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COUNCIL OF THE DISTRICT OF COLUMBIA

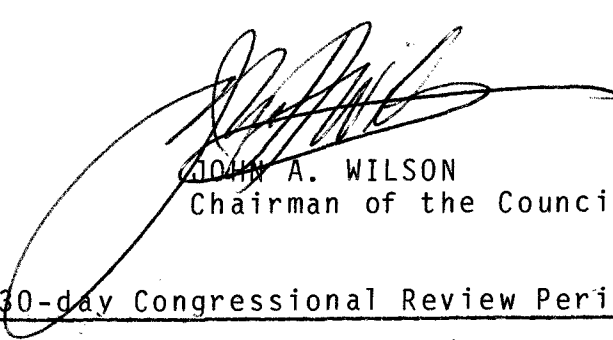
NOTICE

D.C. LAW 9-257

"Election Temporary Amendment Act of 1992".

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. 9-750 on first and second readings, December 15, 1992, and January 5, 1993, respectively. Following the signature of the Mayor on January 14, 1993, this legislation was assigned Act No. 9-405, published in the January 29, 1993, edition of the D.C. Register, (Vol. 40 page 805) and transmitted to Congress on January 26, 1993 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 9-257, effective March 25, 1993.



JOHN A. WILSON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January 26,27

February 2,3,4,16,17,18,19,22,23,24,25,26

March 1,2,3,4,5,8,9,10,11,12,15,16,17,18,23,24

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 14, 1993

To amend, on a temporary basis, the Advisory Neighborhood Councils Act of 1975, with regard to Commissioner vacancies, to allow the Board of Elections and Ethics to cluster special elections, to reduce the petition circulation period to 21 days, to declare a winner when only 1 candidate qualifies, to allow prospective resignations, and to declare vacancies under certain circumstances.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Election Temporary Amendment Act of 1992".

Sec. 2. Section 8 of the Advisory Neighborhood Councils Act of 1975, effective October 10, 1975 (D.C. Law 1-21; D.C. Code § 1-257), is amended as follows:

Note,
Section
1-257

(a) Subsection (d) is amended to read as follows:

"(d)(1) Whenever a vacancy exists in the office of a Commissioner, the Board shall hold a special election in the single-member district to fill the vacancy. The election shall be held not less than 60 days after the Board certifies the vacancy. The election shall be held at the earliest date established by this paragraph, but, at the Board's sole discretion, it shall be either: (i) the 1st Tuesday of January, March, May, July, September, or November; or (ii) in a special, primary, or general election to be held in the District within 30 days of the date on which a special election would otherwise be held pursuant to (i) of this paragraph. If the 1st Tuesday should fall on a legal holiday in the District, the Board shall schedule the election to occur on another day of the same week. If no person declares and qualifies to be a candidate to fill the vacancy, the Board shall re-certify the vacancy and hold a special election in accordance with the provisions of this paragraph. No special election shall be held to fill a vacancy following the general election in the last year of a term.

"(2) For purposes of this section, a vacancy shall be deemed certified by the Board upon submission of a notice of the vacancy for publication in the District of Columbia Register. Within 14 days of certification, the Board shall mail notice of the vacancy to each registered qualified elector within the affected single-member district.

"(3) A special election, unless conducted in accordance with a previously scheduled general, primary, or special election pursuant to this subsection, shall be conducted in 1 of the following manners:

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

"(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

"(B) By postal ballot by mailing by 1st class mail no later than 7 days prior to the date of the election an official ballot issued by the Board. The ballots shall be mailed to each registered qualified elector in the single-member district at the address at which the elector is registered, except for those persons who have made arrangements with the Board for absentee voting pursuant to section 9(b)(2) of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Code § 1-1313(b)(2)) ("Election Code"). The Board shall, pursuant to section 5(a)(14) of the Election Code (D.C. Code § 1-1306(a)(14)), issue rules to implement the provisions of this subparagraph. Each ballot shall be printed with prepaid 1st class postage and its return by the voter shall be postmarked no later than midnight of the day of the election.

