

COUNCIL OF THE DISTRICT OF COLUMBIA

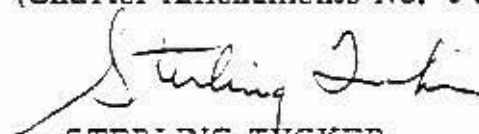
NOTICE

D. C. Law 2-46  
(Charter Amendments No. 1 and No. 2)

"Initiative, Referendum, and Recall Charter  
Amendments Act of 1977"

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 95-198, "the Act", the Council of the District of Columbia adopted Bill No. 2-2, on first, amended first, and second readings April 5, 1977, May 3, 1977, and May 17, 1977, respectively. Following the signature of the Mayor on June 14, 1977, this legislation was assigned Act No. 2-46, published in the July 8, 1977, edition of the D. C. Register and transmitted to both Houses of Congress following certification by the Board of Elections and Ethics that said charter amendments were approved at referendum pursuant to Section 303 of the act. Concurrent Resolutions, 471 and 464, also attached were approved by both Houses of Congress within 35-day period as required by Section 303(b) of the Act.

The Council of the District of Columbia hereby gives notice that the charter amending process pursuant to Section 303 of the Act has been followed and cited as D. C. Law 2-46, (Charter Amendments No. 1 and No. 2), effective March 10, 1978.

  
STERLING TUCKER  
Chairman of the Council

(Vol. 24, D. C. Register, 199, July 8, 1977)

D.C. LAW

2-46

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 10, 1978

To amend the Charter of the District of Columbia to provide for the power of initiative, referendum, and recall.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Initiative, Referendum, and Recall Charter Amendments Act of 1977".

Sec. 2. Subject to the approval of the registered qualified electors of the District of Columbia, the District of Columbia charter is amended as follows:

"Amendment No. 1 - Initiative and Referendum

"Sec. 1. Definitions

"(a) The term 'initiative' means the process by which the electors of the District of Columbia may propose laws (except laws appropriating funds) and present such proposed laws directly to the registered qualified electors of the District of Columbia for their approval or disapproval.

"(b) The term 'referendum' means the process by which the registered qualified electors of the District of Columbia may suspend acts of the Council of the District of Columbia (except emergency acts, acts levying taxes, or acts appropriating funds for the general operating budget) until

such acts have been presented to the registered qualified electors of the District of Columbia for their approval or rejection.

"Sec. 2. Process

" (a) An initiative or referendum may be proposed by the presentation of a petition to the District of Columbia Board of Elections and Ethics containing the signatures of registered qualified electors equal in number to five (5) percent of the registered electors in the District of Columbia: PROVIDED, That the total signatures submitted include five (5) percent of the registered electors in five (5) or more of the City's Wards. The number of registered electors which is used for computing these requirements shall be according to the latest official count of registered electors by the Board of Elections and Ethics which was issued thirty (30) or more days prior to submission of the signatures for the particular initiative or referendum petition.

" (b) (1) Upon the presentation of a petition for a referendum to the District of Columbia Board of Elections and Ethics as provided in this section, the District of Columbia Board of Elections and Ethics shall notify the appropriate custodian of the act of the Council of the District of Columbia (either the President of the United

States or the President of the Senate and the Speaker of the House of Representatives) as provided in sections 404 and 446 of the Home Rule Act and the President of the United States or the President of the Senate and the Speaker of the House of Representatives, shall, as is appropriate, return such act or portion of such act to the Chairman of the Council of the District of Columbia. No further action may be taken upon such act or portion of such act until after a referendum election is held.

"(2) No act is subject to referendum if it has become law according to the provisions of section 404 of the Home Rule Act.

"Sec. 3. The District of Columbia Board of Elections and Ethics shall submit an initiative measure without alteration at the next general, special or primary election held at least ninety (90) days after the measure is received. The District of Columbia Board of Elections and Ethics shall hold an election on a referendum measure within one hundred and fourteen (114) days of its receipt of a petition as provided in section 2 of this act. If a previously scheduled general, primary, or special election will occur between fifty-four (54) and one hundred and fourteen (114) days of its receipt of a petition as provided in section 2 of this act, the District of Columbia Board of

Elections and Ethics may present the referendum at that election.

"Sec. 4. If a majority of the registered qualified electors voting on a referred act vote to disapprove the act, such action shall be deemed a rejection of the act or that portion of the act on the referendum ballot and no action may be taken by the Council of the District of Columbia with regard to the matter presented at referendum for the three hundred and sixty-five (365) days following the date of the District of Columbia Board of Elections and Ethics' certification of the vote concerning the referendum.

"Sec. 5. (a) If a majority of the registered qualified electors voting in a referendum approve an act or adopt legislation by initiative, then the adopted initiative or act approved by referendum shall be an act of the Council of the District of Columbia upon the proper certification of the vote by the District of Columbia Board of Elections and Ethics.

