

COUNCIL OF THE DISTRICT OF COLUMBIA

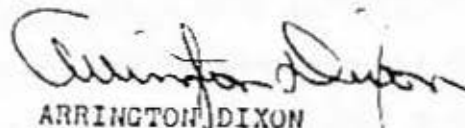
NOTICE

D. C. LAW 3-1

"Initiative, Referendum and Recall Procedures Act of 1979"

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 3-2, on first and second readings, March 13, 1979 and March 27, 1979 respectively. Following the signature of the Mayor on April 10, 1979, this legislation was assigned Act No. 3-18, published in the April 20, 1979, edition of the D.C. Register, (Vol. 25 page 9454) and transmitted to Congress on April 12, 1979 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 3-1, effective June 7, 1979.


ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

April	23, 24, 25, 26, 27, 30
May	1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 30, 31
June	1, 4, 5, 6

AN ACT

D.C. ACI 3-18

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APR 10 1979

To establish procedures for the conduct and facilitation of voter initiative, referendum and recall, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Initiative, Referendum and Recall Procedures Act of 1979".

Sec. 2. The Act "To regulate the election of delegates to national political conventions, and for other purposes", approved August 12, 1955 (69 Stat. 699; D.C. Code, sec. 1-1101 et seq.), as amended, is further amended as follows:

(a) section 2 (D.C. Code, sec. 1-1102) is amended by adding the following paragraphs at the end thereof:

"(10) 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.

"(11) The term 'referendum' means the process by which the registered qualified electors of the District of Columbia may suspend acts, or some part or parts of 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 or part or parts of acts have been presented to the registered qualified electors of the District of Columbia for their approval or rejection.

"(12) The term 'recall' means the process by which the registered 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.

"(13) The term 'elected official' means the Mayor, the Chairman and members of the Council, the President and members of the Board of Education, the Delegate to Congress for the District of Columbia, and Advisory Neighborhood Commissioners of the District of Columbia.

"(14) The term 'printed' shall include any document produced by letterpress, offset press, photo

reproduction, multi-lith, or other mass reproduction means.

"(15) The term 'proposer' means one or more of the registered qualified electors of the District of Columbia, including any entity; the primary purpose of which is the success or defeat of a political party or principle, or any question submitted to vote at a public election by means of an initiative, referendum or recall as authorized in amendments numbered 1 and 2 to title IV of the District of Columbia Self-Government and Governmental Reorganization Act. Such entities shall be treated as a political committee as defined in section 1-1121(e) of the D.C. Code, as amended, (D.C. Code, sec. 1-1121(e)) for the purpose of this act.";

(b) section 14 (D.C. Code, sec. 1-1114, as amended) is amended as follows:

(1) by redesignating the existing section as subsection "(a)";

(2) by striking the final sentence of redesignated subsection "(a)"; and

(3) by adding new subsections "(b)" and "(c)" respectively to read as follows:

"(b)(1) Any person who signs an initiative, referendum or recall petition with any other than his or

her 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 one (1) year, or both.

"(2) Any public officer, involved in any part of the election process, who willfully violates any of the provisions of sections 16 or 17 of this Act, shall be fined not more than \$10,000 or be imprisoned not more than one (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, or to circulate or solicit, to procure or not to procure, or to obtain or not

to obtain, 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 of Elections and Ethics 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 one (1) year, or both.

"(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.";

(c) A new section 16 is added at the end thereof to read as follows:

"Sec. 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 section 404(e) of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 1-144(e)), shall file with the Board of Elections and Ethics five (5) printed or typewritten copies of the full text of the measure, a summary statement of not more than one hundred (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.

"(b) Upon receipt of each proposed initiative or referendum measure, the Board of Elections and Ethics 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 fifteen (15) calendar days after the receipt of an initiative or referendum measure by the Board of Elections and Ethics, the Board shall:

"(1) prepare a true and impartial summary statement, not to exceed one hundred (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; and

"(2) prepare a short title for the measure consisting of not more than fifteen (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, reflecting the true intent and meaning of the measure, similar to the form which an act that has completed the course of the legislative process within the District of Columbia government must take before transmittal to Congress pursuant to section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 1-147(c)).

