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2 Chairman Vincent C. Gray

Councilmember Mary M. Cheh

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5 Councilmember Harry Thomas, Jr.
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9 A BILL
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13 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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20 To amend the District of Columbia Election Code to include Board member qualifications and
21 restrictions on Board Member activities, to impose an open meetings requirement, to
22 establish an Elections Advisory Committee to assist the Board in carrying out its duties, to
23 require the Board to establish regulations allowing elections observers uniform and
24 nondiscriminatory access to the election process, to establish reporting requirements
25 following elections, to expand the franchise to persons that are 17 but will be 18 at the
26 time of the general election, to allow for pre-registration of persons 16 years or older, to
27 permit same-day registration, to require the Board to submit an automatic-voter-
28 registration study, to add the Department of Corrections and the Department of Youth
29 Rehabilitative Services to agencies covered under the National Voter Registration Act, to
30 expand the pool of eligible polling place workers, to require training and certification of
31 polling place workers, to require performance management of polling place workers, to
32 allow public employees to take paid leave in order to work as a polling place worker, to
33 establish a polling place worker check-off on voter registration forms, to require a voting
34 system with a voter-verifiable voter record, to require a competitive contracting process
35 for new voting systems, to allow for no-fault absentee ballots, to allow persons to cast
36 special ballots for federal elections in out-of-precinct votes, to allow for early voting and
37 vote centers, to authorize the Board to extend voting hours in emergency situations, to
38 require the posting of summary counts of votes at the precincts, to move Advisory
39 Neighborhood Commissioner elections to the primary elections, to establish ballot
40 auditing standards, to allow the Board to establish filing fees for candidates for elected
41 office, to adjust the number of signatures needed for Advisory Neighborhood
42 Commission nomination petitions, to allow for passive electioneering at the polls, to
43 prohibit defacing campaign posters and other campaign materials during an election
44 period, and to repeal the “false statements” provisions in the Board’s initiative
45 regulations.
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1 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
2 act may be cited as the “Omnibus Election Reform Act of 2009”.

3 **TITLE I. BOARD GOVERNANCE.**

4 Sec. 101. Board member qualifications.

5 (a) Section 4 of the District of Columbia Election Code of 1955, approved Aug. 12, 1955
6 (69 Stat. 699; D.C. Official Code § 1-1001.4), is amended to read as follows:

7 (1) Subsection (a) is amended to read as follows:

8 “(a) Board Member Qualifications. No person shall be a member of the Board
9 unless he or she:

10 “(1) Qualifies as an elector and resides in the District;

11 “(2) Has resided in the District continuously since the beginning of the 3-
12 year period ending on the day he or she is appointed;

13 “(3) Holds no other paid office or employment in the District government
14 and shall hold no active office, position or employment in the federal government;

15 “(4) Possesses demonstrated integrity, independence, and public
16 credibility; and

17 “(5) Has particular knowledge, training, or experience in government
18 ethics or in elections law and procedure.”.

19 (2) Subsection (b) is amended as follows:

20 (1) Paragraph (4) is amended by striking the phrase “of the Board; or” and
21 inserting the phrase “of the Board” in its place.

22 (2) Paragraph (5) is amended by striking the phrase “in the District of
23 Columbia.” and inserting the phrase “in the District; or”

1 (3) A new paragraph (6) is added to read as follows:

2 “(6) Be an officer, director, or employee of an organization receiving
3 District funds.”.

4 (b) This section shall not apply to any members of the Board who are sitting at the time
5 of the effective date of this Act.

6 Sec. 102. Open meetings.

7 (a) The Board shall hold regular monthly meetings in accordance with a schedule to be
8 established by the Board, and additional meetings may be called as needed by the Board.

9 (b) The Board shall make available for public inspection and post on its website a
10 proposed agenda for each Board meeting at least 24 hours before a meeting. Copies of the
11 agenda shall be available to the public at the meeting. The Board may, according to its rules,
12 amend the agenda at the meeting.

