

COUNCIL OF THE DISTRICT OF COLUMBIA

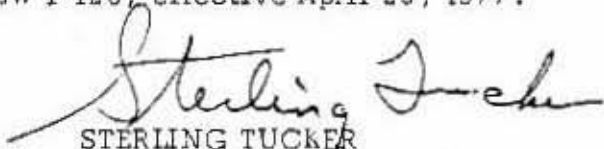
NOTICE

May 17, 1977

"Elections and Latino Community Development
Amendments Act of 1976".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, (PL 93-198) the Act, the Council of the District of Columbia adopted Bill No. 1-364 on first and second readings November 22, 1976 and December 7, 1976, respectively. Following expiration of the ten-day period provided the Mayor, in which no action was taken, pursuant to Section 404 (e) of the Act, this legislation was assigned Act No. 1-225, published in the February 18, 1977, edition of the D.C. Register and transmitted to both Houses of Congress for a 30-day review, in accordance with Section 602 (c) (1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has expired and, therefore, cites the following legislation as D.C. Law 1-126, effective April 23, 1977.


STERLING TUCKER
Chairman of the Council

(Vol. 23, D.C. Register, 6320, February 18, 1977)

D.C. LAW

1-126

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 23, 1977

To amend laws of the Council affecting elections and Latino community development; and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Elections and Latino Community Development Amendments Act of 1976".

Title I - Technical and Clarifying Amendments

Sec. 101. Section 410(4) of the District of Columbia Latino Community Development Act (D.C. Law No. 1-86) is amended by striking "nor more than" and inserting in lieu thereof "at least".

Sec. 102. The District of Columbia Campaign Finance Reform and Conflict of Interest Act (D.C. Code sec. 1-1121 et seq.) is amended as follows:

(a) Subsection (b) of section 602 of such Act (D.C. Code sec. 1-1182(b)) is amended by striking the phrase "and each officer and employee of the District of Columbia government who performs duties of the type generally performed by an individual occupying grade GS-15 of the General Schedule under section 5332 of title 5, United States Code, or any

higher grade or position or any other employee who makes field decisions listed in subsection (b) (2) of this section" and inserting in lieu thereof "and each officer or employee of the District of Columbia government who occupies a position which is classified as a grade GS-15 or higher of the General Schedule under section 5332 of title 5, United States Code, and any officer or employee of the District of Columbia government who the Board determines performs the duties generally performed by a GS-15 or higher of the General Schedule under section 5332 of title 5, United States Code, or any officer or employee who makes field decisions as provided in subsection (b) (2) of this section".

(b) Paragraph (1) of subsection (i) of section 601 of such Act (D.C. Code, sec. 1-1181(i) (1)) is amended by (1) striking ": or (D) any person who is otherwise employed by the District of Columbia government entitled to receive compensation at an annual rate of \$29,818, or more.", (2) inserting the word "and" immediately before "(C)", and (3) inserting a period after "Class 3 or higher".

(c) Subsection (g) of section 602 of such Act (D.C. Code, sec. 1-1182(g)) is amended to read as follows:

"(g) For the purposes of any report required by this section, an individual shall be considered to have been a public official, if he has served as a public official for

more than thirty days during any calendar year in a position for which financial disclosure reports are required under this title."

(d) Section 402 of such Act (D.C. Code, sec. 1-1162) is amended by striking "Limitation on expenditures." the first time it appears in the section and inserting in lieu thereof "Constituent services."

Sec. 103. The District of Columbia Election Act of 1955, as amended (D.C. Code, sec. 1-1101 et seq.) is further amended as follows:

(a) Paragraph (2) of subsection (d) of section 4 of such Act (D.C. Code, sec. 1-1104(d)(2)) is amended by striking "seven" and inserting in lieu thereof "sixty".

(b) Paragraph 5 of subsection (b) of section 5 of such Act (D.C. Code, sec. 1-1105(b)(5)) is amended by striking "property" and inserting in lieu thereof "properly".