"(d) after its preparation of the summary statement, short title and legislative form, the Board shall, within five (5) days, notify the person or organization proposing the measure by certified mail of the exact language thereof.

"(e)(1) If the proposer objects to the summary statement, short title or legislative form of the initiative or referendum measure formulated by the Board of Elections and Ethics pursuant to subsection (c) of this section, that person may seek review in the Superior Court of the District of Columbia within ten (10) calendar days from the date such person receives such summary statement, short title and legislative form stating his or her objections and requesting appropriate

changes. The Superior Court shall expedite the consideration of the matter.

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

"(3) Should the Superior Court hold in favor of the proposer, it shall award court costs and reasonable attorneys fees to the proposer.

"(f) When the summary statement, short title and legislative form of an initiative or referendum measure has been established pursuant to subsection (e) of this section, the Board of Elections and Ethics shall certify such and transmit a copy thereof by certified mail to the proposer. Thereafter, such short title shall be the title of the measure in all petitions, ballots and other proceedings relating thereto. The Board of Elections and Ethics shall, upon the request of any person, also make copies of the approved short title, summary statement and full legislative text available, at nominal cost.

"(g) Upon final establishment of the summary, short title and legislative form of an initiative or

referendum proposal, the proposer shall print blank petition sheets in a form prescribed by the Board of Elections and Ethics. Each petition sheet shall be printed on paper of good writing quality of a size acceptable to the Board with a margin of one and three quarters inches at the top to allow for binding in an adequate type face. Each petition sheet at the time of circulating, signing and filing with the Board, shall consist of one (1) sheet providing numbered lines for twenty (20) names and signatures with residence addresses (street numbers) and ward numbers, and shall have printed on it, in a manner prescribed by the board, the following:

"(1) a warning statement declaring that only qualified registered electors of the District of Columbia may sign the petition; and

"(2) a statement requesting that the Board hold an election on the initiative or referendum measure contained therein, stating 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.

"(h)(1) Before circulating the petition, the proposer shall submit the petition to the Board of Elections and Ethics, for verification that the form of the petition is in compliance with the provisions of this subsection. The Board shall inform the proposer of its findings within five (5) working days and shall at this time state the specific modifications, if any, needed in the form for compliance.

"(2) Each petition sheet or sheets for an initiative or referendum measure shall have attached to it, at the time of submission to the Board of Elections and Ethics, 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:

"(A) the printed name of the circulator;

"(B) the residence address of the circulator, giving the street and number;

"(C) that the circulator of the petition form was in the presence of each person when the appended signature was written;

"(D) 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;

"(F) that the circulator of such initiative or referendum petition sheet is a qualified registered elector of the District of Columbia; and

"(F) 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 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 each of five (5) or more of the eight (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 of Elections and Ethics thirty (30) days prior to the initial submission to the

Board of the initiative or referendum measure, pursuant to subsection (a) of this section.

"(j)(1) A proposer of an initiative measure shall have one hundred and eighty (180) calendar days, beginning on the date which the Board of Elections and Ethics certifies, according to subsection (h) of this section, that 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 (i) 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 sections 404 and 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, secs. 1-144 and 1-147(c)). No act is subject to referendum if it has taken effect according to the provisions of section 602(c) of the District of

Columbia Self-Government and Governmental
Reorganization Act (D.C. Code, sec. 1-147(c)).

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

"(k) Upon submission of an initiative or referendum petition by the proposer to the Board of Elections and Ethics, the Board shall refuse to accept the petition if the Board finds that the measure presented is not a proper subject for initiative or referendum, whichever is applicable, under the terms of title IV of the District of Columbia Self-Government and Governmental Reorganization Act (P.L. 93-198), as amended, or upon any of the following grounds:

"(1) the verified statement of contributions has not been filed pursuant to sections 204 and 206 of the "District of Columbia Campaign Finance Reform and Conflict of Interest Act", approved August 14, 1974 (88 Stat. 451 and 452; D.C. Code, secs. 1-1134 through 1-1138); or

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

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

"(4) the petition on its face clearly bears an insufficient number of signatures; or

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

"(6) the petition authorizes, or would have the effect of authorizing, discrimination prohibited under the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38); or

"(7) the petition presented would negate or limit an act of the Council of the District of Columbia pursuant to section 446 of the District of Columbia Self-Government and Governmental Reorganization Act (P.L. 93-198), as amended.