13 (c) All meetings of the Board shall be open to the public, unless the members vote to
14 enter into Executive Session. The Board may not vote, make resolutions or rulings, or take any
15 actions of any kind during executive session, except those that:

16 (1) Relate solely to the internal personnel rules or practices of the Board;

17 (2) Would result in the disclose matters specifically exempted from disclosure by
18 statute, provided that such statute (A) requires that the matters to be withheld from the public in
19 such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for
20 withholding or refers to particular types of matters to be withheld;

21 (3) Would result in the disclosure of trade secrets and commercial or financial
22 information obtained from a person and privileged or confidential;

23 (4) Involve accusing any person of a crime, or formally censuring any person;

1 (5) Would result in the disclosure of information of a personal nature where
2 disclosure would constitute a clearly unwarranted invasion of personal privacy;

3 (6) Would result in the disclosure of investigatory records compiled for law
4 enforcement purposes, or information which if written would be contained in such records, but
5 only to the extent that the production of such records or information would

6 (A) Interfere with enforcement proceedings,

7 (B) Deprive a person of a right to a fair trial or an impartial adjudication,

8 (C) Constitute an unwarranted invasion of personal privacy,

9 (D) Disclose investigative techniques and procedures; or

10 (7) Specifically concern the Board's issuance of a subpoena, or the Board's
11 participation in a civil action or proceeding, or disposition by the Board of a particular matter
12 involving a determination on the record after opportunity for a hearing.

13 (d) The Board shall keep the minutes of each meeting of the Board and shall make the
14 minutes of each meeting available to the public for inspection and distribution, and shall post the
15 minutes on the Board's website, as soon as practicable but in all cases before the next regularly
16 scheduled meeting.

17 Sec. 103. Elections advisory committee.

18 (a) There is established an Elections Advisory Committee (Advisory Committee) that
19 shall provide advice to and otherwise assist the Board in carrying out its duties.

20 (b) The Advisory Committee shall be comprised of:

21 (1) Two members selected by the Mayor;

22 (2) One member selected by the Chairman of the Council;

1 (3) One member selected by the Chairman of the Council committee with
2 oversight of the Board;

3 (4) One member selected by the Chairman of the Board of Elections and Ethics.

4 (c) No person shall be a member of the Advisory Committee unless he or she:

5 (1) Possesses expertise in matters of voting technology and systems;

6 (2) Is an attorney knowledgeable in matters of election law; or

7 (3) Is a member of a voting-rights organization, an organization whose mission is
8 to defend citizens' civil rights, an organization whose mission is to defend the rights of people
9 with disabilities, or an organization whose mission is to promote civic participation and expand
10 voting to all eligible voters.

11 (d) Public participation.

12 (1) The Advisory Committee shall ensure that each meeting of the Advisory
13 Committee is open to the public and provide, at each meeting, an opportunity for interested
14 persons to present oral or written statements concerning items on the agenda.

15 (2) The Board shall provide to the public timely notice of each meeting of the
16 Advisory Committee.

17 (3) The Board shall keep the minutes of each meeting of the Advisory Committee
18 and shall make the minutes of each meeting available to the public for inspection and
19 distribution, and shall post the minutes on the Board's website.

20 Sec. 104. Election observers.

21 (a) Section 2 of the District of Columbia Election Code of 1955, approved Aug. 12, 1955
22 (69 Stat. 699; D.C. Official Code § 1-1001.2) is amended to add a new paragraph (10-A) to read
23 as follows:

1 “(10-A) The term “election observers” means nonpartisan domestic and international
2 observers, including, but not limited to voting rights organizations, civil rights organizations, and
3 civic organizations.”.

