or she~~ the person will be deemed to have withdrawn all other nominations. In the event that such person fails within such 3-day period to file such a designation with the Board, all such nominations of such person shall be deemed withdrawn.

(b) Notwithstanding the provisions of subsection (a) of this section, a person holding the office of Delegate, Chairman or member of the Council, Mayor, Attorney General, or member of the State Board of Education shall, while holding such office, be eligible as a candidate for any other of such offices in any primary or general election. In the event that said person is elected in a general election to the office for which ~~he or she~~ the person is a candidate, that person shall,

within 24 hours of the date that the Board certifies said person's election, pursuant to section 5(a)(11), either resign from the office that person currently holds or shall decline to accept the office for which ~~he or she~~ the person was a candidate. In the event that said person elects to resign, said resignation shall be effective not later than 24 hours before the date upon which that person would assume the office to which ~~he or she~~ the person has been elected.

D.C. Official Code § 1-1001.16. Initiative and referendum process.

(a)(1) Any registered qualified elector, or electors of the District of Columbia, who desire to submit a proposed initiative measure to the electors of the District of Columbia, or who desire to order that a referendum be held on any act, or on some part or parts of an act, that has completed the course of the legislative process within the District of Columbia government in accordance with § 1-204.04(e), shall file with the Board 5 printed or typewritten copies of the full text of the measure, a summary statement of not more than 100 words, and a short title of the measure to be proposed in an initiative, or of the act or part thereof on which a referendum is desired.

(2) The proposed initiative measure, or the act or part thereof, on which a referendum is desired shall be accompanied by:

- (A) The name and address of the proposer; ~~and~~
- (B) An affidavit that the proposer is a registered qualified elector of the District of Columbia; ~~and~~
- (C) A copy of the verified statement of contributions that the proposer has filed with the Director of Campaign Finance.

(b)(1) Upon receipt of each proposed initiative or referendum measure, the Board shall refuse to accept the measure if the Board finds that it is not a proper subject of initiative or referendum, whichever is applicable, under the terms of title IV of the District of Columbia Home Rule Act, or upon any of the following grounds:

- (A) The verified statement of contributions has not been filed pursuant to §§ 1-1163.07 and 1-1163.09;
- (B) The petition is not in the proper form established in subsection (a) of this section;
- (C) The measure authorizes, or would have the effect of authorizing, discrimination prohibited under Chapter 14 of Title 2; or
- (D) The measure presented would negate or limit an act of the Council of the District of Columbia pursuant to § 1-204.46.

(1A)(A) Within one business day after the proposed initiative or referendum measure is received by the Board, the Board shall request opinions from the Attorney General and the General Counsel of the Council on whether the measure is a proper subject of initiative or referendum.

(B) If the measure is a proposed:
(i) Initiative measure, the Attorney General and the General Counsel of the Council shall provide opinions to the Board within 15 business days after the Board's request is received; or

(ii) Referendum measure, the Attorney General and the General Counsel of the Council shall provide opinions to the Board within 5 business days after the Board's request is received.

(2) In the case of refusal to accept a measure, the Board shall endorse on the measure the words “received but not accepted” and the date, and retain the measure pending appeal. If none of the grounds for refusal exists, the Board shall accept the measure.

(3) If the Board refuses to accept any initiative or referendum measure submitted to it, the person or persons submitting such measure may apply, within 10 days after the Board’s refusal to accept such measure, to the Superior Court of the District of Columbia for a writ in the nature of mandamus to compel the Board to accept such measure. The Superior Court of the District of Columbia shall expedite consideration of the matter. If the Superior Court of the District of Columbia determines that the issue presented by the measure is a proper subject of initiative or referendum, whichever is applicable, under the terms of title IV of the District of Columbia Home Rule Act, and that the measure is legal in form, does not authorize discrimination as prescribed in paragraph (1)(C) of this subsection, and would not negate or limit an act of the Council of the District of Columbia as prescribed in paragraph (1)(D) of this subsection, it shall issue an order requiring the Board to accept the measure. Should the Superior Court of the District of Columbia hold in favor of the proposer, it may award court costs and reasonable attorneys’ fees to the proposer.

(4) After subject determination has been made the Board shall assign a serial number to each initiative and referendum measure, using separate series of numbers for initiative and separate series of numbers for referendum measures. Thereafter, a measure shall be known and designated on all petitions, ballots and proceedings as “Initiative Measure No.” or “Referendum Measure No.”.

(c) Within 20 calendar days, of the date on which the Board accepts an initiative or referendum measure, the Board shall:

(1) Prepare a true and impartial summary statement, written in plain language, not to exceed 100 words, bearing the serial number of the measure, and expressing the purpose of the measure. Such statement shall not intentionally create prejudice for or against the measure;

(2) Prepare a short title for the measure consisting of not more than 15 words to permit the voters to identify readily the initiative or referendum measure and to distinguish it from other measures which may appear on the ballot; and

~~(3) Prepare, in the proper legislative form, the proposed initiative or referendum measure, where applicable, which shall conform to the legislative drafting format of acts of the Council of the District of Columbia. The Board may consult experts in the field of legislative drafting, including, but not limited to, Corporation Counsel of the District of Columbia and officers of the Council of the District of Columbia for the purpose of preparing the measure in its proper legislative form~~ Prepare, in the proper legislative form, the proposed initiative or referendum measure, where applicable, which shall conform to the legislative drafting style of acts of the Council, and consult experts in legislative drafting, including the Attorney General and the General Counsel of the Council; and

(4) If the measure is an initiative measure, request a fiscal impact statement from the Office of the Chief Financial Officer, who shall issue a fiscal impact statement within 15 business days after receipt of the request from the Board.

~~(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 (1)~~

907 After preparing an initiative or referendum measure, the Board shall call a public meeting to adopt
908 the summary statement, short title, and legislative form of the measure.

909 (2) Within 24 hours after adoption, the Board shall:

910 (A) Notify the proposer of the measure, via email, of the exact language of
911 the summary statement, short title, and legislative form;

912 (B) Submit the summary statement, short title, legislative form, and, if the
913 measure is an initiative measure, the fiscal impact statement, to:

914 (i) The District of Columbia Register for publication; and

915 (ii) At least one newspaper of general circulation in the District; and

916 (C) Publish the summary statement, short title, legislative form, and, if the
917 measure is an initiative measure, the fiscal impact statement, on the Board's website.

918 (e)(1)(A) If any registered qualified elector of the District of Columbia objects to the
919 summary statement, short title, or legislative form of the initiative measure formulated by the
920 Board pursuant to subsections (c) and (d) of this section, that person may seek review in the
921 Superior Court of the District of Columbia within 10 calendar days from the date the Board
922 publishes the summary statement, short title, and legislative form in the District of Columbia
923 Register stating objections and requesting appropriate changes. The Superior Court of the District
924 of Columbia shall expedite the consideration of this matter.

925 (B) If any registered qualified elector of the District of Columbia objects to
926 the summary statement, short title, or legislative form of the referendum measure formulated by
927 the Board pursuant to subsection (c) of this section, that person may seek review in the Superior
928 Court of the District of Columbia within 10 calendar days from the date the Board publishes the
929 summary statement, short title, and legislative form in at least one newspaper of general circulation
930 stating objections and requesting appropriate changes. The Superior Court of the District of
931 Columbia shall expedite the consideration of this matter.

932 (2) Should no review in the Superior Court of the District of Columbia be sought
933 as provided in paragraph (1) of this subsection, the proposed summary statement, short title and
934 legislative form shall be deemed to be accepted.