Sec. 104. Section 802 of the District of Columbia Election Act Amendments of 1976, (D.C. Law No. 1-79) is amended by inserting "(b)" immediately following "401" and "1161".

Title II - Primary Elections in the District of Columbia

Sec. 201. Subparagraph (A) of paragraph (3) of subsection (a) of section 10 of the District of Columbia

Election Act, as amended, (D.C. Code, sec. 1-1110(a) (3) (A)) is further amended to read as follows:

"(3) (A) Except as otherwise provided in the case of special elections under this Act or section 206(a) of the District of Columbia Delegate Act, primary elections of each political party for the office of Delegate to the House of Representatives shall be held on the first Tuesday in May of each even-numbered year which is a presidential election year, and in other even-numbered years, on the first Tuesday after the second Monday in September; and general elections for such office shall be held on the Tuesday next after the first Monday in November of each even-numbered year."

Title III - Amendments to the Elections, Conflict of Interest, Lobbying and Campaign Finance Laws of the District of Columbia

Sec. 301. The District of Columbia Election Act of 1955, (D.C. Code, sec. 1-1101 et seq.) as amended, is further amended as follows:

(a) paragraph (A) of subsection 2(7) of section 2 of such Act (D.C. Code, sec. 1-1102(2) (7) (A)) is amended by striking ", or completion of his sentence, whichever last occurs." and inserting in lieu thereof a period.

(b) Paragraph (B) of subsection (7) of section 2 of such Act (D.C. Code, sec. 1-1102(7)(B)) is amended to read as follows:

"For the purposes of this paragraph, the term 'felony' shall include any crime committed in the District of Columbia referred to in section 14 of this Act (D.C. Code, sec. 1-1114) or sections 507 or 701 of the District of Columbia Campaign Finance Reform and Conflict of Interest Act (D.C. Code, secs. 1-1177, 1-1191)."

(c) Subsection (a) of section 5 of such Act (D.C. Code, sec. 1-1105(a)) is amended to read as follows:

"(a) The Board shall -

"(1) maintain a registry, keeping it accurate and current;

"(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,

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

"(6) publish in one or more newspapers of general circulation in the District, a sample copy of the official ballot to be used in any such election, PROVIDED, However, 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) divide the District into appropriate voting precincts, each of which shall contain at least three hundred fifty registered persons; draw precinct lines within election wards created by the Council, subject to the approval of the Council;

"(8) operate polling places;

"(9) develop and administer procedures for absentee registration and voting in any election held under this Act by any person included within the categories referred to in paragraphs (1), (2), or (3) of section 101 of the Federal Voting Assistance Act of 1955 (69 Stat. 584) (D.C. Code, sec. 1-1105(a));

"(10) certify nominees and the results of elections;

"(11) take all reasonable steps to inform all residents and voters of elections and means of casting votes therein;

"(12) take all reasonable steps to register, overseas citizen voters as provided by the Overseas Citizens Voting Rights Act of 1975 (89 Stat. 1143);

"(13) prescribe such regulations and expressly delegate authority to officials and employees of the Board as it considers necessary to carry out its statutory purpose of administering the laws governing elections under this Act and

"(14) perform such other duties as are imposed upon it by this Act."

(d) Paragraph (4) of subsection (b) of section 5 of such Act (D.C. Code, sec. 1-1105(b)(4)) is amended by striking", and the Board shall publish a copy of the ballot required under this subsection in the District of Columbia Register 45 days prior to the primary election." and inserting in lieu thereof a period.

(e) Subsection (e) of section 5 of such Act (D.C. Code, sec. 1-1105(e)) is amended by adding the following at the end thereof:

"No provision of this Act 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."

(f) Subsection (h) of section 5 of such Act (D.C. Code, sec. 1-1105(h)) is amended by rewording the first sentence thereof to read as follows:

"(h) Notwithstanding provisions of the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1-1501 et seq.), the Board may hear any case brought before it under this Act or under the District of Columbia Campaign Finance Reform and Conflict of Interest Act (D.C. Code, sec. 1-1121 et seq.) by one member panels."