4 (b) Section 9 of the District of Columbia Election Code of 1955, approved Aug. 12, 1955
5 (69 Stat. 699; D.C. Official Code § 1-1001.9) is amended by adding a new subsection (c-1) to
6 read as follows:

7 “(c-1) The Board shall issue regulations for granting access to the electoral process,
8 including access to polling places, ballot-tabulation centers, and other similar locations, to
9 observers. Such regulations shall take into account the need to avoid disruption and crowding in
10 polling places as well as the need to ensure that all questions posed by observers should be
11 answered fully, accurately, and cooperatively. Observers shall be allowed uniform and
12 nondiscriminatory access to all stages of the election process, including the certification of
13 election technologies, early and absentee voting, and vote tabulation. The Board shall issue a
14 public notice with respect to any denial of a request by any observer for access to any polling
15 place for purposes of observing an election. Such notice shall be issued not later than 24 hours
16 after such denial.”.

17 Sec. 105. Reporting requirements.

18 (a) Within 90 days following a general election, the Board shall publish an after-action
19 report. The report shall include the following information:

20 (1) The total number of votes cast, broken down by type of ballot, and including
21 the number of spoiled ballots and special ballots that were not counted;

22 (2) The number of persons registered:

23 (A) more than 30 days preceding the election;

1 (B) between 30 days preceding the election and the date of the election;

2 and

3 (C) on the date of the election.

4 (3) The number of polling place workers, by precinct;

5 (4) Copies of any unofficial summary reports generated by the Board on election
6 night;

7 (5) A synopsis of any issues identified in precinct captain or area representative
8 logs;

9 (6) Performance measurement data of polling place workers;

10 (7) A description of any irregularities experienced on Election Day; and

11 (8) Any other information deemed relevant by the Board.

12 (b) The Board shall transmit a copy of the after-action report to the Council, and shall
13 post the report on the Board's website.

14 **TITLE II. VOTER QUALIFICATIONS.**

15 Sec. 201. Voter qualifications.

16 (a) Section 2 of the District of Columbia Election Code of 1955, approved Aug. 12, 1955
17 (69 Stat. 699; D.C. Official Code § 1-1001.2(2)), is amended by striking paragraph (2) in its
18 entirety and inserting in its place the following:

19 “(2) The term “qualified elector” means a person who:

20 “(A) Is at least 17 years old and who will be 18 years old on or before the next
21 general election;

22 “(B) Is a citizen of the United States;

1 “(C) Has maintained a residence in the District for at least 30 days preceding the
2 next election, and who does not claim voting residence or right to vote in any state or territory;

3 “(D) Is not incarcerated for a crime that is a felony in the District; and

4 “(E) Has not been found by a court of law to be legally incompetent to vote.”.

5 (b) Section 7(a-2) of the District of Columbia Election Code of 1955, approved Aug. 12,
6 1955 (69 Stat. 699; D.C. Official Code § 1-1001.7(a-2)), is amended by:

7 (1) Striking the phrase “17th” and inserting the phrase “16th” in its place;

8 (2) Striking the phrase “may vote in any election occurring on or after that
9 person’s 18th birthday, but under no circumstances before the person’s 18th birthday” and
10 inserting the phrase “may vote in any election occurring on or after that person’s 17th birthday,
11 provided that the person is at least 18 years old on or before the next general election” in its
12 place.

13 (c) Section 7(b)(4) of the District of Columbia Election Code of 1955, approved Aug. 12,
14 1955 (69 Stat. 699; D.C. Official Code § 1-1001.7(b)(4)), is repealed.

15 **TITLE III. VOTER REGISTRATION.**

16 Sec. 301. Same-day registration.

17 (a) Section 7 of the District of Columbia Election Code of 1955, approved Aug. 12, 1955
18 (69 Stat. 699; D.C. Official Code § 1-1001.7), is amended by striking subsection (g) in its
19 entirety and inserting the following in its place:

20 “(g)(1) At any time except during the 30 day period preceding any regularly scheduled
21 election, a qualified elector or any individual who will be a qualified elector at the time of the
22 next election may register to vote in the precinct in which the voter maintains residence by
23 completing a voter registration application, and submitting it in person at the Board’s office or by

1 mail. A registration that is received no later than 5:00 p.m. on the 31st day preceding any election
2 shall be accepted.

3 “(2) The Board shall process mailed voter registration applications and registration,
4 update notifications received postmarked by not later than the 30th day preceding any election,
5 and timely completed non-postmarked voter registration applications and registration update
6 notifications mailed and received not later than the 23rd day preceding any election.