935 (3) Should the Superior Court of the District of Columbia hold in favor of the
936 proposer, it may award court costs and reasonable attorney's fees to the proposer.

937 ~~(f) When the summary statement, short title, and legislative form of an initiative or~~
938 ~~referendum measure has been established pursuant to subsection (e) of this section, the Board shall~~
939 ~~certify such and transmit a copy thereof by certified mail to the proposer. Thereafter, such short~~
940 ~~title shall be the title of the measure in all petitions, ballots, and other proceedings relating thereto.~~
941 ~~The Board shall, upon the request of any person, make single copies of the approved short title,~~
942 ~~summary statement, and full legislative text available at no charge. Additional copies shall be made~~
943 ~~available at a nominal cost (1) When the summary statement, short title, and legislative form of an~~
944 ~~initiative or referendum measure have been established pursuant to subsection (e) of this section,~~
945 ~~the Board shall certify their establishment and transmit a copy by certified mail and e-mail to the~~
946 ~~proposer.~~

947 (2) The established short title shall be the title of the measure in all petitions, ballots,
948 and other related proceedings.

949 (3) The Board shall, upon the request of any person, make single copies of the
950 approved short title, summary statement, and full legislative text available at no charge. Additional
951 copies shall be made available at a nominal cost.

(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 or shall utilize the mobile application made available under § 1-1001.05(a)(19).~~ Each initiative or referendum petition sheet shall consist of one double-sided sheet providing numbered lines for 20 printed names and signatures with residence addresses (street numbers) and ward numbers. Each petition sheet shall have printed on it, and each mobile application shall electronically display, the following information:

(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.

(g-1)(1) Petition sheets of proposers shall be filed with the Board in hard copy but may be electronically made available by the:

(A) Board to the proposers; and

(B) Proposers to qualified petition circulators.

(2) Signatures on petition sheets shall not be invalidated because the signer was also the circulator of the same petition sheet on which the signature appears.

(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;

(5) That the circulator of the initiative or referendum petition sheet was a qualified petition circulator at the time of circulation- ; and

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

~~(i) In order for any initiative or referendum measure to qualify for the ballot for consideration by the electors of the District of Columbia, the proposer of such an initiative or referendum measure shall secure the valid signatures of registered qualified electors upon the initiative or referendum measure equal in number to 5 percent of the registered electors in the District of Columbia: Provided, that the total signatures submitted include 5 percent of the registered electors in each of 5 or more of the 8 wards. The number of registered electors which is used for computing these requirements shall be consistent with the latest official count of registered electors made by the Board 30 days prior to the initial submission to the Board of the initiative or referendum measure, pursuant to subsection (a) of this section (1) In order for any initiative measure or referendum measure to qualify for the ballot for consideration by the electors of the District, the proposer of the initiative measure or referendum measure shall secure the valid~~

signatures of registered qualified electors upon the initiative or referendum measure equal in number to 5% of the registered qualified electors in the District; provided, that the total signatures submitted include 5% of the registered qualified electors in each of 5 or more of the 8 wards.

(2) The number of registered qualified electors that is used for computing the requirements described in paragraph (1) of this subsection shall be consistent with the latest official count of registered qualified electors made by the Board 30 days prior to the submission of the signatures for the particular initiative or referendum petition.

(j)(1) A proposer of an initiative measure shall have 180 calendar days, beginning on the 1st calendar day immediately following the date upon which the Board certifies, according to ~~subsection (h)~~ subsection (f) of this section, that the petition form of such initiative measure is in its final form to secure the proper number of valid signatures needed on the initiative petition to qualify such a measure for the ballot, pursuant to ~~subsection (h)~~ subsection (f) of this section and to file such petition with the Board.

(2) A proposer of a referendum measure shall secure the proper number of valid signatures needed on the referendum petition to qualify such a measure for the ballot pursuant to subsection (i) of this section, and shall file such petition with the Board before the act, or part thereof, which is the subject of the referendum has become law according to the provisions of §§ 1-204.04 and 1-206.02(c). No act is subject to referendum if it has taken effect according to the provisions of § 1-206.02(c).

(3) The proposer may not begin circulating an initiative or referendum petition until the Board has certified pursuant to ~~subsection (h)~~ subsection (f) of this section that such petition is in its final form.

(k)(1) Upon submission of an initiative or referendum petition by the proposer to the Board, the Board shall refuse to accept the petition upon any of the following grounds:

(A) The petition is not in the proper form established in subsection (g) of this section;

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

(C) The petition on its face clearly bears an insufficient number of signatures;

(D) The petition sheets do not have attached to them the statements of the circulators as provided in subsection (h) of this section; or

(E) The petition was circulated by persons who were not qualified petition circulators at the time of circulation.

(2) In the case of refusal to accept a petition, the Board shall endorse on the petition the words "submitted but not accepted" and the date, and retain the petition pending appeal. If none of the grounds for refusal exists, the Board shall accept the petition.

(l) If the Board refuses to accept an initiative or referendum petition when submitted to it, the person or persons submitting such petition may apply, within 10 days after the Board's refusal to accept such petition, to the Superior Court of the District of Columbia for a writ in the nature of mandamus to compel the Board to accept such petition. The Superior Court of the District of Columbia shall expedite the consideration of the matter. If the Superior Court of the District of Columbia determines that the petition is legal in form and apparently meets the requirement for signatures, both as to number and as to ward distribution, prescribed in subsection (i) of this section, and was submitted within the time limitations established in subsection (j) of this section, and has attached to the petition the proper statements of the circulators prescribed in subsection

(h) of this section, it shall issue an order requiring the Board to accept the petition as of the date of submission for filing. Should the Superior Court of the District of Columbia hold in favor of the proposer, it may award court costs and reasonable attorneys' fees to the proposer.

(m) Upon submission of a referendum petition to the Board, the Board shall notify the appropriate custodian of the act of the Council of the District of Columbia which is the subject of the referendum (either the President of the Senate and the Speaker of the House of Representatives) as provided in §§ 1-204.04 and 1-204.46 and the President of the Senate and the Speaker of the House of Representatives shall, as appropriate, return such act or part or parts of such act to the Chairman of the Council of the District of Columbia. No further action may be taken upon such act until after a referendum election is held. If, however, after the counting and validation procedure for signatures, which takes place pursuant to subsection (o) of this section, the referendum measure fails to meet the percentage and distribution requirements for signatures established in subsection (i) of this section, the act which was the subject of the referendum shall be again transmitted to the Congress for any remaining period of review as provided in § 1-206.02(c).

[...]

D.C. Official Code § 1-1001.17. Recall process.

(a) The provisions of this section shall govern the recall of all elected officers of the District of Columbia except the Delegate to the Congress from the District of Columbia.

(b)(1) Any registered qualified elector or electors desiring to initiate the recall of an elected officer shall file a notice of intention to recall that officer with the Board, which contains the following information:

(A) The name and title of the elected officer sought to be recalled;
(B) A statement not to exceed 200 words in length, giving the reasons for the proposed recall;

(C) The name and address of the proposer of the recall; and
(D) An affidavit that each proposer is:

(i) A registered qualified elector in the election ward of the elected officer whose recall is sought, if that officer was elected to represent a ward;

(ii) A registered qualified elector in the District of Columbia, if the officer whose recall is sought was elected at-large; or

(iii) A registered qualified elector in the single-member district of an Advisory Neighborhood Commissioner whose recall is sought.

(2) A separate notice of intention shall be filed for each officer sought to be recalled.