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.

"(1) If the Board of Elections and Ethics refuses to accept an initiative or referendum petition when submitted to it, the person or persons submitting such petition may apply, within ten (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 writ of mandamus to compel the Board to accept such petition. The Superior Court shall expedite the consideration of the matter. If the Superior Court determines that the issue presented by the petition is a proper subject for initiative or referendum, whichever is applicable, under the terms of title IV of the District of Columbia Self-Government and Governmental Reorganization Act (P.L. 93-198), as amended, and 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, and does not authorize discrimination as prescribed in subsection (k)(6) of this section and would not negate or limit an act of the Council of the

District of Columbia as prescribed in subsection (k)(7) 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 hold in favor of the proposer, it shall award court costs and reasonable attorneys fees to the proposer.

"(m) Upon submission of a referendum petition to the Board of Elections and Ethics, 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 sections 404 and 446 of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, secs. 1-144 and 47-224) 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 review as provided in section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 1-147(c)).

"(n) When the Board of Elections and Ethics accepts an initiative or referendum petition, whether in the normal course or at the direction of a court, the Board may detach, in the presence of the person submitting the petition or his or her designated representative, if he or she desires to be present, the sheets containing the signatures, and cause all of them to be firmly attached to one (1) or more printed copies of the proposed initiative or referendum measure in such books or volumes as will be most convenient for counting, canvassing, and validating names and signatures.

"(o) After acceptance of an initiative or referendum petition, the Board of Elections and Ethics shall certify, within thirty (30) calendar days after such petition has been accepted, whether or not the number of valid signatures on the initiative or referendum petition meets the qualifying percentage and

ward distribution requirements established in subsection (i) of this section, and whether or not the necessary number of names and signatures of registered qualified electors of the District of Columbia, properly distributed by wards, appear on the initiative or referendum petition. This certification may be by a bona fide random and statistical sampling-method. If the Board finds that the same person has signed a petition for the same initiative or referendum measure more than once, it shall count only one (1) signature of such person. If a person who signs a petition is found to be a qualified registered elector in a ward other than that which was indicated on the petition sheet, such person shall be counted from the correct ward in determining whether or not an initiative or referendum measure qualifies for the ballot. Two (2) persons representing the proposer(s) may be present during the counting and validation procedures. Should a political committee or committees exist in opposition to a particular proposed initiative or referendum measure, representatives of such committee or committees may be present during the counting and validation procedures. The Board of Elections and Ethics shall post, by making available for public inspection, petitions for

initiatives or referenda, or facsimiles thereof, in the office of the Board, for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) day after the petitions are filed. Any qualified elector may, within such ten (10) day period, challenge the validity of any petition, by a written statement duly signed by the challenger and filed with the Board, specifying concisely the alleged defects in such petition. The provisions of section 8(p)(2) (D.C. Code, sec. 1-1108(p)(2)) shall be applicable to such challenge. The Board of Elections and Ethics may issue supplemental rules concerning the challenge of such petitions.

"(p) After determining that the number and validity of signatures on the initiative or referendum petition meet the qualification standards established under this section, the Board of Elections and Ethics shall certify the sufficiency of the initiative or referendum petition and shall certify that the initiative or referendum measure will appear on the ballot. The Board shall conduct an election on an initiative measure at the next general, special, or primary election held at least ninety (90) days after the date on which the measure has been certified as qualified to appear on the ballot.

