

ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

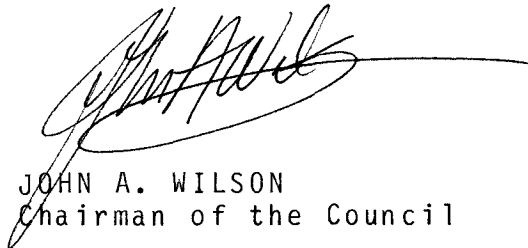
NOTICE

D.C. LAW 9-75

"Voter Roll Maintenance Act of 1991".

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. 9-242 on first and second readings, November 5, 1991, and December 3, 1991, respectively. Following the signature of the Mayor on January 3, 1992, this legislation was assigned Act No. 9-127, published in the January 17, 1992, edition of the D.C. Register, (Vol. 39 page 310) and transmitted to Congress on January 7, 1992 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 this enactment as D.C. Law 9-75, effective March 11, 1992.



JOHN A. WILSON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	21,22,23,24,27,28,29,30,31
February	3,4,5,6,7,18,19,20,21,24,25,26,27,28
March	2,3,4,5,6,9,10

AN ACT

D.C. ACT 9-127

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 3, 1991

To amend An Act To regulate the election of delegates representing the District of Columbia to national political conventions, and for other purposes to authorize the Board of Elections and Ethics to issue certain regulations, to permit registered voters to change address through the voting process, to establish procedures for maintenance of the voter roll, including a biennial mail canvass, to permit the reinstatement of certain voter registrations cancelled during the 1991 mail canvass, to provide that a voter's address is a prerequisite for the verification of any petition signature, to limit the petition challenge period for Advisory Neighborhood Commission special elections, to revise the publication requirement for referenda, to clarify the initiative and referendum ballot, to provide statistical sampling as a means to certify the validity of recall petitions, and for other purposes; and to amend the Advisory Neighborhood Councils Act of 1975 regarding the polling place for special elections.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "Voter Roll Maintenance Act of 1991."

Sec. 2. An Act To regulate the election of delegates representing the District of Columbia to national political conventions, and for other purposes, approved August 12, 1955 (69 Stat. 699; D.C. Code §1-1301 *et seq.*), is amended as follows:

(a) Section 5(a) (D.C. Code §1-1306(a)) is amended as follows:

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

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

(2) Paragraph 14 is amended by adding before the semicolon, a period and a new sentence to read as follows:

"The regulations authorized by this paragraph include those necessary to: determine that candidates meet the statutory qualifications for office; define the form of petitions; establish rules for the circulation and filing of petitions; establish criteria to determine the validity of signatures on petitions; and provide for the registration of any political party seeking to nominate directly candidates in any general or special election;"

Section
1-1306

Enrolled Original

Section
1-1311

(b) Section 7 (D.C. Code §1-1311) is amended as follows:

(1) Subsection (f-1) is repealed.

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

"(g)(1) The registry shall be open during reasonable business hours, except that:

"(A) The registry shall not be open during the 30-day period which immediately precedes, and during the 15-day period immediately following, any primary, general, or city-wide special election; and

"(B) The registry for a ward or Advisory Neighborhood Commission single-member district ("SMD") shall not be open during the 30-day period which immediately precedes, and during the 15-day period immediately following, a special election for that ward or SMD.

"(2) Registration forms postmarked during the 30-day period immediately preceding or during the 15-day period immediately following the elections as specified in paragraph (1) of this subsection shall be processed after the registry reopens.

"(3) The Board may close the registry on Saturdays, Sundays, and holidays.

"(4) This subsection does not apply to any registered qualified elector who either files a change of address or who reinstates a suspended registration by voting pursuant to sections (7)(i) or (7)(j) of this act."

(3) Subsection (h) is amended by adding a paragraph (3) to read as follows:

"(3) The provisions of this subsection shall not apply when a special election is held to fill a vacancy in an Advisory Neighborhood Commission single-member district."

(4) Subsections (i) (j) and (k) are amended to read as follows:

"(i)(1) A registered voter who changes place of residence shall, within 30 days of the change, notify the Board in writing of the new residence. If the Board learns that a registered voter has moved and failed to notify the Board in writing within 30 days of a current address, the Board shall mail to the registered voter the same notice required by subsection (7)(j) of this act.

"(2) A registered voter who votes at a polling place on election day shall confirm the residence address as it appears on the official registration roll. The act of signing a copy of the registration roll for the precinct shall be deemed confirmation of the voter's address as it appears on the Board's registration records.

"(3) A registered voter who has moved within the District but has not notified the Board in writing of a current address by the 30th day preceding the date of any election, may apply to vote at the polling place serving the current residence by filing a request for a change of address on a form provided by the Board.

"(4) A registered voter who files a change of address form at a polling place in accordance with paragraph (3) of this subsection shall establish identity and current residence address within the precinct at the time of voting. The Board shall establish by rule the types of identification that shall be acceptable for the purposes of this paragraph.