7 “(3) The Board shall process faxed postcard applications from persons eligible to vote
8 absentee in federal elections in the District of Columbia pursuant to the Uniformed and Overseas
9 Citizens Absentee Voting Act, approved August 28, 1966 (100 Stat. 924; 42 U.S.C.S. § 1973ff et
10 seq.), which are faxed not later than the 30th day preceding any election.

11 “(4) After the 30th day preceding election, a qualified elector may register to vote in the
12 precinct in which the voter maintains residence by completing a voter registration application,
13 and submitting it in person at the Board’s office.

14 “(5) A qualified elector may register on election day by appearing in person at the polling
15 place for the precinct in which the individual maintains residence, by completing a voter
16 registration application, making an oath in the form prescribed by the Board, and providing proof
17 of residence. An individual may prove residence for purposes of registering by presenting:

18 “(A) A valid driver’s license or identification card issued by the District; or

19 “(B) A military identification that shows the voter’s name; or

20 “(C) Any other document approved by the Board as proper identification.”.

21 (b) The precinct captain shall keep a record of the number of individuals who attempt to
22 register on Election Day but who cannot provide proof of residence as required by this section.

23 The record shall be forwarded to the Board with the election returns for that precinct.

1 Sec. 302. Automatic-voter-registration study.

2 The Board shall submit, no later than May 1, 2010, a report indicating the feasibility of
3 implementing automatic voter registration in the District.

4 Sec. 303. Department of corrections.

5 Section 7(14)(A) of the District of Columbia Election Code of 1955, approved August
6 12, 1955 (69 Stat. 699, ch. 862, D.C. Official Code § 1-1001.07(14)(A)), is amended by striking
7 the phrase “the Metropolitan Police Department, and” and inserting “the Metropolitan Police
8 Department, the Department of Corrections, the Department of Youth and” in its place.

9 **TITLE IV. POLLING PLACE WORKERS.**

10 Sec. 401. Polling place worker residency requirement eliminated.

11 Section 5(e)(4) of the District of Columbia Election Code of 1955, approved August 12,
12 1955 (69 Stat. 699, ch. 862, D.C. Official Code § 1-1001.05(e)(4)), is amended by striking the
13 phrase “Polling place workers shall be qualified registered electors in the District of Columbia,
14 except that the Board may also appoint as polling place workers individuals who are 16 or 17
15 years of age on the day that they are working in this capacity, who reside in the District of
16 Columbia, and who are enrolled in or have graduated from a public or private secondary school
17 or an institution of higher education.”.

18 Sec. 402. Polling place worker training, certification, and oath.

19 Any polling place worker appointed pursuant to section 5(e)(4) of the District of
20 Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699, ch. 862, D.C. Official
21 Code § 1-1001.05(e)(4)), shall be required to:

22 (1) Complete at least 4 hours of training;

1 (2) Receive certification as a polling place worker under standards that the Board shall
2 promulgate; and

3 (3) Take and sign an oath of office to honestly, faithfully, and promptly perform the
4 duties of office.

5 Sec. 403. Polling place worker performance management.

6 The Board shall establish standards to measure the performance of polling place workers.
7 The Board shall consider past performance of a polling place worker before appointing him or
8 her to work as a polling place worker in a subsequent election.

9 Sec. 404. Leave from employment.

10 (a) Section 1203 of the Comprehensive Merit Personnel Act of 1978, effective Mar. 3,
11 1979 (D.C. Law 2-139, D.C. Official Code § 1-612.03), is amended by adding a new subsection
12 (1-1), to read as follows:

13 “(1-1) An employee is entitled to leave, without loss of pay, leave, or credit for time of
14 service, during a period of absence in which he or she is serving as a polling place worker.”.

15 (b) Any polling place worker who is employed by the District and who elects to take
16 leave pursuant to subsection (a) shall not be entitled to receive compensation from the Board.”.