The Board shall conduct an election on a referendum measure within one hundred and fourteen (114) days after the date the measure has been certified as qualified to appear on the ballot. In the case of a referendum measure, if a previously scheduled general, primary, or special election will occur between fifty-four (54) and one hundred and fourteen (114) days after the date the measure has been certified as qualified to appear on the ballot, the Board may present the referendum measure at that election.

"(g) Upon qualification of an initiative or referendum measure, the Board of Elections and Ethics shall place on the ballot the serial number of the initiative or referendum measure and its short title in substantially the following form:

*PROPOSED BY INITIATIVE PETITION

*Initiative Measure No. _____ entitled (insert the short title of the measure)

*FOR Initiative Measure No. _____

*AGAINST Initiative Measure No. _____

*PROPOSED BY REFERENDUM PETITION

*Referendum Measure No. _____ entitled (insert the short title of the measure)

*FOR Referendum Measure No. _____

ABSENTEE Referendum Measure No. _____

"(r)(1) An initiative measure which has been ratified by a majority of the registered qualified electors voting on the measure shall not take effect until the end of the thirty (30) day Congressional review period (excluding Saturdays, Sundays and holidays, and any day on which neither House is in session because of an adjournment sine die, a recess of more than three (3) days or an adjournment of more than three (3) days) beginning on the day such measure is transmitted 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. Upon certification by the Board of Elections and Ethics that the initiative measure has been ratified, the Chairman of the Council shall forthwith transmit the measure to the Speaker of the House of Representatives and to the President of the Senate.

"(2) If a majority of the registered qualified electors voting in a referendum on an act or part or parts thereof vote to disapprove the act or part or parts thereof, then such action shall be

needed a rejection of the act or part or parts thereof, and no action by the Council of the District of Columbia may be taken on such act or part thereof for three hundred and sixty-five (365) days following the date when the Board of Elections and Ethics certifies the vote concerning the referendum.

"(s) If provisions of two (2) or more initiative or referendum measures which have been approved by the registered qualified electors at the same election conflict, the provisions of the measure receiving the highest number of affirmative votes shall prevail over the conflicting provision of the other measure.";

(d) such Act is further amended by adding a new section 17 to read as follows:

"Sec. 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 and Advisory Neighborhood Commissioners of the District of Columbia.

"(b) 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 of Elections and Ethics, which contains the following information:

"(1) the name and title of the elected officer sought to be recalled;

"(2) a statement not to exceed two hundred (200) words in length, giving the reasons for the proposed recall;

"(3) the name and address of the proposer of the recall; and

"(4) an affidavit that each proposer is:

"(A) 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; or

"(B) a registered qualified elector in the District of Columbia, if the officer whose recall is sought was elected at-large.

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 first three hundred and sixty-five (365) days nor during the last three hundred and sixty-five (365) days of his term of office.

with the Board of Elections and Ethics, which contains the following information:

"(1) the name and title of the elected officer sought to be recalled;

"(2) a statement not to exceed two hundred (200) words in length, giving the reasons for the proposed recall;

"(3) the name and address of the proposer of the recall; and

"(4) an affidavit that each proposer is:

"(A) 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; or

"(B) a registered qualified elector in the District of Columbia, if the officer whose recall is sought was elected at-large.

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 first three hundred and sixty-five (365) days nor during the last three hundred and sixty-five (365) days of his term of office.

"(2) The recall process for an elected officer may not be initiated within three hundred and sixty-five (365) days after a recall election has been determined in his or her favor.

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

"(2) The elected officer sought to be recalled may file with the Board, within ~~ten (10) calendar~~ days after the filing of the notice of intention to recall, a response of not more than two hundred (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 on 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)(1) Before circulation of the petitions, the proposer shall submit to the Board of Elections and Ethics, for verification that the form of the petition is in compliance with the provisions of this subsection. The board shall inform the proposer of its findings within five (5) working days and shall at this time state the specific modifications needed, if any, in the form for compliance.