(c)(1) No recall proceedings shall be initiated for an elected officer during the 1st 365 days nor during the last 365 days of ~~his~~ the elected officer's term of office.

(2) The recall process for an elected officer may not be initiated within 365 days after a recall election has been determined in ~~his or her~~ the elected officer's favor.

(3) In the case of an Advisory Neighborhood Commissioner, no recall proceedings shall be initiated during the first 6 months or the last 6 months of the Commissioner's term of office, nor within 6 months after a recall election has been decided in favor of the Commissioner.

(d)(1) The Board shall serve, in person or by certified mail, the notice of intention to recall to the elected officer sought to be recalled within 5 calendar days.

(2) The elected officer sought to be recalled may file with the Board, within 10 calendar days after the filing of the notice of intention to recall, a response of not more than 200 words, to the statement of the proposer of recall. If an answer is filed, the Board shall serve immediately a copy of that response to the proposer named in the notice of intention to recall.

(3) The statement contained in the notice of intention to recall and the elected officer's response are intended solely for the information of the voters. No insufficiency in form or substance of such statement shall affect the validity of the election proceedings.

(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~~ the proponent's own form. The proponent shall print from the original blank petition sheets on paper of good writing quality or shall utilize the mobile application made available under § 1-1001.05(a)(19). 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. Each petition sheet shall have printed on it, and each mobile application shall electronically display, the following information:

(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~~ the elected officer holds;

(3) A statement that requests that the Board hold a recall election in a manner prescribed in §§ 1-204.111 to 1-204.115;

(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.

(f) Each petition sheet or sheets for recall shall have attached to it, at the time of submission to the Board, a statement made under penalties of perjury, in a form determined by the Board signed by the circulator of that petition which contains the following:

(1) The printed name of the circulator;

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

(3) That the circulator of the petition form 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 whose name it purports to be;

(5) That the circulator of the recall petition was a qualified petition circulator at the time of circulation; and

(6) The dates between which all the signatures to the petition were obtained.

(g) The proposer of a recall shall have 180 days or, in the case of a proposed recall of an Advisory Neighborhood Commissioner, 60 days, beginning on the date when the proponent of the recall formally adopts the original petition form as ~~his or her~~ the proponent's own form pursuant to subsection (e) of this section, to circulate the recall petition and file the petition with the Board.

[...]

(l) After determining that the number and validity of signatures in the recall petition meet the requirements established in this section, the Board shall certify the sufficiency of such recall petition and shall fix the date of a special election to determine whether the elected officer who is

the subject of the recall shall be removed from ~~his or her~~ the elected officer's office. The Board shall conduct an election for this purpose within 114 days after the date the petition to recall has been certified as to its sufficiency. If a previously scheduled general, primary, or special election will occur between 54 and 114 days after the date the petition to recall has been certified as to its sufficiency, the Board may present the recall measure at that election. In the case of a proposed recall of an officer elected to represent a particular ward, the recall election shall be conducted only in that ward. In the case of a proposed recall of an Advisory Neighborhood Commissioner, the recall election shall be conducted in one of the following manners unless conducted in accordance with a previously scheduled general, primary, or special election pursuant to this subsection:

(1)(A) In the single-member district represented by the Advisory Neighborhood Commissioner at the voting precinct containing the majority of the registered qualified electors; or

(B) If the voting precinct is unavailable, at an appropriate alternative site within the single-member district;

(2) By postal ballot by mailing by 1st class mail no later than 7 days prior to the date of the election an official ballot issued by the Board. The ballots shall be mailed to each qualified registered elector in the single-member district at the address at which the elector is registered, except for those persons who have made arrangements with the Board for absentee voting pursuant to § 1-1001.09(b)(2). The Board shall, pursuant to § 1-1001.05(a)(14), issue rules to implement the provisions of this paragraph. The ballots shall be printed with prepaid 1st class postage and shall be postmarked no later than midnight of the day of the election.

(3) A special election called to consider the recall of an Advisory Neighborhood Commissioner shall not be considered an election for the purposes of § 1-1001.16(p).

(m) The Board shall place the recall measure on the ballot in substantially the following form:

FOR the recall of (insert the name of the elected officer and the office held)

AGAINST the recall of (insert the name of the elected officer and the office held)

(n) Based on the results of the special election held to decide the outcome of the recall measure, the elected officer sought to be recalled shall be removed from that office: Provided, that a majority of the qualified electors voting in the recall election vote to remove ~~him or her~~ the elected officer. The vacancy, as created by the removal, shall be filled in the same manner as other vacancies, as provided in §§ 1-204.01(b)(3) and (d), 1-204.21(c)(2), 1-309.06(d), and 1-1001.10.

Section 3

D.C. Official Code § 1-1162.24. Public reporting.

[...]

(c)(1) Except as otherwise provided in this subsection, reports required by this section shall be filed annually no later than 11:59 p.m. on May 15 of each year. If, before 11:59 p.m. on May 15, a public official ceases to hold an office or position, the occupancy of which imposes upon him or her the reporting requirements set forth in subsection (a) of this section, the public official shall file the report required by subsection (a) of this section within 3 months after leaving the office or position.

(2) Reports required by this section for the Chairman and each member of the Council shall be filed semiannually no later than 11:59 p.m. on May 15 and November 15 of each year. If, before 11:59 p.m. on May 15 or November 15, the Chairman or a member of the Council ceases to hold an office, the occupancy of which imposes upon him or her the reporting requirements set forth in subsection (a) of this section, the Chairman or member of the Council shall file the report required by subsection (a) of this section within 3 months after leaving the office.

(c-1) The Board shall publish in the District of Columbia Register no later than 11:59 p.m. on June 15 of each year, or in the case of the Chairman or a member of the Council, no later than 11:59 p.m. on June 15 and December 15 of each year, the name of each public official who has:

(1) Filed a report under this section;

(2) Sought and received an extension of the filing deadline and the reason for the extension; and

(3) Not filed a report and the reason for not filing, if known.

(c-2) Notwithstanding any other provision of this section, in calendar year 2020, the Board may change the dates by which:

(1) Reports required by this section are to be filed; and

(2) The names of public officials are to be published pursuant to subsection (c-1) of this section.

(c-2) Notwithstanding any other provision of this section, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Board may change the dates by which:

(1) Reports required by this section are to be filed; and

(2) The names of public officials are to be published pursuant to subsection (c-1) of this section.

[...]

D.C. Official Code § 1-1162.25. Confidential disclosure of financial interest.

(a)(1) Each employee, other than a public official or a Council employee, who advises, makes decisions or participates substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land-use planning, inspecting, licensing, policy-making, regulating, or auditing, or acts in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest, as determined by the appropriate agency head, shall file a report containing a full and complete statement of the information required by § 1-1162.24 with the appropriate agency head no later than 11:59 p.m. on May 15 of each year.

(2) Each Council employee who acts in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest, as determined by that employee's personnel authority, shall file a confidential report containing a full and complete statement of the information required by § 1-1162.24 with the General Counsel to the Council no later than 11:59 p.m. on May 15 of each year.

(b) Each personnel authority shall review each confidential financial disclosure statement filed by an employee of its agency or the Council pursuant to subsection (a) of this section no later than 11:59 p.m. on June 1 of each year. Any violation of the Code of Conduct found by the personnel authority shall be forwarded immediately to the Board for review.

(b-1) Notwithstanding any other provision of this section, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Board may change the dates by which:

(1) Reports required by subsection (a) of this section are to be filed; and
(2) Reports filed pursuant to subsection (a) of this section shall be reviewed pursuant to subsection (b) of this section.