(q) Paragraph (2) of subsection (h) of section 7 of such Act (D.C. Code, sec. 1-1107(b)(2)) is amended by striking "under paragraph (6)" and inserting in lieu thereof "under paragraph (7)".

(h) Subsection (d) of section 7 of such Act (D.C. Code, sec. 1-1107(d)) is amended by striking "75 days and no later than 60 days" and inserting in lieu thereof "120 days and no later than 90 days".

(i) Subsection (g) of section 7 of such Act (D.C. Code, sec. 1-1107(g)) is amended to read as follows:

"(g) The registry shall be open during reasonable hours, except that the registry shall not be open during the thirty-day period which immediately precedes any regular primary or general election held under this Act.

Registration forms received by mail from eligible voters shall be processed as provided in this section, PROVIDED, However that no such forms shall be processed if they are postmarked during the thirty-day period which immediately

preceeds any regular primary or general election held under this Act. The Board may close the registry on Saturdays, Sundays, and holidays."

(j) Paragraph (2) of subsection (i) of section 8 of such Act (D.C. Code, sec. 1-1108(i)(2)) is amended to read as follows:

"(2) Each individual in a primary election for candidate for the office of member of the Council (other than Chairman and at-large members) shall be nominated for such office by a petition filed with the Board not later than sixty-nine days before the date of such primary election, and signed by at least two-hundred fifty persons, or by 1 per centum of persons (whichever is less, in the ward from which such individual seeks election) who are duly registered in such ward under section 7 of this Act (D.C. Code, sec. 1-1107) and who are of the same political party as the nominee."

Sec. 302. The District of Columbia Campaign Finance Reform and Conflict of Interest Act, as amended (D.C. Code, sec. 1-1121 et seq.) is further amended as follows:

(a) Subsection (c) of section 306 of such Act (D.C. Code, sec. 1-1156(c)) is amended by inserting "any person who may be a potential registrant under this Act" immediately before "or any political committee" and by adding the following at the end thereof:

"Advisory opinions shall be published in the District of Columbia Register within thirty days of their issuance, PROVIDED, That the identity of any person requesting an advisory opinion shall not be disclosed in the District of Columbia Register without their prior consent in writing."

(b) Subsection (a) of section 501 of such Act (D.C. Code, sec. 1-1171(a)) is amended to read as follows:

"(a) The term 'administrative decision' means any activity directly related to action by an executive agency to issue a Mayor's Order, to promulgate an issuance within the Administrative Issuance System (except individual personnel matters), to undertake a rule making proceeding (which does not include a formal public hearing) under the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1-1501 et seq.), or to propose legislation or make nominations to the Council, the President, or the Congress."

(c) Subsection (b) of section 501 of such Act (D.C. Code, sec. 1-1171(b)) is amended by striking "any money or thing of value" and inserting in lieu thereof "money or any exchange of value in excess of \$25".

(d) Subsection (c) of section 501 of such Act (D.C. Code, sec. 1-1171(c)) is amended to read as follows:

"(c) The term 'executive agency' means a department, agency or office in the executive branch of the District of Columbia government under the direct administrative control of the Mayor; the Board of Education or any of its constituent elements; the University of the District of Columbia or any of its constituent elements; the Board of Elections and Ethics; and any District of Columbia professional licensing and examining board under the administrative control of the executive branch."

(e) Subsection (e) of section 501 of such Act (D.C. Code, sec. 1-1171(e)) is amended by striking ", or to any action with respect to a matter which is within the jurisdiction of the Council." and inserting in lieu thereof a period.

(f) Subsection (f) of section 501 of such Act (D.C. Code, sec. 1-1171(f)) is amended to read as follows:

"(f) (1) The term 'lobbying' means communicating directly with any official in the legislative or executive branch of the District of Columbia government with the purpose of influencing any legislative action or an administrative decision.