17 Sec. 405. Poll worker check-off on voter registration forms.

18 Section 7(b) of the District of Columbia Election Code of 1955, approved August 12,
19 1955 (69 Stat. 699, ch. 862, D.C. Official Code § 1-1001.07(b)), is amended by adding a new
20 paragraph (5) to read as follows:

21 “(5) The Board shall provide a field on voter registration forms to allow an applicant to
22 indicate his or her interest in working as a polling place worker during the next election.”.

23 **TITLE V. VOTING MACHINES.**

1 Sec. 501. Voter-verifiable record.

2 (a) Section 9(k) of the District of Columbia Election Code of 1955, approved August 12,
3 1955 (69 Stat. 699, ch. 862, D.C. Official Code § 1-1001.09(k)), is amended to read as follows:

4 “(k) Each voting system used in an election in the District shall:

5 “(1) Meet or exceed the voting system standards set forth in the Help America
6 Vote Act of 2002;

7 “(2) Be capable of creating a voter-verifiable record of all votes cast in order that
8 an audit trail is available in the event of a recount, including a manual recount. A voter-verifiable
9 record need not be a paper ballot. Examples of a satisfactory voter-verifiable record include:

10 “(A) a paper ballot prepared by the voter for the purpose of being read by
11 a precinct–based optical scanner;

12 “(B) a paper ballot prepared by the voter to be mailed, whether mailed
13 from a domestic or an overseas location; and

14 “(C) a paper ballot created through the use of a ballot marking device.

15 “(3) Meet any additional standards established by the Board, provided that such
16 standards do not conflict with those set forth in the Help America Vote Act of 2002.”.

17 (b) In the event that the voting system presently used by the Board does not meet the
18 standard set forth in subsection (a), the Board shall retrofit any equipment necessary to meet the
19 standard to the extent that such a retrofit is possible.

20 (c)The Board shall adopt voting system standards and review such standards on a
21 biennial basis.

22 Sec. 502. Contract required.

1 (a) The Board must purchase voting system equipment under a competitively bid contract
2 that with the following conditions:

3 (1) A perpetual license for the Board to use and modify the software;

4 (2) A provision to place a copy of the software source code for the voting system,
5 and related documents, in escrow with an independent third-party evaluator selected by the
6 vendor and the Board; and

7 (3) A warranty provision that requires that the vendor:

8 (A) promptly and fully disclose any flaw, defect, or vulnerability in the
9 voting system of which the vendor is aware or becomes aware; and

10 (B) (i) remedy any flaw, defect, or vulnerability in the voting system
11 identified in subparagraph (A) of this paragraph at no cost to the District; or

12 (ii) recall the voting system or the affected part of the voting system if the
13 flaw, defect, or vulnerability in the voting system cannot be remedied, and either replace the
14 voting system or the affected part of the voting system or provide an equivalent voting system at
15 no cost to the District, or reimburse the District for the full purchase price of the voting system or
16 for the value of the affected part of the voting system, plus any costs incurred by the state as a
17 result of the flaw, defect, or vulnerability.

18 (4) A most-favored customer provision that ensures that the District receive
19 pricing terms that are at least as favorable as those received by any other customer except for the
20 federal government during the term of the contract and during any extensions or renewals of the
21 contract.

22 (b) The Board should consult the Elections Advisory Committee in the preparation of a
23 request for proposal, or similar

1 **TITLE VI. ABSENTEE AND SPECIAL BALLOTS.**

2 Sec. 601. No-fault absentee ballots.

3 Section 9(b)(2) of the District of Columbia Election Code, approved August 12, 1955 (69
4 Stat. 699, ch. 862, D.C. Official Code § 1-1001.09(b)(2)), is amended to read as follows:

5 “(2) The Board shall permit any duly registered voter to vote by absentee ballot, for any
6 reason, under such regulations as the Board shall promulgate.”