(c) Each personnel authority shall compile a list of all employees required to submit a confidential financial disclosure statement within its agency or the Council and shall supply the list to the Board by 11:59 p.m. on March 1 of each year. The list required by this subsection shall include the name, title, position, and grade level for each employee.

(d) A confidential financial disclosure statement filed pursuant to this section shall remain confidential, and shall be retained by the personnel authority for at least 6 years.

(e) For the purposes of this section, the Chairman of the Council may delegate all or a portion of his or her personnel authority, described in § 1-604.06(b)(3)(A)(i), to one or more employees of the Council.

D.C. Official Code § 1-1162.30. Activity Reports.

(a) Each registrant shall file with the Director of Government Ethics between the 1st and 15th day of January, April, July, and October of each year a report signed under oath concerning the registrant's lobbying activities during the previous quarter. If the registrant is not an individual, an authorized officer or agent of the registrant shall sign the form. A registrant shall file a separate activity report for each person from whom he or she receives compensation. The reports shall be public documents and shall be on a form prescribed by the Director of Government Ethics and shall include the following:

(1) A complete and current statement of the information required to be supplied pursuant to § 1-1162.29;

(2)(A) Total expenditures on lobbying broken down into the following categories:

(i) Office expenses;

(ii) Advertising and publications;

(iii) Compensation to others;

(iv) Personal sustenance, lodging, and travel, if compensated;

(v) Other expenses;

(B) Each expenditure of \$50 or more shall also be itemized by the date, name, and address of the recipient, and the amount and purpose of the expenditure;

(3) Each political expenditure, loan, gift, honorarium, or contribution of \$50 or more made by the registrant or anyone acting on behalf of the registrant to benefit an official in the legislative or executive branch, a member of his or her staff or household, or a political committee or political action committee established for the benefit of the official, be itemized by date, beneficiary, amount, and circumstances of the transaction; including the aggregate of all expenditures that are less than \$50;

(4) Each official in the executive or legislative branch and any member of the official's staff, including personal and committee staff, who has a business relationship or a professional services relationship with the registrant shall be identified by name and the nature of the business relationship with the registrant;

(5) The name, position, and agency or office of each official in the executive or legislative branch and member of the official's staff with whom the registrant has had written or oral communications during the reporting period related to lobbying activities conducted by the registrant;

(5A) A precise description of the subject matter, including the title of any bill, proposed resolution, contract, reprogramming, or other legislation, of all written or oral communications related to lobbying activities conducted by the registrant with any official in the executive or legislative branch or member of the official's staff during the reporting period;

(6) Each person whom the registrant has given compensation to lobby on his or her behalf; and

(7) All bundled contributions in accordance with rules promulgated by the Board.

(a-1) Notwithstanding any other provision of this section, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Board may change the dates by which reports required by subsection (a) of this section shall be filed.

(b) Each registrant shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the activity reports required to be made pursuant to this section for 5 years from the date of filing of the report containing these items. These materials shall be made available for inspection upon requests by the Director of Government Ethics after reasonable notice.

(c) Each registrant who does not file a report required by this section for a given period is presumed not to be receiving or expending funds that are required to be reported under this part.

(d) The Board shall make the information reported under this section available to the public on its website and sortable by various fields, including by:

(1) Reporting period;

(2) Registrant name;

(3) Name of each person who lobbies on the registrant's behalf;

(4) Name of each official lobbied;

(5) The agency or office of each official lobbied;

(6) The subject of the communications (such as a specific administrative decision, bill, proposed resolution, contract, reprogramming, or other legislative action); and

(7) A listing of each political expenditure, loan, gift, honorarium, or contribution of \$50 or more required to be reported by subsection (a)(3) of this section.

Section 4

D.C. Official Code § 1-1163.04. Duties of the Director of Campaign Finance.

[...]

(7A) Require a candidate for public office and the treasurer of any political committee, political action committee, or independent expenditure committee to attend a training program conducted by the Director of Campaign Finance concerning compliance with this subchapter. Such training shall:

(A) Be conducted in person or, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public

Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), online;

(A-i) Include content on the Fair Elections Program and the requirements of this subchapter pertaining to business contributors, including their affiliated entities, and covered contractors;

(B) Be completed in accordance with a schedule to be published by the Director of Campaign Finance, or by individual request as the Director of Campaign Finance deems appropriate; and

(C) Upon completion, result in the completion of an oath or affirmation to follow the District's campaign finance laws, to be developed by the Director of Campaign Finance. The names of the participants and those participants who have not completed the training shall be prominently displayed on the website of the Campaign Finance Board; [...]

D.C. Official Code § 1–1163.32c. Certification as a participating candidate.

(a) To be certified by the Director of Campaign Finance as a participating candidate for a seat for a covered office in an election cycle, a candidate shall, during the qualifying period:

(1) Obtain the following:

(A) For a candidate for Mayor, qualified small-dollar contributions from at least 1,000 small-dollar contributors, which, in the aggregate, total \$40,000 or more;

(B) For a candidate for Attorney General, qualified small-dollar contributions from at least 500 small-dollar contributors, which, in the aggregate, total \$20,000 or more;

(C) For a candidate for Chairman of the Council, qualified small-dollar contributions from at least 300 small-dollar contributors, which, in the aggregate, total \$15,000 or more;

(D) For a candidate for member of the Council elected at-large, qualified small-dollar contributions from at least 250 small-dollar contributors, which, in the aggregate, total \$12,000 or more;

(E) For a candidate for member of the Council elected from a ward or member of the State Board of Education elected at-large, qualified small-dollar contributions from at least 150 small-dollar contributors, which, in the aggregate, total \$5,000 or more; or

(F) For a candidate for member of the State Board of Education elected from a ward, qualified small-dollar contributions from at least 50 small-dollar contributors, which, in the aggregate, total \$1,000 or more; and

(2) File, with the Director of Campaign Finance, an affidavit signed by the candidate and the treasurer of the candidate's principal campaign committee declaring that the candidate:

(A) Has complied with and, if certified, will continue to comply with the Fair Elections Program's requirements;

(B) If certified, will only run in that election cycle as a participating candidate;

(C) If certified, will only run during that election cycle for the seat for the covered office for which the candidate is seeking certification, including in both the primary and general elections, as applicable;

(D) Has otherwise qualified, or will take steps to qualify, for ballot access in accordance with the procedures required by the Board pursuant to § 1-1001.08, such as by filing a declaration of candidacy under 3 DCMR § 601 and a nominating petition containing the required number of valid signatures under 3 DCMR § 1605;

(E) ~~Is current with respect to any fines or penalties owed for a violation of this chapter~~ Has paid any fines or penalties assessed for a violation of this act, whether or not those fines or penalties are due or delinquent at the time of filing the affidavit; and

(F) Has responded and will respond to all inquiries of the Board and the Director of Campaign Finance in a timely manner.

[...]

D.C. Official Code § 1-1163.32d. Base amount payments.

(a)(1)(A) Within 5 business days after a participating candidate is certified under § 1-1163.32c(b), the Director of Campaign Finance shall direct the Office of the Chief Financial Officer to disburse to the participating candidate half of the base amount described in paragraph (2) of this subsection. The Office of the Chief Financial Officer shall disburse the funds within 5 business days after receiving direction to do so from the Director of Campaign Finance.