"(2) As used in this title, the term 'lobbying' shall not include: (A) the appearance or presentation of written testimony by a person in his own behalf, or representation

by an attorney on behalf of any such person in a rule making (which includes a formal public hearing), rate making, or adjudicatory hearing before an executive agency or the tax assessor; (B) information supplied in response to written inquiries by an executive agency or the Council of the District of Columbia or any public official; (C) inquiries concerning only the status of specific actions by an executive agency or the Council of the District of Columbia; (D) testimony given before a committee of the Council of the District of Columbia or before the Council of the District of Columbia, during which a public record is made of such proceedings or testimony submitted for inclusion in such a public record; (E) a communication made through the instrumentality of a newspaper, television or radio of general circulation; and (F) communications by a bona fide political party as defined in subsection (j) of section 102 of this Act (D.C. Code, sec. 1-1121(j)).".

(g) Subsection (h) of section 501 of such Act (D.C. Code, sec. 1-1171(h)) is amended to read as follows:

"(h) The term 'official in the executive branch' means any public official as defined in paragraph (1) of subsection (i) of section 601 of this Act (D.C. Code, sec. 1-1181(i) (1)) and officers and employees who make field decisions are defined in paragraph (2) (A) of subsection (b)

of section 602 of this Act (D.C. Code, sec. 1-1182(b)(2)(A)) who are members, officers, or employees of an executive agency."

(h) Subsection (i) of section 501 of such Act (D.C. Code, sec. 1-1171(i)) is amended by striking out all that follows "member-elect of the Council," and inserting in lieu thereof ", officers and employees who hold an appointment in the General Service schedule as grade GS-15 or higher, and employees who make field decisions as defined in paragraph (2)(A) of subsection (b) of section 602 of this Act (D.C. Code, sec. 1-1182(b)(2)(A)) who are employed by the Council of the District of Columbia."

(i) Subsection (k) of section 501 of such Act (D.C. Code, sec. 1-1171(k)) is stricken.

(j) Subsections (c) and (d) of section 503 of such Act (D.C. Code, sec. 1-1173(c), (d)) are amended as follows: (1) subsection (c) is stricken and subsection (d) is redesignated as subsection "(c)".

(k) Paragraph (4) of subsection (b) of section 504 of such Act (D.C. Code, sec. 1-1174(b)(4)) is amended by striking "quarterly" and inserting in lieu thereof "on or before February 15 and on or before August 15 of each year a summary of".

(l) Paragraph (D) of subsection (a) of section 505 of such Act (D.C. Code, sec. 1-1175(a) (D)) is stricken.

(m) Paragraph (E) of subsection (a) of section 505 of such Act (D.C. Code, sec. 1-1175(a) (E)) is amended by (1) inserting the word "personal" immediately following "such official's"; (2) striking "is compensated" and inserting in lieu thereof "receives compensation"; (3) striking "nature or employment" and inserting in lieu thereof "nature of his employment with the registrant", and (4) is redesignated as paragraph "(D)".

(n) Paragraph (F) of subsection (a) of section 505 of such Act (D.C. Code, sec. 1-1175(a) (F)) is redesignated as paragraph "(E)".

(o) Paragraph (G) of subsection (a) of section 505 of such Act (D.C. Code, sec. 1-1175(a) (G)) is amended by striking "asked" and inserting in lieu thereof "given compensation" and is redesignated as paragraph "(F)".

(p) Subsections (c) and (d) of section 505 of such Act (D.C. Code, sec. 1-1175(c), (d)) are amended as follows: (1) subsection (c) is stricken; and (2) subsection (d) is redesignated as subsection "(c)".

(q) Section 506 of such Act (D.C. Code, sec. 1-1176) is amended by striking "or household".

(r) Subsection (a) of section 507 Act (D.C. Code, sec. 1-1177(a)) is amended to read as follows:

"(a) Any person who willfully and knowingly violates any of the provisions of this title, except as provided in subsection (c) of this section, shall be fined not more than \$5,000 or imprisoned for not more than twelve months, or both."