7 Sec. 602. Special ballots for out-of-precinct votes.

8 Section 9(b) of the District of Columbia Election Code, approved August 12, 1955 (69
9 Stat. 699, ch. 862, D.C. Official Code § 1-1001.09(b)), is amended as follows:

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

11 “(3) If a person who is a registered qualified elector of the District casts a vote in a voting
12 precinct that does not serve his or her current residence address by special ballot, the Board shall
13 count that vote for federal election contests.”.

14 (b) Paragraph (1) is amended by striking the phrase “in paragraph (2)” and inserting the
15 phrase “in paragraphs (2) and (3)” in its place.

16 Sec. 603. Vote centers and early voting.

17 The Board shall permit a voter to request and cast an absentee ballot at the Board’s
18 office, or at any other place designated by the Board.

19 **TITLE VII. ELECTION PROCEDURES.**

20 Sec. 701. Extending voting hours.

21 The Board may, upon request of the precinct captain or upon its own initiative, if an
22 emergency exists by reason of mechanical failure of a voting machine, an unanticipated shortage

1 of ballots, excessive wait times, bomb threats, or similar unforeseen event warrants it, extend the
2 polling hours for that precinct until the emergency situation has been resolved.

3 Sec. 702. Posting of election results.

4 Upon the conclusion of voting at any precinct, the Board shall post a summary count of
5 votes cast at the precinct. The summary shall be posted in a conspicuous place that can be seen
6 from the outside of the precinct immediately upon completion of voting, and shall not be
7 removed at any time until after 48 hours following the election.

8 Sec. 703. Advisory neighborhood commissioner elections.

9 (a) Subsection (a) of the D.C. Code § 1-309.06 is amended by striking the clause “1st
10 Tuesday after the 1st Monday in November of each even-numbered calendar year” and replacing
11 it with “1st Tuesday after the 1st Monday in September of each even-numbered calendar year.”.

12 (b) Applicability. This section shall not apply until after December 1, 2010.

13 **TITLE VIII. BALLOT AUDITING REQUIREMENTS.**

14 Sec. 801. Ballot auditing.

15 (a) Generally. After each Primary, General, and Special Election, the Board shall conduct
16 a public manual audit of the paper ballots tabulated by the Board.

17 (b) Scope. The Board shall audit:

18 (1) At least 5 percent of the precincts with precinct-level vote-tabulation machines
19 during the election;

20 (2) At least 3 percent of the ballots that are tabulated centrally, including absentee
21 ballots and special ballots. The Board shall also conduct a manual audit of:

22 (3) The paper ballots cast in each contest that would be subject to an automatic
23 recount; and

1 (4) The paper ballots cast in precincts where the difference between the number of
2 voters (as indicated by the results tape) and the number of ballots cast (as indicated by the
3 precinct ballot accounting form) is greater than the margin of victory in a particular contest.

4 (c) Random selection. The precincts audited shall be selected on an entirely random basis
5 such that each precinct in the election shall have an equal chance of being selected. The date of
6 the random-precinct selection event shall be announced no later than 3 business days after the
7 election, but more than 3 business days in advance of the event and conducted in public view.
8 The Board shall also publicly announce the method by which it intends to randomly select
9 precincts, and conduct the random selection in such a way as to ensure that the selection is
10 random.

11 (d) Date. The date of the audit shall be announced no later than 3 business days after the
12 election, but more than three 3 business days in advance of the event; and

13 (e) Public view. The audit shall be conducted in public view such that members of the
14 public are able to verify the tally, but are unable either to touch ballots and other official
15 materials or to interfere in any way with the manual audit process.

16 (f) Individuals performing the manual audit shall:

17 (1) Not be assigned to tally the results from a precinct in which that individual
18 served as a polling place worker; and

19 (2) Not at any time before or during the manual audit be informed of the
20 corresponding machine tally results.

21 (g) Escalation of audit.

1 (1) If an audit initially reveals a discrepancy between the machine result and the
2 tally from the manual audit that yields an error rate greater than ½ percent, and such discrepancy
3 is not attributed to marking errors, a second audit shall be conducted.

4 (2) If the second audit confirms the discrepancy described in paragraph (1), the
5 Board shall also audit the precinct that is next higher in number within the ward.