(B) Within 5 business days after the participating candidate qualifies for the ballot, the Director of Campaign Finance shall direct the Office of the Chief Financial Officer to disburse to the participating candidate the other half of the base amount described in paragraph (2) of this subsection. The Office of the Chief Financial Officer shall disburse the funds within 5 business days after receiving direction to do so from the Director of Campaign Finance.

(2) The base amount shall be:

(A) \$160,000 for the office of Mayor;

(B) \$40,000 for the office of Attorney General;

(C) \$40,000 for the office of Chairman of the Council;

(D) \$40,000 for the office of Councilmember elected at-large and from a ward; and

(E) \$10,000 for the office of State Board of Education elected at-large and from a ward.

(b)(1) In an uncontested election, the participating candidate shall:

(A) Not receive the base amount described in subsection (a) of this section, except as provided in paragraph (3) of this subsection; and

(B) Be eligible to receive matching payments for qualified small-dollar contributions pursuant to § 1-1163.32e.

(2) If an uncontested election becomes a contested election after a participating candidate is certified under § 1-1163.32c(b), the Director of Campaign Finance shall direct, no later than 5 business days after the uncontested election becomes a contested election, the Office of the Chief Financial Officer to disburse to the participating candidate, and the Office of the Chief Financial Officer shall disburse, within 5 business days after receiving direction to do so from the Director of Campaign Finance:

(3)(A) If a contested election becomes an uncontested election after the participating candidate has received the first, but not the second, half of the base amount, the participating candidate may retain any unspent base amount funds to repay:

1409 (i) Any authorized expenditures or the proper debts that were
1410 incurred in connection with the participating candidate's campaign; and

1411 (ii) Personal funds of the participating candidate or the participating
1412 candidate's immediate family contributed under § 1-1163.32f(a)(6).

1413 (B) If a contested election becomes an uncontested election, a participating
1414 candidate who has not yet qualified for the ballot shall not receive the second half of the base
1415 amount upon ballot qualification.

1416 (c) Funds shall be distributed to participating candidates under this section through the use
1417 of an electronic funds transfer or a debit card.

1418
1419 **D.C. Official Code § 1-1163.32e. Matching payments for qualified small-dollar**
1420 **contributions.**

1421
1422 (a) Qualified small-dollar contributions received in an election cycle before a candidate is
1423 certified as a participating candidate pursuant to § 1-1163.32c(b) shall not be matched until the
1424 candidate is certified.

1425 (b) After the candidate is certified, the participating candidate shall receive matching
1426 payments from the Fair Elections Fund for the qualified small-dollar contributions that the
1427 participating candidate received in that election cycle before the participating candidate was
1428 certified and those qualified small-dollar contributions received after the participating candidate
1429 was certified, in an amount equal to 500% of the amount of the qualified small-dollar contributions,
1430 subject to subsection (d) of this section.

1431 (c) Contributions from non-District resident individuals shall not be matched.

1432 (d) The maximum amount participating candidates may receive under this section shall be:

1433 (1) For candidates for Mayor and Chairman of the Council, 110% of the average
1434 expenditures of the winning candidates for that covered office, respectively, in the prior 4 election
1435 cycles (not including special elections);

1436 (2) For candidates for Attorney General, 110% of the average expenditures of the
1437 winning candidates for that covered office in all prior election cycles, until such time as 4 election
1438 cycles for that covered office have been held, after which time, 110% of the average expenditures
1439 of the winning candidates for that covered office in the prior 4 election cycles (not including special
1440 elections); and

1441 (3) For candidates for member of the Council elected at-large or by ward, and for
1442 candidates for member of the State Board of Education elected at-large or by ward, 110% of the
1443 average expenditures of all winning candidates for that covered office, respectively, in the prior 2
1444 election cycles (not including special elections).

1445 (e) Within 5 business days after the receipt of a report made under § 1-1163.09(a) and (b-
1446 1), the Director of Campaign Finance shall direct the Office of the Chief Financial Officer to
1447 disburse payments under this section. The Office of the Chief Financial Officer shall disburse the
1448 payments within 5 business days after receiving direction to do so from the Director of Campaign
1449 Finance.

1450 (f) The Director of Campaign Finance shall provide a written explanation with respect to
1451 any denial of any payment under this section and shall provide an opportunity to appeal the denial
1452 within 10 business days.

1453 (g) Funds shall be distributed to participating candidates under this section through the use
1454 of an electronic funds transfer or a debit card.

ATTACHMENT H

Committee Print
B23-0165
Committee on the Judiciary & Public Safety
November 23, 2020

A BILL

23-0165

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Elections Code of 1955 to include Vote Centers operated by the Board in the definition of “polling place”, create a polling place for individuals incarcerated in the Department of Corrections’ custody or care at the Central Detention Facility and Correctional Treatment Facility, allow a person who has complied with the rules of the political party to be listed on the ballot by means other than gathering petition signatures, allow District government employees to serve as election workers, regardless of their residency or where they are registered to vote, require voter registration agencies to regularly promote election-related information on their social media platforms, require petition sheets circulated in support of a candidate to be filed with the Board in hard copy but allow petition sheets to be made electronically available by the Board to the candidate and the candidate to the qualified petition circulators, extend the deadline for a write-in candidate to meet qualifications and submit a declaration of candidacy following an election, prohibit individuals from intentionally removing or destroying campaign signs before 4 days after the election, require the Board to request opinions from the Attorney General and the General Counsel of the Council on whether a measure is a proper subject of initiative or referendum, require the Attorney General and the General Counsel of the Council to provide opinions within 15 business days or 5 business days for an initiative or referendum, respectively, require the summary statement to be written in plain language, require the Board to consult experts in legal drafting, including the Attorney General and General Counsel of the Council, require the Office of the Chief Financial Officer to issue a fiscal impact statement for initiative measures within 15 business days after receipt of a request from the Board, require the Board to, within 24 hours of adoption, notify the proposer, submit the measure to the D.C. Register and at least one newspaper, and publish the measure on its website, require the Board to transmit the measure by e-mail to the proposer, allow the proposer to print from the original blank petition sheets on paper that is not white, allow the Board to provide petition sheets to candidates electronically and candidates to provide those sheets electronically to circulators, but require them to be filed in hard copy with the Board, allow proponents of a recall to print from the original blank petition sheets on paper of good writing quality, and make technical and conforming

changes, and; to amend the Government Ethics Act of 2011 to allow the Board to change the dates by which public reports are required to be filed and by which the names of public officials are to be published during a period of time for which the Mayor has declared a public health emergency, allow the Board to change the date by which confidential disclosure of financial interest reports are required to be filed and by which such reports are required to be reviewed during a period of time for which the Mayor has declared a public health emergency, and allow the Board to change the date by which lobbyists are required to file reports during a period of time for which the Mayor has declared a public health emergency; and to amend the Campaign Finance Act of 2011 to permit the Director of Campaign Finance to conduct trainings online during a period of time for which the Mayor has declared a public health emergency, clarify that, in order to be certified as a participating candidate in the Fair Elections Program, a candidate must submit a signed affidavit declaring that the candidate has paid any fines or penalties assessed for a violation of the act, whether or not those fines or penalties are due or delinquent at the time of filing the affidavit, allow the Director of Campaign Finance 5 business days to disburse half of the base amount under the Fair Elections Program, and allow the Director of Campaign Finance 5 business days to disburse matching payments for small-dollar contributions under the Fair Elections Program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Initiative and Referendum Process Improvement Amendment Act of 2020”.

Sec. 2. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 1-1001.02) is amended as follows:

(1) Paragraph (12) is amended by striking the phrase “his or her” and inserting the phrase “the elected official’s” in its place.