"(b) The Chairman of the Council of the District of Columbia shall transmit acts approved as provided in this amendment to the Speaker of the House of Representatives and the President of the Senate on the day the District of Columbia Board of Elections and Ethics certifies that a

majority of the registered qualified electors voting on the measure voted in favor thereof.

"Sec. 6. No initiated act or act subject to referendum which has been ratified by a majority of the registered qualified electors voting on the initiative or referendum shall take effect until the end of the thirty (30) day period (excluding Saturdays, Sundays, and holidays and any day on which either House is not in session) beginning on the day such measure is transmitted by the Chairman of the Council of the District of Columbia to the Speaker of the House of Representatives and the President of the Senate, and then only if during such thirty (30) day period both Houses of Congress do not adopt a concurrent resolution disapproving such initiated act or act passed by referendum.

"Sec. 7. The District of Columbia Board of Elections and Ethics shall be empowered to propose a short title and summary of the initiative and referendum matter which accurately reflects the intent and meaning of the proposed referendum or initiative. Any citizen may petition the Superior Court of the District of Columbia no later than thirty (30) days prior to the election at which the initiative or referendum will be held for a writ in the nature of mandamus to correct any inaccurate short title and summary by the District of Columbia Board of Elections and

Ethics and to mandate that Board to properly state the summary of the initiative or referendum measure.

"Sec. 8. The Council of the District of Columbia shall adopt such acts as are necessary to carry out the purpose of this Amendment within one hundred and eighty (180) days of the effective date of this Amendment. Neither a petition initiating an initiative nor a referendum may be presented to the District of Columbia Board of Elections and Ethics prior to October 1, 1978.

"CHARTER AMENDMENT NO. 2 - RECALL OF ELECTED PUBLIC OFFICIALS

"Sec. 1. The term 'recall' means the process by which the qualified electors of the District of Columbia may call for the holding of an election to remove or retain an elected official of the District of Columbia, (except the Delegate to Congress for the District of Columbia) prior to the expiration of his or her term.

"Sec. 2. Any elected officer of the District of Columbia government (except the Delegate to Congress for the District of Columbia) may be recalled by the registered electors of the election ward from which he or she was elected or by the registered electors of the District of Columbia at-large in the case of an at-large elected officer, whenever a petition demanding his or her recall, signed by ten (10) percent of the registered electors

thereof, is filed with the District of Columbia Board of Elections and Ethics. The ten (10) percent shall be computed from the total number of the registered electors from the ward, according to the latest official count of registered electors by the Board of Elections and Ethics which was issued thirty (30) or more days prior to submission of the signatures for the particular recall petition. In the case of an at-large elected official, the ten (10) percent shall include ten (10) percent of the registered electors in five (5) or more of the City's wards. The District of Columbia Board of Elections and Ethics shall hold an election within one hundred and fourteen (114) days of its receipt of a petition as provided in section 2 of this act. If a previously scheduled general, primary, or special election will occur between fifty-four (54) and one hundred and fourteen (114) days of its receipt of a petition as provided in section 2 of this act, then the District of Columbia Board of Elections and Ethics may present the recall question at that election.

"Sec. 3. The process of recalling an elected official may not be initiated within the first three hundred and sixty-five (365) days nor the last three hundred and sixty-five (365) days of his or her term of office. Nor may the



process be initiated within one year after a recall election has been determined in his or her favor.

"Sec. 4. An elected official is removed from office if a majority of the qualified electors voting in the election vote to remove him or her. The vacancy created by such recall shall be filled in the same manner as other vacancies as provided in sections 401(d) and 421(c)(2) of the Home Rule Act and section 10(a) of the District of Columbia Elections Act.

"Sec. 5. The Council of the District of Columbia shall adopt such acts as are necessary to carry out the purpose of this amendment within one hundred and eighty (180) days of the effective date of this amendment. No petition for recall may be presented to the District of Columbia Board of Elections and Ethics prior to October 1, 1978."

Sec. 3. This act shall take effect as provided in section 303 of the District of Columbia Self-Government and Governmental Reorganization Act.

RECORD OF OFFICIAL COUNCIL ACTION

Docket No: 2-2

First Reading Action: April 5, 1977

VOICE VOTE: \_\_\_\_\_

\_\_\_\_\_  
Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.
TUCKER	X				MASON	X				SPAULDING	X			
HARDY				X	MOORE, D.	Y				WILSON	X			
BARRY	X				MOORE, J.	X				WINTER	Y			
CLARKE	X				ROLARK	Y								
DIXON	X				SPACKLETON	X								

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

*Robert Williams*  
Secretary to the Council

Amended First Reading Action: May 3, 1977

VOICE VOTE: Adopted Unanimously

*Robert Williams*  
Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLARK									
DIXON					SPACKLETON									