"(2) Upon filing with the Board of Elections and Ethics of the notice of intention of recall and the elected officer's response, the proposer(s) of the recall shall print petition sheets in a form prescribed by the Board of Elections and Ethics. Each petition sheet shall be printed on paper of good writing quality of a size acceptable to the Board, with a margin of one and three quarters inches at the top to allow for binding in an adequate type face. Each recall petition sheet shall consist, at the time of circulating, signing, and filing with the Board, one (1) sheet providing numbered lines for twenty (20) names and signatures with residence addresses (street numbers), and ward numbers and shall have printed on it in a manner prescribed by the Board the following:

"(A) a warning statement declaring that only qualified registered electors of the District of Columbia may sign the petition;

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

"(C) a statement requesting that the Board hold a recall election in a manner prescribed in amendment number 2 to title IV of the District of Columbia Self-Government and Governmental Reorganization Act;

"(D) a copy of the notice of intention to recall, including the statement of the grounds for recall; and

"(E) the answer of the officer sought to be recalled, if any. If the officer sought to be recalled has not answered, 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 of Elections and Ethics, 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 is a registered elector of the electoral jurisdiction of the officer sought to be recalled;

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

"(7) The proposer of a recall shall have one hundred and eighty (180) days, beginning on the date when the elected officer has filed with the Board of Elections and Ethics his or her response to the proposer's notice of intention to recall pursuant to subsection (d)(2) of this section, to circulate the recall petition and file such petition with the Board. If the elected officer sought to be recalled files no response to the notice of intention to recall, the time limitation shall begin on the deadline date for a

response established in subsection (d)(2) of this section.

"(h)(1) A recall petition for an elected officer from a ward shall include the valid signatures of ten (10) percent of the registered qualified electors of the ward from which the officer was elected. The ten (10) percent shall be computed from the total number of the qualified registered electors from such ward according to the latest official count of the registered qualified electors made by the Board of Elections and Ethics thirty (30) days prior to the date of initial submission to the Board of the notice of intention to recall.

"(2) A recall petition for an at-large elected official shall contain the signatures of registered qualified electors in number equal to ten (10) percent of the registered qualified electors in the District of Columbia: PROVIDED, That the total signatures submitted include ten (10) percent of the registered electors in each of five (5) or more of the eight (8) wards. The ten (10) percent shall be computed from the total number of registered qualified electors from the District of Columbia according to the same procedures established in paragraph (1) of this subsection.

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

"(1) the financial disclosure statement of the proposer has not been filed pursuant to sections 204 and 206 of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (84 Stat. 451; D.C. Code, sec. 1-1134 through 1-1138); or

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

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

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

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

"(b) the petition sheets do not have attached to them the statements of the circulators as provided in subsection (f) of this section.

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.

"(j)(1) If the Board of Elections and Ethics ~~refuses to accept the recall petition when submitted to~~ it, the proposer submitting such petition to the Board may appeal, within ten (10) days after the Board's refusal, to the Superior Court of the District of Columbia for a writ in the nature of mandamus to compel the board to accept such recall petition. The Superior Court shall expedite the consideration of the matter. If the Superior Court determines that the petition is legal in form and apparently meets the requirements established under this section, it shall issue an order requiring the Board to accept the petition as of the date of submission. The decision of the Superior Court shall be final.

"(2) Should the Superior Court hold in favor of the proposer, it shall award court costs and reasonable attorneys fees to the proposer.

"(k)(1) After the acceptance of a recall petition, the Board of Elections and Ethics shall certify, within thirty (30) calendar days after such petition has been filed, whether or not the number of valid signatures on the recall petition meets the qualifying percentage and ward distribution requirements established in subsection (h) of this section and whether or not the necessary number of signatures of registered qualified electors of the District of Columbia, properly distributed by wards, appears on the petition. In a case in which an officer elected from a ward is sought to be recalled, if a person who signs a recall petition for that elected officer is found not to be a registered qualified elector in the ward indicated on the petition, that name and signature shall not be counted toward determining whether or not the recall measure qualifies. In a case in which an officer elected at-large is sought to be recalled, if a person who signs a recall petition for that elected officer is found to be a registered qualified elector in a ward other than what was indicated on the petition sheet, such person shall be

counted from the correct ward in determining whether or not a recall measure for an at-large elected officer qualifies. If the Board finds that the same person has signed a petition for the same recall measure more than once, it shall count only one (1) signature of such person. Two (2) persons representing the petitioner(s) seeking the recall and two (2) persons representing the elected officer sought to be recalled may be present to observe during the counting and validating procedure.