(2) Paragraph (16) is amended as follows:

(A) Sub-subsection (A) is amended by striking the phrase “he or she” and inserting the phrase “a person” in its place.

(B) Sub-subsection (C) is amended by striking the phrase “his or her” both times it appears and inserting the phrase “the qualified elector’s” in its place.

(C) Sub-subsection (D) is amended by striking the phrase “his or her permanent home, he or she” and inserting the phrase “the qualified elector’s home, the qualified elector” in its place.

(E) Sub-subsection (E) is amended by striking the phrase “his or her residence. If a person is absent from the District, but intends to maintain residence in the District for voting purposes, he or she” and inserting the phrase “the person’s residence. If a person is absent from the District, but intends to maintain residence in the District for voting purposes, the person” in its place.

(5) A new paragraph (31) is added to read as follows:

“(31) “Polling place” includes Vote Centers operated by the Board throughout the District.”.

(b) Section 3 (D.C. Official Code § 1-1001.03) is amended as follows:

(1) Subsection (b) is amended by striking the phrase “he or she is” and inserting the phrase “the person is” in its place.

(2) Subsection (c) is amended by striking the phrase “until his successor” and inserting the phrase “until the member’s successor” in its place.

(c) Section 4 (D.C. Official Code § 1-1001.04) is amended as follows:

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

(A) The lead-in language is amended by striking the phrase “unless he or she” and inserting the phrase “unless the individual” in its place.

(B) Paragraph (2) is amended by striking the phrase “he or she is” and inserting the phrase “the individual is” in its place.

(2) Subsection (b)(4) is amended by striking the phrase “in his or her” and inserting the phrase “in the person’s” in its place.

(3) Subsection (d)(1) is amended by striking the phrase “he or she shall notify such member, in writing, of the charge against him or her” and inserting the phrase “the Mayor shall notify such member, in writing, of the charge against the member” in its place.

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

(1) Subsection (a)(9) is amended by striking the phrase “polling places” and inserting the phrase “polling places, including a polling place for individuals incarcerated in the Department of Corrections’ custody or care at the Central Detention Facility and Correctional Treatment Facility” in its place.

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

(A) Paragraph (2) is amended to read as follows:

“(2) No person shall be listed on the ballot as a candidate for nomination for President in such presidential preference primary election unless:

“(A) No later than 90 days before the date of such presidential preference primary election, there shall have been filed with the Board a petition on behalf of the person signed by at least 1,000, or 1%, whichever is fewer, of the qualified electors of the District who are registered under section 7, and are of the same political party as the nominee; or

“(B) The person has complied with the rules of the political party to be listed on the ballot, and if the party rules provide for candidate qualification by means other than gathering petition signatures as described in subparagraph (A) of this paragraph, the political party shall certify to the Board no later than 24 hours after the date that is 90 days before the date of

such presidential preference primary election the names of candidates for nomination who have qualified by such means.”.

(B) Paragraph (3)(B) is amended by striking the phrase “his political party” and inserting the phrase “the candidate’s political party” in its place.

(C) Paragraph (4)(A) is amended by striking the phrase “his or her choice” and inserting the phrase “the voter’s choice” in its place.

(D) Paragraph (5) is amended to read as follows:

“(5) The delegates and alternates, of each political party in the District of Columbia to the national convention of that party convened for the nomination of that party for President, elected in accordance with this act, shall only be obliged to vote for the candidate whom the delegate or alternate has been selected to represent in accordance with properly promulgated rules of the political party, on the 1st ballot cast at the convention for nominees for President, or until such time as such candidate to whom the delegate is committed withdraws the candidate’s candidacy, whichever 1st occurs.”.

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

(A) Paragraph (1)(B) is amended by striking the phrase “his or her term” and inserting the phrase “the Executive Director’s term” in its place.

(B) Paragraph (2) is amended by striking the phrase “elections, conflict of interest, or lobbying.” and inserting the phrase “elections.” in its place.

(C) Paragraph (3) is amended by striking the phrase “to him or her” and inserting the phrase “to the General Counsel” in its place.

(D) Paragraph (4) is amended as follows:

144 (i) Subparagraph (A) is amended by striking the phrase “The Board
145 shall” and inserting the phrase “Except as provided in subparagraph (C) of this paragraph, the
146 Board shall” in its place.

147 (ii) Subparagraph (B) is amended by striking the phrase “him or her
148 to” and inserting the phrase “the polling place worker to” in its place.

149 (iii) A new subparagraph (C) is added to read as follows:

150 “(C) Election workers, including precinct captains and polling place
151 workers, who are District government employees are not required to be District residents or
152 qualified electors.”.

153 (e) Section 5a(b) (D.C. Official Code § 1-1001.05a(b)) is amended by striking the phrase
154 “his or her” and inserting the phrase “the person’s” in its place.

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

156 (1) Subsection (d) is amended as follows:

157 (A) Paragraph (1)(B) is amended by striking the phrase “the Office on
158 Aging” and inserting the phrase “the Department of Aging and Community Living” in its place.

159 (B) Paragraph (2) is amended as follows:

160 (i) Subparagraph (C) is amended by striking the phrase “; and” and
161 inserting a semicolon in its place.

162 (ii) Subparagraph (D) is amended by striking the period and
163 inserting the phrase “; and” in its place.

164 (iii) A new subparagraph (E) is added to read as follows:

165 “(E) Regularly promote election-related information on the voter
166 registration agencies’ social media platforms, including by providing information about how to
167 register to vote and vote.”.

168 (C) Paragraph (14)(A) is amended by striking the phrase “District of
169 Columbia Fire Department” and inserting the phrase “Fire and Emergency Medical Services
170 Department” in its place.

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

172 (1) Subsection (b) is amended as follows:

173 (A) Paragraph (1)(A) is amended by striking the phrase “he or she has” and
174 inserting the phrase “the person has” in its place.

175 (B) Paragraph (3)(C) is amended by striking the phrase “he or she is” and
176 inserting the phrase “the signer is” in its place.

177 (C) A new paragraph (3A) is added to read as follows:

178 “(3A)(A) Petition sheets circulated in support of a candidate for elected office
179 pursuant to this act must be filed with the Board in hard copy but may be electronically provided
180 by the:

181 “(i) Board to the candidate;

182 “(ii) Candidate to qualified petition circulators; and

183 “(iii) Qualified petition circulator to the candidate.

184 “(B) Signatures on such petition sheets shall not be invalidated because the
185 signer was also the circulator of the same petition sheet on which the signature appears.”.

186 (D) Paragraph (4) is amended by striking the phrase “the Corporation
187 Counsel” and inserting the phrase “the Attorney General” in its place.

188 (2) Subsection (g) is amended to read as follows:

189 “(g)(1) No person may be elected to the office of elector of President and Vice President
190 pursuant to this act unless the person:

191 “(A) Is a registered voter in the District; and

192 “(B) Has been a bona fide resident of the District for a period of 3 years
193 immediately preceding the date of the presidential election.

194 “(2) Each person elected as elector of President and Vice President shall, in the
195 presence of the Board, take an oath or solemnly affirm that the person will vote for the candidates
196 of the party the person has been nominated to represent, and it shall be the person’s duty to vote
197 in such manner in the electoral college.”.

198 (3) Subsection (l)(1) is amended by striking the phrase “the chairman” and inserting
199 the phrase “the chairperson” in its place.