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

\_\_\_\_\_  
Secretary to the Council

Final Reading or Emergency Action: May 17, 1977

VOICE VOTE: Adopted Unanimously

*Robert Williams*  
Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLARK									
DIXON					SPACKLETON									

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

*Robert Williams*  
Secretary to the Council

Docket No: 2-2

Presented to the Mayor: MAY 31 1977

Robert A. Williams  
Secretary to the Council

Action of the Mayor: 14 JUN 1977

Approved:  Disapproved;  
 Disapproved in part -- Reference Document: \_\_\_\_\_

Martin M. [Signature]  
(Mayor's Signature) 14 JUN 1977

Returned Without Action \_\_\_\_\_  
(Signature of Mayor's Official)

Enacted without Mayor's Signature \_\_\_\_\_  
Secretary to the Council

Council Reassignment: \_\_\_\_\_

VOICE VOTE: \_\_\_\_\_

\_\_\_\_\_  
Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, L.					WINTER				
CLARKE					ROLARK									
DIXON					SICKLETON									

I—Indicates Vote    A. B.—Absent    N. Y.—Not Voting

\_\_\_\_\_  
Secretary to the Council

Presented to the President: \_\_\_\_\_

\_\_\_\_\_  
Secretary to the Council

Action of the President: \_\_\_\_\_

Reenactment Approved  
 Mayor's Veto Sustained

\_\_\_\_\_  
President of the U. S.

Submitted to the Congress: DEC 1 1977

Robert A. Williams  
Secretary to the Council

Senate Action: \_\_\_\_\_  
Resolution Number: \_\_\_\_\_

House Action: \_\_\_\_\_  
Resolution Number: \_\_\_\_\_

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Clerk of the House

Enacted Without Congressional Action: \_\_\_\_\_

D. C. Law No. \_\_\_\_\_ Effective Date \_\_\_\_\_

\_\_\_\_\_  
Secretary to the Council

Calendar No. 615

95TH CONGRESS  
2D SESSION

# H. CON. RES. 464

[Report No. 95-673]

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 28 (legislative day, FEBRUARY 6), 1978  
Referred to the Committee on Governmental Affairs

MARCH 7 (legislative day, FEBRUARY 6), 1978  
Reported by Mr. EAGLETON, without amendment

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## CONCURRENT RESOLUTION

1     *Resolved by the House of Representatives (the Senate*  
2     *concurring)*, That the Congress approves the action of the  
3     District of Columbia Council described as follows: Amend-  
4     ment Numbered 1 (relating to initiative and referendum)  
5     to the District of Columbia Charter, as stated in section 2 of  
6     the Initiative, Referendum, and Recall Charter Amendments  
7     Act of 1977, approved June 14, 1977 (Act 2-46), as  
8     amended by the Emergency Amendments to the Initiative,  
9     Referendum, and Recall Charter Amendments Act of 1977,  
10    approved November 1, 1977 (Act 2-94), and as ratified  
11    by a majority of the registered qualified electors of the  
12    District of Columbia voting in the referendum held for such

1 ratification on November 8, 1977, such amendment having  
2 been submitted to the Congress for its approval on Decem-  
3 ber 2, 1977, pursuant to section 303 of the District of  
4 Columbia Self-Government and Governmental Reorganiza-  
5 tion Act.

Passed the House of Representatives February 27, 1978.

Attest: EDMUND L. HENSHAW, JR.,

*Clerk.*

Calendar No. 616

95TH CONGRESS  
2d Session

# H. CON. RES. 471

[Report No. 95-672]

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 28 (legislative day, FEBRUARY 6), 1978  
Referred to the Committee on Governmental Affairs

MARCH 7 (legislative day, FEBRUARY 6), 1978  
Reported by Mr. EAGLETON, without amendment

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## CONCURRENT RESOLUTION

1     *Resolved by the House of Representatives (the Senate*  
2     *concurring)*, That the Congress approves the action of the  
3     District of Columbia Council described as follows: Amend-  
4     ment No. 2 (relating to recall of elected officials) to the  
5     District of Columbia charter, as stated in section 2 of the  
6     Initiative, Referendum, and Recall Charter Amendments  
7     Act of 1977, approved June 14, 1977 (Act 2-46), as  
8     amended by the Emergency Amendments to the Initiative,  
9     Referendum, and Recall Charter Amendments Act of 1977,  
10    approved November 1, 1977 (Act 2-94), and as ratified  
11    by a majority of the registered qualified electors of the Dis-  
12    trict of Columbia voting in the referendum held for such

1 ratification on November 8, 1977, such amendment having  
2 been submitted to the Congress for its approval on Decem-  
3 ber 2, 1977, pursuant to section 303 of the District of  
4 Columbia Self-Government and Governmental Reorganiza-  
5 tion Act.

Passed the House of Representatives February 27, 1978.

Attest: EDMUND-L. HENSHAW, JR.,

*Clerk.*