"(2) The Board of Elections and Ethics shall post, within three (3) calendar days after accepting a recall petition, whether in the normal course or at the direction of a court, by making available for public inspection in the office of the Board, the petition for such recall measure or facsimiles thereof. Any registered qualified elector, during a ten (10) day period (including Saturdays, Sundays, and holidays), beginning on the day the recall petition was posted by the Board, may challenge the validity of such a petition by a written statement duly signed by the challenger and filed with the Board, specifying concisely the alleged defects in such petition. The provisions of section 8(p)(2) (D.C. Code, sec. 1-1108(p)(2))

shall be applicable to such challenge and the Board may establish any necessary rules and regulations consistent therewith concerning the process of such challenge.

"(1) After determining that the number and validity of signatures in the recall petition meet the requirements established in this section, the Board of Elections and Ethics 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 office. The Board shall conduct an election for this purpose within one hundred and fourteen (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 fifty-four (54) and one hundred and fourteen (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.

"(m) The Board of Elections and Ethics 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 vacancy created by such a removal shall be filled in the same manner as other vacancies, as provided in sections 401(d) and 421(c)(2) of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, secs. 1-144(d) and 1-161(c)(2)) and section 10 of an act entitled "To regulate the election of delegates representing the District of Columbia to national political conventions, and for other purposes" (69 Stat. 702; D.C. Code, sec. 1-1110), as amended."

Sec. 3. The "District of Columbia Campaign Finance Reform and Conflict of Interest Act", approved August 14,

1974 (48 Stat. 447; D.C. Code, sec. 1-1121 et seq.), as amended, is further amended as follows:

(a) Section 102 (D.C. Code, sec. 1-1121) is amended as follows:

(1) subsection (a) (D.C. Code, sec. 1-1121(a)) is amended by inserting immediately following the phrase, "a candidate to office" the following phrase: "or for the purpose of deciding an initiative, referendum or recall measure."; and

(2) paragraph (1) of subsection (f) (D.C. Code, sec. 1-1121(f)(1)) is amended by adding the following phrase at the end thereof: "or the campaign, or any operations of a political committee involved in such a campaign, to obtain signatures on any initiative, referendum or recall measure."; and

(3) paragraph (1) of subsection (g) (D.C. Code, sec. 1-1121(g)(1)) is amended by adding the following phrase at the end thereof: "or the election campaign, or any operations of a political committee involved in such a campaign, to obtain signatures on any initiative, referendum or recall petition, or to bring about the ratification or defeat of any initiative, referendum or recall measure.";

(b) Paragraph (b) of subsection (b) of section 204 (D.C. Code, sec. 1-1134(b)(b)) is amended by adding the following phrase at the end thereof:

"; or, if the committee is supporting or opposing any initiative, referendum, the summary statement and short title thereof, prepared in accordance with section 2(c) of this act; or, if the committee is supporting or opposing any recall measure, the name and office of the public official whose recall is sought or opposed in accordance with section 2(d) of this act;"

(c) section 205 (D.C. Code, sec. 1-1135) is amended as follows:

(1) subsection (a) (D.C. Code, sec. 1-1135(a)) is amended by inserting immediately following the phrase, "political committee supporting a candidate" the following phrase: "the treasurer of each political committee engaged in obtaining signatures on any initiative, referendum or recall petition, or engaged in promoting or opposing the ratification of any initiative, referendum or recall measure placed before the electors of the District of Columbia;"

and

(2) a new subsection (e) is added at the end thereof to read as follows:

"(e) In the case of reports filed by a committee or committees on behalf of initiative, referendum or recall measures under this section, such reports shall be filed on such dates as the board may by rule prescribe, but in no event, shall more than four (4) separate reports be required during the consideration of a particular initiative, referendum or recall measure by any political committee or committees collecting signatures, or supporting or opposing such measures.";