200 (4) Subsection (r) is amended as follows:

201 (A) Paragraph (2) is amended as follows:

202 (i) Strike the phrase “his or her candidacy” and insert the phrase “the
203 candidate’s candidacy” in its place; and

204 (ii) Strike the phrase “on the day following the date of the election”
205 and insert the phrase “on the third day immediately following the date of the election” in its place.

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

207 “(3) To be eligible for election to public office, a write-in candidate shall be a duly
208 registered elector and shall meet all of the other qualifications required for election to the office
209 and shall declare the candidate’s candidacy not later than 4:45 p.m. on the seventh day immediately

following the date of the election in which the candidate was a candidate on a form or forms prescribed by the Board.”.

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

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

(A) Paragraph (1) is amended by striking the phrase “his or her” both times it appears and inserting the phrase “the registered qualified elector’s” in its place.

(B) Paragraph (3) is amended by striking the phrase “his or her current” and inserting the phrase “the registered qualified elector’s current” in its place.

(2) Subsection (d) is amended as follows:

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

(i) Strike the phrase “he or she believes” and insert the phrase “the challenger believes” in its place; and

(ii) Strike the phrase “challenge on his or her own initiative” and insert the work “challenge” in its place.

(B) Paragraph (3) is amended by striking the phrase “he or she finds” both times it appears and inserting the phrase “the precinct captain finds” in its place.

(C) Paragraph (4) is amended by striking the phrase “he or she shall” and inserting the phrase “the precinct captain shall” in its place.

(D) Paragraph (6) is amended by striking the phrase “his or her determination” and inserting the phrase “the hearing officer’s determination” in its place.

(E) Paragraph (7) is amended to read as follows:

“(7) The hearing officer shall notify the precinct captain of the hearing officer’s decision on the appeal of the unsuccessful challenge, and the precinct captain shall notify each

233 party of the hearing officer's decision. If the hearing officer affirms the precinct captain's decision
234 to deny the challenge, the challenged voter shall cast a regular ballot. The precinct captain shall
235 inform the challenger of the challenger's right to appeal the decision of the Board hearing officer
236 to the Superior Court of the District of Columbia. If the hearing officer overturns the precinct
237 captain's decision to deny the challenge, the challenged voter shall be allowed to vote only by
238 casting a paper ballot marked "challenged" in accordance with the procedures set forth in
239 paragraph (8) of this subsection."

240 (F) Paragraph (8) is amended as follows:

241 (i) Strike the phrase "his or her right" and insert the phrase "the
242 voter's right" in its place; and

243 (ii) Strike the phrase "he or she is a registered qualified elector" and
244 insert the phrase "the voter is a qualified registered elector" in its place.

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

246 (A) Paragraph (2) is amended by striking the phrase "his or her ballot" and
247 inserting the phrase "the person's ballot" in its place.

248 (B) Paragraph (3) is amended by striking the phrase "he or she may" and
249 inserting the phrase "the voter may" in its place.

250 (C) Paragraph (4) is amended by striking the phrase "his or her special" and
251 inserting the phrase "the voter's special" in its place.

252 (4) Subsection (f) is amended by striking the phrase "his or her vote" and inserting
253 the phrase "the qualified elector's vote" in its place.

254 (5) Subsection (g)(1) is amended by striking the phrase "he or she has" and inserting
255 the phrase "the person has" in its place.

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

(1) Subsection (c) is amended by striking the phrase “him or her or them” and inserting the phrase “the candidate or candidates” in its place.

(2) Subsection (d) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase “his or her term” and inserting the phrase “the official’s term” in its place.

(B) Paragraph (2)(A) is amended by striking the phrase “his or her election” and inserting the phrase “the person’s election” in its place.

(3) Subsection (e)(1) is amended by striking the phrase “his or her election” and inserting the phrase “the person’s election” in its place.

(4) Subsection (f) is amended by striking the phrase “his or her immediate” and inserting the phrase “the person’s immediate” in its place.

(j) Section 14 (D.C. Official Code § 1-1001.14) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “his or her qualifications for registering or voting or for holding elective office, or be guilty of violating section 7(d)(2)(D), section 9, section 12, or section 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” and inserting the phrase “the person’s qualifications for registering or voting or for holding elective office, or be guilty of violating section 7(d)(2)(D), section 9, section 12, or section 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 the person has” in its place.

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

“(B) Give false information as to the person’s name, address, or period of residence for the purpose of establishing the person’s eligibility to register or vote, that is known by the person to be false;”.

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

(A) Paragraph (1) is amended by striking the phrase “his or her own” and inserting the phrase “the person’s own” in its place.

(B) Paragraph (3) is amended by striking the phrase “induce him or her to sign or not to sign, his or her signatures” and inserting the phrase “induce the person to sign or not to sign, the person’s signatures” in its place.

(C) Paragraph (4) is amended by striking the phrase “the Corporation Counsel” and inserting the phrase “the Attorney General” in its place.

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

(A) Paragraph (1) is amended by striking the phrase “who, during the period beginning 30 days before any election or referendum, initiative, or recall and ending 4 days after the” and inserting the phrase “who, before the date that is 4 days after an” in its place.

(B) Paragraph (3)(F) is amended by striking the phrase “his or her authority” and inserting the phrase “the person’s authority” in its place.

(k) Section 15 (D.C. Official Code § 1-1001.15) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “he or she shall, within 3 days after the Board has sent him notice that he or she has been so nominated, designate in writing the

office for which he or she wishes to run, in which case he or she will” and inserting the phrase “the person shall, within 3 days after the Board has sent the person notice that the person has been so nominated, designate in writing the office for which the person wishes to run, in which case the person will” in its place.

(2) Subsection (b) is amended by striking the phrase “he or she is a candidate, that person shall, within 24 hours of the date that the Board certifies said person’s election, pursuant to subsection (a)(11) of section 5, either resign from the office that person currently holds or shall decline to accept the office for which he or she was a candidate. In the event that said person elects to resign, said resignation shall be effective not later than 24 hours before the date upon which that person would assume the office to which he or she” and inserting the phrase “the person is a candidate, that person shall, within 24 hours of the date that the Board certifies said person’s election, pursuant to section 5(a)(11), either resign from the office that person currently holds or shall decline to accept the office for which the person was a candidate. In the event that said person elects to resign, said resignation shall be effective not later than 24 hours before the date upon which that person would assume the office to which the person” in its place.

(I) Section 16 (D.C. Official Code § 1-1001.16) is amended as follows:

(1) Subsection (a)(2) is amended as follows:

(A) Sub-subsection (A) is amended by striking the word “and”.

(B) Sub-subsection (B) is amended by striking the punctuation “.” and inserting the phrase “; and” in its place.

(C) A new sub-subsection (C) is added to read as follows:

“(C) A copy of the verified statement of contributions that the proposer has filed with the Director of Campaign Finance.”.

324 (2) Subsection (b) is amended by adding a new paragraph (1A) to read as follows:

325 “(1A)(A) Within one business day after the proposed initiative or referendum
326 measure is received by the Board, the Board shall request opinions from the Attorney General and
327 the General Counsel of the Council on whether the measure is a proper subject of initiative or
328 referendum.

329 “(B) If the measure is a proposed:

330 “(i) Initiative measure, the Attorney General and the General
331 Counsel of the Council shall provide opinions to the Board within 15 business days after the
332 Board’s request is received; or

333 “(ii) Referendum measure, the Attorney General and the General
334 Counsel of the Council shall provide opinions to the Board within 5 business days after the Board’s
335 request is received.”.

