

AN ACT

Bill 19-1058

**Emergency
Declaration
Res. 19-764
20 DCStat 577**

**Codification
District of
Columbia
Official Code
2001 Edition**

**Board of
Elections
Petition
Circulation
Requirements
Emergency
Amendment
Act of 2012**

To amend, on an emergency basis, the District of Columbia Election Code of 1955 to abolish the voter-registration and residency requirements for circulators of petitions for the purposes of placing initiative and referendum measures on the ballot, nominating candidates for elected office, and recalling elected officials, and to establish in their place a requirement that circulators of petitions for these purposes be at least 18 years of age and residents of the relevant jurisdictions in the District of Columbia or registered as petition circulators with the Board of Elections, such registration to include the person's consent to being subject to the subpoena power of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Board of Elections Petition Circulation Requirements Emergency Amendment Act of 2012".

Sec. 2. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

(a) Section 8(b)(2) (D.C. Official Code § 1-1001.08 (b)(2)) is amended to read as follows:

**Note,
§ 1-1001.08**

“(2) The nominating petition of any candidate for elected office, pursuant to this act shall be circulated by persons who are at least 18 years of age. A petitioner circulator need not be a resident of the District of Columbia but otherwise shall be qualified to register to vote in the District of Columbia pursuant to section 2(2) and, if not a resident of the District of Columbia, shall register as a petition circulator with the Board, such registration to include the person's consent to being subject to the subpoena power of the District of Columbia. By registering and circulating a nominating petition, the petition circulator voluntarily consents to and subjects herself or himself to the Board's subpoena powers and to the jurisdiction of the Superior Court of the District of Columbia for the enforcement of Board subpoenas without regard to her or his place of residence. 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 at least 18 years of age and a resident of the District of Columbia or was not at least 18 years of age and a registered petition circulator pursuant to this paragraph. During the challenge period before the Board, the Board may consider invalid the signatures on any petition sheet that was circulated by a registered petition circulator if the registered petition circulator fails to comply with a subpoena to appear before the Board as requested in the subpoena.”.

(b) Section 16 (D.C. Official Code § 1-1001.16) is amended as follows:

**Note,
§ 1-1001.16**

(1) Subsection (h)(5) is amended to read as follows:

“(5) That the petition circulator of an initiative or a referendum petition sheet is at least 18 years of age and a resident of the District of Columbia or at least 18 years of age and a registered petition circulator pursuant to section 8(b)(2). By registering as a petition circulator and circulating an initiative or referendum petition, the petition circulator voluntarily consents to and subjects herself or himself to the Board’s subpoena powers and to the jurisdiction of the Superior Court of the District of Columbia for the enforcement of Board subpoenas without regard to her or his place of residence. During the challenge period before the Board, the Board may consider invalid the signatures on any petition sheet that was circulated by a registered petition circulator if the registered petition circulator fails to comply with a subpoena to appear before the Board as requested in the subpoena.”.

(2) Subsection (k)(E) is amended to read as follows:

“(E) The petition was circulated by persons who were not at least 18 years of age and residents of the District of Columbia or were not at least 18 years of age and registered petition circulators pursuant to section 8(b)(2) at the time of circulation. By registering as a petition circulator and circulating an initiative or referendum petition, the petition circulator voluntarily consents to and subjects herself or himself to the Board’s subpoena powers and to the jurisdiction of the Superior Court of the District of Columbia for the enforcement of Board subpoenas without regard to her or his place of residence. During the challenge period before the Board, the Board may consider invalid the signatures on any petition sheet that was circulated by a registered petition circulator if the registered petition circulator fails to comply with a subpoena to appear before the Board as requested in the subpoena.”.

(c) Section 17(i)(6) (D.C. Official Code § 1-1001.17(i)(6)) is amended to read as follows:

**Note,
§ 1-1001.17**

“(6) The petition was circulated by persons who, if the officer sought to be recalled was elected at-large, were not at least 18 years of age and residents of the District of Columbia or were not at least 18 years of age and registered petition circulators pursuant to section 8(b)(2) at the time of circulation, or if the officer sought to be recalled was elected from a ward, were not at least 18 years of age and residents of that ward or were not at least 18 years of age and registered petition circulators pursuant to section 8(b)(2) at the time of circulation, or if the officer sought to be recalled was elected from an Advisory Neighborhood Commission SMD, were not at least 18 years of age and residents of that SMD or were not at least 18 years of age and registered petition circulators pursuant to section 8(b)(2) at the time of circulation. During the challenge period before the Board, the Board may consider invalid the signatures on any petition sheet that was circulated by a registered petition circulator if the registered petition circulator fails to comply with a subpoena to appear before the Board as requested in the subpoena.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).