(d) section 210 (D.C. Code, sec. 1-1140) is amended as follows:

(1) after the phrase "sample ballots," insert the following phrase: "initiative, referendum or recall petitions,": and

(2) after the phrase "election to any public office" insert the phrase: "or for the support or defeat of any initiative, referendum or recall measure,":

(e) section 401 (D.C. Code, sec. 1-1161) is amended as follows:

(1) subsection (b) (D.C. Code, sec. 1-1161(b)) is amended as follows:

(A) paragraph (1) (D.C. Code, sec. 1-1161(b)(1)) is amended by inserting immediately after the

phrase, "candidate for Mayor" the following phrase: "or for the recall of the Mayor";

(B) paragraph (2) (D.C. Code, sec. 1-1151(b)(2)) is amended by inserting immediately after the phrase, "candidate for Chairman of the Council" the following phrase: "or for the recall of the Chairman of the Council";

(C) paragraph (3) (D.C. Code, sec. 1-1151(b)(3)) is amended by inserting immediately after the phrase, "elected at large" the following phrase: "or for the recall of an at large Councilmember";

(D) paragraph (4) (D.C. Code, sec. 1-1151(b)(4)) is amended by inserting immediately after the phrase "elected from a ward" the following phrase: "or for the recall of an at large Board of Education member or for a Councilmember elected from a ward";

(E) paragraph (5) (D.C. Code, sec. 1-1151(b)(5)) is amended by inserting immediately after the phrase, "Board of Education elected from a ward" the following phrase: "or for the recall of a member of the Board of Education elected from a ward";

(F) paragraph (6) (D.C. Code, sec. 1-1151(b)(6)) is redesignated as paragraph (7); and

(G) delete the word "and" at the end of paragraph (5) and insert a new paragraph (5) after paragraph (5) to read as follows:

"(5) in the case of a contribution for the purpose of obtaining signatures on an initiative or referendum petition or for the purpose of promoting or opposing the ratification of an initiative or referendum measure, \$1,000; and";

(2) subsection (c) (D.C. Code, sec. 1-1161(c)) is amended by adding the following new sentence at the end thereof: "No contributions made to support or oppose initiative, referendum or recall measures shall be affected by the provisions of this subsection.";

(3) subsection (g) (D.C. Code, sec. 1-1161(g)) is amended as follows:

(A) after the phrase, "of a particular candidate", insert the following phrase: "or to or for any particular political committee formed to advocate the ratification or defeat of any initiative, referendum or recall measure";

(B) after the phrase, "conduit to that candidate" insert the following phrase: "or political committee"; and

(C) delete the period at the end of the subsection and insert the following phrase: "or political committee.";

(F) section 703 (D.C. Code, sec. 1-1192) is amended by inserting immediately following the phrase "Member of the Board of Education under this chapter" the following phrase:

"or a political committee formed to collect signatures or advocate the ratification or defeat of any initiative, referendum or recall measure".

Sec. 4. For the purpose of section 401(b) of the "District of Columbia Campaign Finance Reform and Conflict of Interest Act", approved August 14, 1974 (88 Stat. 459; D.C. Code, sec. 1-1161(b)), as amended, the term "person" shall include "individual" for all contributions to support or oppose initiative, referendum or recall measures after October 1, 1978.

Sec. 5. The emergency amendments to the Initiative, Referendum, and Recall Charter Amendments Act of 1977, effected by section 2 of the Emergency Amendments to the Initiative, Referendum, and Recall Charter Amendments Act of 1977, effective November 1, 1977 (Act 2-94), and the Extension of the Emergency Amendments to the Initiative, Referendum, and Recall Charter Amendments Act of 1977, effective January 30, 1978 (Act 2-140), which represent the

exact wording of the Charter Amendments presented to the registered qualified electors of the District of Columbia on November 8, 1977, and approved by the Congress on March 10, 1978, are made permanent.