(s) Subsection (c) of section 507 of such Act (D.C. Code, sec. 1-1177 (c)) is amended to read as follows:

"(c). Any person who files a report or registration form required under this title, in other than a timely manner, shall be assessed a civil penalty of \$10 per day up to 30 days (excluding Saturdays, Sundays, and holidays) the report or registration form is late. The Board may waive the penalty imposed under this section for good cause shown."

(t) Section 701 of such Act (D.C. Code, sec. 1-1191) is amended by adding a new subsection to read as follows:

"(e) The provisions of this section shall not apply to violations of title V of this Act (D.C. Code, sec. 1-1171 et seq.)."

Sec. 303. The Board is directed to publish a current edition of its rules and regulations of general application, properly promulgated under the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1-1501 et seq.)

within one hundred eighty days of the effective date of this act.

Title IV - Miscellaneous Provisions

Sec. 401. Should any provision of this act be declared unconstitutional, invalid, or beyond the statutory authority of the Council, the provisions unaffected by such a declaration shall remain in effect.

Sec. 402. All references in the District of Columbia Election Act of 1955, as amended (D.C. Code, sec. 1-1101 et seq.), the District of Columbia Campaign Finance Reform and Conflict of Interest Act, as amended (D.C. sec. 1-1121 et seq.), the District of Columbia Election Act Amendments of 1976 (D. C. Code, act using the male gender designation "he" or "his" are amended to read "he or she" or "his or her".

Sec. 403. The amendment made by section 804 of the District of Columbia Election Act Amendments of 1976 (D.C. Law No. 1-79) shall be deemed effective for taxable years beginning on or after January 1, 1976.

Sec. 404. This act shall take effect in accordance with the provision of section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act.

Considered in Council November 22, 1976

First Vote November 22, 1976

RECORD OF COUNCIL VOTE

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
TUCKER	X				DIXON	X				SPAULDING	X			
MOORE, D.	X				HARDY	X				WILSON	X			
BARRY	X				HOBSON				X	WINTER	X			
CLARKE	X				MOORE, J.				X					
COATES				X	SHACKLETON	X								

X—Indicates Vote A. B.—Absent N. V.—Not Voting

Robert Williams

(Secretary of the Council)

Final Vote in Council December 7, 1976

RECORD OF COUNCIL VOTE

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
TUCKER	X				DIXON	X				SPAULDING	X			
MOORE, D.	X				HARDY	X				WILSON	X			
BARRY	X				HOBSON	X				WINTER	X			
CLARKE	X				MOORE, J.	X								
COATES				X	SHACKLETON	X								

X—Indicates Vote A. B.—Absent N. V.—Not Voting

Robert Williams

(Secretary of the Council)

Presented to the Mayor JAN 7 1977

Robert Williams

(Secretary of the Council)

I hereby certify that Council Bill 1-364 was presented to the Mayor of the District of Columbia on January 7, 1977 and that the Mayor neither approved nor disapproved the bill within the ten day period specified in Section 404(e) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198 of December 24, 1973.

Martin K. Schaller

Martin K. Schaller, Executive Secretary, D.C.

January 25, 1977

Enacted without Mayor's Signature 1/25/77

Robert Williams

(Secretary of the Council)

Reconsidered by Council _____

Vote _____

RECORD OF COUNCIL VOTE														
COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
TUCKER					HOBSON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLARK									
DIXON					SHACKLETON									

X—Indicates Vote A. B.—Absent N. V.—Not Voting

Presented to the President _____

Sustain Mayor's Veto _____
 Not Sustain Mayor's Veto _____

Submitted to the Congress FEB 1 1977 _____

Senate Action _____
 Resolution Number _____

 (Secretary of the Senate)

Enacted without Congressional action _____

 (Secretary of the Council)

 (Secretary of the Council)

 (Secretary of the Council)

 (President of the U. S.)

Robert A. Williams

 (Secretary of the Council)

House Action _____
 Resolution Number _____

 (Clerk of the House)