336 (2) Subsection (c) is amended as follows:

337 (A) Paragraph (1) is amended by striking the phrase “statement, not” and
338 inserting the phrase “statement, written in plain language, not” in its place.

339 (B) Paragraph (2) is amended by striking the phrase “; and” and inserting a
340 semicolon in its place.

341 (C) Paragraph (3) is amended to read as follows:

342 “(3) Prepare, in the proper legislative form, the proposed initiative or referendum
343 measure, where applicable, which shall conform to the legislative drafting style of acts of the
344 Council, and consult experts in legislative drafting, including the Attorney General and the General
345 Counsel of the Council; and”.

346 (D) A new paragraph (4) is added to read as follows:

347 “(4) If the measure is an initiative measure, request a fiscal impact statement from
348 the Office of the Chief Financial Officer, who shall issue a fiscal impact statement within 15
349 business days after receipt of the request from the Board.”.

350 (3) Subsection (d) is amended to read as follows:

351 “(d)(1) After preparing an initiative or referendum measure, the Board shall call a public
352 meeting to adopt the summary statement, short title, and legislative form of the measure.

353 “(2) Within 24 hours after adoption, the Board shall:

354 “(A) Notify the proposer of the measure, via email, of the exact language of
355 the summary statement, short title, and legislative form;

356 “(B) Submit the summary statement, short title, legislative form, and, if the
357 measure is an initiative measure, the fiscal impact statement, to:

358 “(i) The District of Columbia Register for publication; and

359 “(ii) At least one newspaper of general circulation in the District;

360 and

361 “(C) Publish the summary statement, short title, legislative form, and, if the
362 measure is an initiative measure, the fiscal impact statement, on the Board’s website.”.

363 (4) Subsection (f) is amended to read as follows:

364 “(f)(1) When the summary statement, short title, and legislative form of an initiative or
365 referendum measure have been established pursuant to subsection (e) of this section, the Board
366 shall certify their establishment and transmit a copy by certified mail and e-mail to the proposer.

367 “(2) The established short title shall be the title of the measure in all petitions,
368 ballots, and other related proceedings.

369 “(3) The Board shall, upon the request of any person, make single copies of the
370 approved short title, summary statement, and full legislative text available at no charge. Additional
371 copies shall be made available at a nominal cost.”.

372 (5) Subsection (g) is amended by striking the phrase “white paper of good writing
373 quality of the same size as the original or shall utilize the mobile application made available under
374 section 5(a)(19). Each initiative or referendum petition sheet shall consist of one double-sided
375 sheet providing numbered lines for 20 printed” and inserting the phrase “paper of good writing
376 quality or shall utilize the mobile application made available under section 5(a)(19). Each initiative
377 or referendum petition sheet shall consist of one sheet providing numbered lines for printed” in its
378 place.

379 (6) A new subsection (g-1) is added to read as follows:

380 “(g-1)(1) Petition sheets of proposers shall be filed with the Board in hard copy but may
381 be electronically made available by the:

382 “(A) Board to the proposers; and

383 “(B) Proposers to qualified petition circulators.

384 “(2) Signatures on petition sheets shall not be invalidated because the signer was
385 also the circulator of the same petition sheet on which the signature appears.”.

386 (7) Subsection (h)(5) is amended by striking the period and inserting the phrase “;
387 and” in its place.

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

389 “(i)(1) In order for any initiative measure or referendum measure to qualify for the ballot
390 for consideration by the electors of the District, the proposer of the initiative measure or
391 referendum measure shall secure the valid signatures of registered qualified electors upon the

initiative or referendum measure equal in number to 5% of the registered qualified electors in the District; provided, that the total signatures submitted include 5% of the registered qualified electors in each of 5 or more of the 8 wards.

“(2) The number of registered qualified electors that is used for computing the requirements described in paragraph (1) of this subsection shall be consistent with the latest official count of registered qualified electors made by the Board 30 days prior to the submission of the signatures for the particular initiative or referendum petition.”.

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

(A) Paragraph (1) is amended by striking the phrase “subsection (h)” and inserting the phrase “subsection (f)” in its place.

(B) Paragraph (3) is amended by striking the phrase “subsection (h)” and inserting the phrase “subsection (f)” in its place.

(10) Subsection (m) is amended by striking the phrase “Congress for review” and inserting the period “Congress for any remaining period of review” in its place.

(m) Section 17 (D.C. Official Code § 1-1001.17) is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase “his term” and inserting the phrase “the elected officer’s term” in its place.

(B) Paragraph (2) is amended by striking the phrase “his or her favor” and inserting the phrase “the elected officer’s favor” in its place.

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

(A) The lead-in language is amended by striking the phrase “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 or” and inserting the phrase “the proponent’s own form. The proponent shall print from the original blank petition sheets on paper of good writing quality or” in its place.

(B) Paragraph (2) is amended by striking the phrase “he or she holds” and inserting the phrase “the elected officer holds” in its place.

(3) Subsection (g) is amended by striking the phrase “his or her own” and inserting the phrase “the proponent’s own” in its place.

(4) The lead-in language of subsection (l) is amended by striking the phrase “his or her office” and inserting the phrase “the elected officer’s office” in its place.

(5) Subsection (n) is amended by striking the phrase “remove him or her” and inserting the phrase “remove the elected officer” in its place.

Sec. 3. The Government Ethics Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.01 *et seq.*), is amended as follows:

(a) Section 224 (D.C. Official Code § 1-1162.24) is amended by adding a new subsection (c-2) to read as follows:

“(c-2) Notwithstanding any other provision of this section, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Board may change the dates by which:

“(1) Reports required by this section are to be filed; and

“(2) The names of public officials are to be published pursuant to subsection (c-1) of this section.”.

(b) Section 225 (D.C. Official Code § 1-1162.25) is amended by adding a new subsection (b-1) to read as follows:

“(b-1) Notwithstanding any other provision of this section, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Board may change the dates by which:

“(1) Reports required by subsection (a) of this section are to be filed; and

“(2) Reports filed pursuant to subsection (a) of this section shall be reviewed pursuant to subsection (b) of this section.”.

(c) Section 230 (D.C. Official Code § 1-1162.30) is amended by adding a new subsection (a-1) to read as follows:

“(a-1) Notwithstanding any other provision of this section, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Board may change the dates by which reports required by subsection (a) of this section shall be filed.”.

Sec. 4. The Campaign Finance Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1163.01 *et seq.*), is amended as follows:

(a) Section 304(7A)(A) (D.C. Official Code § 1-1163.04(7A)(A)) is amended by striking the phrase “in person” and inserting the phrase “in person, or, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), online” in its place.

(b) Section 332c(a)(2)(E) (D.C. Official Code § 1-1163.32c(a)(2)(E)) is amended to read as follows:

“(E) Has paid any fines or penalties assessed for a violation of this act, whether or not those fines or penalties are due or delinquent at the time of filing the affidavit; and”.

(c) Section 332d (D.C. Official Code § 1-1163.32d) is amended by striking the phrase “5 days after” wherever it appears and inserting the phrase “5 business days after” in its place.

(d) Section 332e(e) (D.C. Official Code § 1-1163.32e(e)) is amended by striking the phrase “Within 5 days after” and inserting the phrase “Within 5 business days after” in its place.

Sec. 5. Applicability.

(a) Section 2(d)(1) of 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 the provision identified in subsection (a) of this section.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 7. Effective date.

483 This act shall take effect following approval by the Mayor (or in the event of veto by the
484 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
485 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,
486 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
487 Columbia Register.