Sec. 6. For purposes of this or any other act administered by the Board of Elections and Ethics, if the final date for any action falls on a Saturday, Sunday, or legal holiday, such action shall be considered timely if taken on the next regular business day immediately thereafter.

Sec. 7. If any provision of this act or any section, sentence, clause, phrase or word or the application thereof, shall in any circumstances be held invalid, the validity of the remainder of the act and of the application of any such provision, section, sentence, clause, phrase or word shall not be affected.

Sec. 8. The Board of Elections and Ethics shall issue rules and regulations to effect the provisions of this act, in accordance with the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.) as amended.

Sec. 9. Applicability to petitions with signatures obtained on or after October 1, 1978, and before the effective date of this Act.

with respect to any initiative petition circulated on or after October 1, 1978, and before the effective date of this act, that is presented to or offered for filing to the Board of Elections and Ethics, section 15 of the act "To regulate the election of delegates to national political conventions, and for other purposes", approved August 17, 1955 (69 Stat. 697; D.C. Code, sec. 1-1101 et seq.) as amended by section 2(c) of this act shall apply: EXCEPT, That:

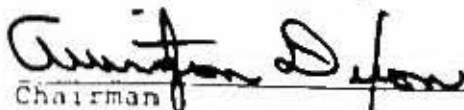
(a) the provisions of subsections (h)(1), (j)(1), (j)(3), (k)(2) and (k)(3) shall not be applied in the case of such petition;

(b) subsection (b) shall not apply to the extent that it would require the assignment and use of a serial number prior to the circulation and filing of such petition;

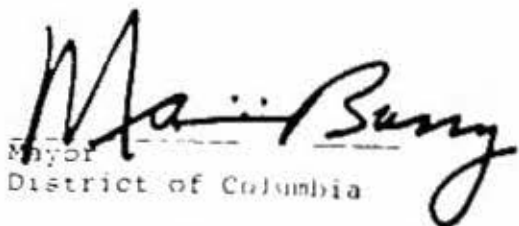
(c) subsections (c) through (f) shall not apply to the extent that they would require the approval of a summary statement, short title, and legislative form for an initiative measure prior to the circulation and filing of such petitions; and

(d) subsection (g) shall not apply to such petition; PROVIDED, HOWEVER, That each sheet of the petition shall include a statement declaring that each person signing must be or is a registered voter in the District of Columbia.

Sec. 10. This act shall take effect at the end of the thirty (30) day period provided for the Congressional review of acts of the Council of the District of Columbia in section 502(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act (87 Stat. 914; D.C. Code, sec. 1-147(c)(1)); PROVIDED, HOWEVER, That no initiative, referendum or recall measure may be initiated as provided in section 2 of this act until on or after October 1, 1978.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

Approved: April 10, 1979

**COUNCIL OF THE DISTRICT OF COLUMBIA
RECORD OF OFFICIAL COUNCIL ACTION**

DOCKET NO: Bill 3-2

ACTION: To Adopt First Reading (3-13-79)

VOICE VOTE: _____

Absent: _____

ROLL CALL VOTE:

COUNCIL MEMBER	Y	N	AB	COUNCIL MEMBER	Y	N	AB	COUNCIL MEMBER	Y	N	AB
	X				X				X		
	X				X				X		
	X				X						
	X				X						
	X				X						

CERTIFICATION OF RECORD

[Signature]
Secretary to the Council

ACTION: To Adopt Final Reading (3-27-79)

VOICE VOTE: Unanimous

Absent: All Present

ROLL CALL VOTE:

COUNCIL MEMBER	Y	N	AB	COUNCIL MEMBER	Y	N	AB	COUNCIL MEMBER	Y	N	AB

CERTIFICATION OF RECORD

[Signature]
Secretary to the Council

ACTION: _____

VOICE VOTE: _____

Absent: _____

ROLL CALL VOTE:

COUNCIL MEMBER	Y	N	AB	COUNCIL MEMBER	Y	N	AB	COUNCIL MEMBER	Y	N	AB

CERTIFICATION OF RECORD

Secretary to the Council