"(5) The ballot of each person who files a change of address at the polling place shall be placed in a sealed envelope. The outside of the envelope shall contain the signature of the voter and such information as the Board deems necessary to determine that the individual is qualified

to have the vote counted. The official in charge of the polling place shall provide the voter with written notification of appeal rights as provided in subsection 9(e) of this act, should the Board determine that the voter is not qualified to vote in the election.

"(j)(1) The Board shall develop a systematic program to maintain the voter roll and keep it current. This program shall include the following:

"(A) In January of each odd-numbered year the Board shall confirm the address of each registered voter who did not vote in the preceding general election by mailing a first class non-forwardable postcard to the address listed on the Board's records. If the United States Postal Service returns the postcard to the Board indicating that the registered voter no longer resides at the address of registration, the Board shall mail a forwardable notice to the last known address of the registrant as shown on the Board's records, and to the forwarding address if known, stating that the registrant must, within 30 days from the mailing of the notice, either confirm the residence address as listed on the Board's records or provide the Board with a current residence address.

"(B) The Board may utilize information from the United States Postal Service and the Bureau of Motor Vehicle Services to identify registrants who have moved from the address listed on the Board's records. Where this information indicates that a registered voter is no longer residing at the address of registration, the Board shall mail the same forwardable notice as required in subparagraph (A) of this paragraph.

"(2) If the Board mails a forwardable notice pursuant to paragraph (1) of this subsection and the individual to whom the notice is sent fails to respond within 30 days, then the registration of that individual shall be suspended from the voter roll.

"(3) A registered voter whose registration is suspended pursuant to paragraph (2) of this subsection may have the registration reinstated to the voter registration roll. The registered voter shall be permitted to vote in any election held not later than the date of the next November general election provided that a change of address has been timely filed pursuant to subsection (7)(i) of this act. The registration of a suspended voter who fails to reinstate the suspended registration not later than the next November general election shall be cancelled.

"(4) The ballot of each suspended registered voter who votes on election day pursuant to paragraph (3) of this subsection shall be placed in a sealed envelope. The outside of the envelope shall contain the signature of the voter and such information as the Board deems necessary to determine that the individual is qualified to have the vote counted. The official in charge of the polling place shall provide the voter with written notification of appeal rights as provided in section 9(e) of this act, should the Board determine that the voter is not qualified to vote in the election.

"(5) The voter registration of any individual determined by the Board to be qualified to vote in the election, shall be reinstated.

"(6) Nothing in this subsection shall result in either the suspension of the voter registration of any individual from the list of

Enrolled Original

active registered voters or the cancellation of any voter registration solely by reason of the registrant's failure to vote.

"(7) The Board shall not, during the 75-day period immediately preceding any primary, general, or city-wide special election, suspend or cancel from the voter roll the name of any individual solely as a result of this subsection.

"(8) Any individual whose voter registration was cancelled by the Board in 1991 because of failure to inform the Board of a change of address shall be considered a suspended registered voter and be entitled to reinstatement as provided by this subsection.

"(k)(1) The Board shall cancel a voter registration upon receipt of a signed request from the registrant, upon notification of the death of a registrant, upon notification of a registrant's incarceration for conviction of a felony, upon notification that the registrant has registered to vote in another jurisdiction, or for any other reason specifically authorized in this act.

"(2) The Board shall request at least monthly, and the Mayor shall furnish, the name, address, and date of birth, if known, of each District resident 18 years of age and over reported deceased within the District, together with the name and address of each District resident who has been reported deceased by other jurisdictions since the date of the previous report.

"(3) The Board shall request at least monthly, and the Superior Court of the District of Columbia shall furnish, the name and address of each person incarcerated as a result of a felony conviction since the date of the previous report, and the former and present names and address of each person whose name has been changed by decree or order of the Court since the date of the previous report.

"(4) The Board shall request from the United States District Court for the District of Columbia, at least monthly, the name and address of each person incarcerated as a result of a felony conviction since the date of the previous report.

"(5) Any individual whose registration has been cancelled shall not be permitted to vote except by re-registration as provided in this section."

(c) Section 8 (D.C. Code §1-1312) is amended as follows:

Section
1-1312

(1) Subsection (b)(2) is amended to read as follows:

"(2) Only registered, qualified electors of the District of Columbia are authorized to circulate nominating petitions of candidates for elected office pursuant to this act. The Board shall consider invalid the signatures on any petition sheet which was circulated by a person who, at the time of circulation, was not a registered qualified elector of the District of Columbia."

(2) Subsection (j) is amended by adding a new paragraph (3) at the end to read as follows:

"(3) No person shall be nominated directly as a candidate in any general election for the office of Delegate, Mayor, Chairman of the Council, member of the Council, United States Senator, or United States Representative who is registered to vote as affiliated with a party qualified to conduct a primary election."

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

(A) Paragraph (1) is amended by adding a new sentence at the end to read as follows:

Enrolled Original

"In a special election to fill a vacancy in an Advisory Neighborhood Commission single-member district, the period prescribed in this paragraph for posting and challenge shall be 5 days, excluding weekends and holidays.";

(B) Paragraph (2a) is repealed; and

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

"(3) For the purpose of verifying a signature on any petition filed pursuant to this section, the Board shall first determine that the address on the petition is the same as the residence shown on the signer's voter registration record. If the address is different, the signature shall not be counted as valid unless the Board's records show that the person was registered to vote from the address listed on the petition at the time the person signed the petition."