"(4) A special election called to fill a vacancy in a single-member district of an Advisory Neighborhood Commission shall not be considered an election for the purposes of section 16(p) of the Election Code (D.C. Code § 1-1320(p)).

"(5) Not less than 7 days following the Board's certification of the vacancy, the Board shall make available petitions for the purpose of obtaining the signatures of registered qualified electors within the single-member district in which the vacancy has been certified. The Board shall also provide each prospective candidate with 1 reasonably current list of the registered voters within the single-member district who are eligible to sign the nominating petitions.

"(6) Within 21 days of the date on which the Board makes the petitions available, persons interested in filling the vacancy shall submit a petition to the Board containing the signatures of 25 registered qualified electors from the single-member district. The Board shall consider each petition pursuant to its rules.

"(7) Notwithstanding any other provision of law, if, at the close of the period allowed for the circulation and challenge of nominating petitions there is only 1 candidate properly nominated and qualified to fill the vacancy, the Board shall declare the sole candidate to have been elected without balloting.

"(8) Each person elected to fill a vacancy shall meet the qualifications of an Advisory Neighborhood Commissioner stated in section 6(a).

"(9) The person elected as a member to fill the vacancy on the Advisory Neighborhood Commission shall take office on the day on which the Board of Elections and Ethics certifies the election, and shall serve as a member of the Advisory Neighborhood Commission for the remainder of the term during which the vacancy occurred. The Board shall publish the winner of each election in the District of Columbia Register."


(b) Subsection (f) is amended by adding new paragraphs (4) and (5) to read as follows:

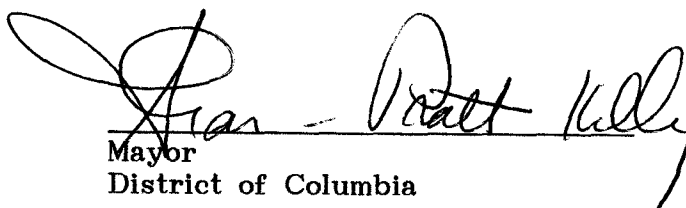
"(4) Any member of an Advisory Neighborhood Commission may resign prospectively by submitting an irrevocable letter of prospective resignation to the Board, with copies to the Council of the District of Columbia, the Mayor, and the Chairperson of the member's Advisory Neighborhood Commission. The letter shall be sworn, state that it is irrevocable, and give the date that the resignation shall become effective. The resignation shall become effective not more than 60 days following receipt of the letter by the Board. Upon receipt of such letter the Board shall declare the prospective vacancy and proceed to fill it as provided in subsection (d) of this section.

"(5) The Board shall have the authority to declare and certify a vacancy on its own initiative, without regard to paragraphs (1) or (2) of this subsection, when: (i) the office of a Commissioner remains vacant after a general or special election; or (ii) the Board determines, through its established procedures for the maintenance of the voter registration roll, that a Commissioner is no longer a registered qualified elector actually residing in the single-member district from which he or she was elected."

Sec. 3. (a) 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.

(b) This act shall expire on the 225th day of its having taken effect.


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED: January 14, 1993



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Nine

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 9-750

☐ Item on Consent Calendar

☒ ACTION & DATE: Adopted First Reading, 12-15-92

☒ VOICE VOTE: Approved

Recorded vote on request

Absent: Ray, Brazil and Thomas

☐ ROLL CALL VOTE: — RESULT _____ (____/____/____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLAPK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X — Indicates Vote

A.B. — Absent

N.V. — Present, not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

January 7, 1993
Date

☒ Item on Consent Calendar

☒ ACTION & DATE: Adopted Final Reading, 1-5-93

☒ VOICE VOTE: Approved

Recorded vote on request

Absent: Wilson

☐ ROLL CALL VOTE: — RESULT _____ (____/____/____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X — Indicates Vote

A.B. — Absent

N.V. — Present, not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

January 7, 1993
Date

☐ Item on Consent Calendar

☐ ACTION & DATE: _____

☐ VOICE VOTE: _____

Recorded vote on request

Absent: _____

☐ ROLL CALL VOTE: — RESULT _____ (____/____/____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X — Indicates Vote

A.B. — Absent

N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date