(d) Section 9(d) (D.C. Code §1-1313(d)) is amended by designating the existing subsection (d) as (d-1) and by adding a new subsection (d-2) to read as follows: Section
1-1313

"(d-2) Any individual who alleges that their name has been erroneously omitted from the list of registered voters, or alleges that their name, address or party affiliation is erroneously printed on the list of registered voters, shall be permitted to cast a ballot. Ballots so cast shall be placed in a sealed envelope. The outside of the envelope shall contain the signature of the voter and such information as the Board deems necessary to determine that the individual is qualified to have the vote counted. The official in charge of the polling place shall provide the voter with written notification of appeal rights as provided in subsection 9(e) of this act, should the Board determine that the voter is not qualified to vote in the election."

(e) Section 16 (D.C. Code §1-1320) is amended as follows: Section
1-1320

(1) Subsection (e)(1) is amended to read as follows:

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

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

(2) Subsection (o) is amended by designating the existing language as paragraph (1) and adding a new paragraph (2) to read as follows:

"(2) For the purpose of verifying a signature on any petition filed pursuant to this section, the Board shall first determine that the

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address on the petition is the same as the residence shown on the signer's voter registration record. If the address is different, the signature shall not be counted as valid unless the Board's records show that the person was registered to vote from the address listed on the petition at the time the person signed the petition."

(3) Subsection (p) is amended by striking the second sentence and inserting a new sentence in its place to read as follows:

"The Board shall conduct an election on an initiative measure at the next primary, general, or city-wide special election held at least 90 days after the date on which the measure has been certified as qualified to appear on the ballot."

(4) Subsection (q) is amended to read as follows:

"(q)(1) Upon qualification of an initiative measure, the Board shall place on the ballot the serial number of the initiative and its short title and summary statement in substantially the following form:

INITIATIVE MEASURE No.

(SHORT TITLE)

(SUMMARY STATEMENT)

FOR Initiative Measure No.

AGAINST Initiative Measure No.

"(2) Upon qualification of a referendum measure, the Board shall place on the ballot the serial number of the referendum measure and its short title and summary statement in substantially the following form:

REFERENDUM MEASURE No.

(SHORT TITLE)

(SUMMARY STATEMENT)

"(A) If the referendum concerns whether the registered voters of the District of Columbia approve or reject the act, then the ballot shall state:

Shall the registered voters of the District of Columbia approve or reject Act (insert Act number)?

YES, to approve

NO, to reject

"(B) If the referendum concerns part or parts of an act, then the ballot shall state:

Shall the registered voters of the District of Columbia approve or reject sections (insert section(s) that is the subject of the referendum measure) of Act (insert Act number)?

YES, to approve

NO, to reject"

(f) Section 17(k) (D.C. Code §1-1321(k)) is amended as follows: Section

(1) By adding a sentence after the first sentence in paragraph 1-1321 (k)(1) to read as follows:

"This certification may be made by a bona fide random and statistical sampling method."

(2) By adding a new paragraph (3) to read as follows:

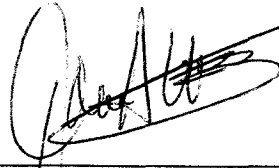
"(3) For the purpose of verifying a signature on any petition filed pursuant to this section, the Board shall first determine that the address on the petition is the same as the residence shown on the signer's voter registration record. If the address is different, the signature shall not be counted as valid unless the Board's records show that the person was registered to vote from the address listed on the petition at the time the person signed the petition."

Enrolled Original


Sec. 3. Section 8 of the Advisory Neighborhood Councils Act of Section 1975, effective October 10, 1975 (D.C. Law 1-21; D.C. Code §1-257) is 1-257 amended by striking subsection (d)(1)(A)(ii) and inserting a new sentence in its place to read as follows:

"(ii) If the voting precinct is unavailable, at an appropriate alternative site within the Commission area and, if possible, within the single-member district; or".

Sec. 4. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code §1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: January 3, 1992



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Nine

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 9-242

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 11-5-91

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. (repeated 3 times). Rows include CHMN. WILSON, BRAZIL, CRAWFORD, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, ROLARK, SMITH, JR., THOMAS, SR.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Signature of Secretary to the Council

Date: December 17, 1991

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 12-3-91

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. (repeated 3 times). Rows include CHMN. WILSON, BRAZIL, CRAWFORD, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, ROLARK, SMITH, JR., THOMAS, SR.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Signature of Secretary to the Council

Date: December 17, 1991

Item on Consent Calendar

ACTION & DATE:

VOICE VOTE:

Recorded vote on request

Absent:

ROLL CALL VOTE: - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. (repeated 3 times). Rows include CHMN. WILSON, BRAZIL, CRAWFORD, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, ROLARK, SMITH, JR., THOMAS, SR.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date