6 (3) If the additional precinct audit described in paragraph (2) also yields an error
7 rate greater than ½ percent, the Board shall audit all precincts within the ward where the precinct
8 is located.

9 (h) Finality. The results derived from the manual audits shall be considered the true and
10 correct results of the election contests at issue.

11 (i) Reporting of audit results. The Board shall publish on its website and make available
12 for public inspection a report of results of the manual audit before certification of the official
13 election results. Such report shall:

14 (1) Identify any discrepancies between the machine count and the manual tally,
15 and

16 (2) Include a description of how each of these discrepancies was resolved.

17 Sec. 802. Retention of ballots.

18 Section 9(j) of the District of Columbia Election Code, approved August 12, 1955 (69
19 Stat. 699, ch. 862, D.C. Official Code § 1-1001.09(j)), is amended by striking the phrase “12
20 months” wherever it appears and inserting the phrase “22 months” in its place.

21 **TITLE IX. MISCELLANEOUS PROVISIONS.**

22 Sec. 901. Filing fees.

1 (a) The Board may assess any candidate for elected office a reasonable filing fee
2 according to a schedule established by regulation.

3 (b) The Board shall not assess any filing fees before the General Election in November
4 2010.

5 (c) The proceeds of the filing fees shall be deposited in the Board of Elections and Ethics
6 Special Purpose Revenue Fund, to be used for the sole purpose of administering elections in the
7 District.

8 Sec. 902. Advisory neighborhood commission nominating petitions.

9 Section 6(b)(1)(B) of the Advisory Neighborhood Commissions Act of 1975, effective
10 Oct. 10, 1975 (D.C. Law 1-21, D.C. Official Code 1-309.05(b)(1)(B)) is amended by striking the
11 phrase “by not less than 25” and inserting the phrase “no fewer than 25, or 1%, whichever is
12 less,” in its place.

13 Sec. 903. Electioneering.

14 Section 10(b)(2) of the District of Columbia Election Code, approved August 12, 1955
15 (69 Stat. 699, ch. 862, D.C. Official Code § 1-1001.10(b)(2)), is amended by adding a new
16 paragraph (A-i) to read as follows:

17 “(A-i) This section should not be construed to prohibit passive electioneering, which
18 includes wearing tee shirts, clothing or buttons with a candidate’s or political party’s name,
19 picture, or emblem on it.”

20 Sec. 904. Recall timing.

21 Section 17(g) of the District of Columbia Election Code, approved August 12, 1955 (69
22 Stat. 699, ch. 862, D.C. Official Code § 1-1001.17(g)), is amended to read as follows:

1 “(g) The proposer of a recall shall have 180 days, or, in the case of a proposed recall of
2 an Advisory Neighborhood Commissioner, 60 days, beginning on the date when the proponent
3 of the recall formally adopts the original petition form as his or her own form pursuant to
4 subsection (e) of this section, to circulate the recall petition and file such petition with the
5 Board.”.

6 Sec. 905. Defacing campaign posters and other campaign materials during an election
7 period.

8 Section 14 of the District of Columbia Election Code, approved August 12, 1955 (69
9 Stat. 699, ch. 862, D.C. Official Code § 1-1001.14) is amended by adding a new subsection (b-1)
10 to read as follows:

11 “(b-1)(l) Any person who, during the period beginning 45 days before and ending 4 days
12 after any general or special election, intentionally removes, defaces, damages or destroys any
13 lawfully placed billboard, poster, sign, or other material relating to any candidate for election or
14 relating to any issue that is to be submitted to the electors is guilty of a misdemeanor and shall be
15 punished by a fine of not more than one thousand dollars.

16 “(2) In determining the amount of the time for a violation of this subsection, the court
17 shall consider the frequency, nature, and extent of the proscribed conduct.

18 “(3) This subsection shall not apply to (i) the owner of such material or persons
19 authorized and acting on his or her behalf, (ii) the owner of the premises on which such material
20 is located or persons authorized acting on his or her behalf or (iii) any person charged with
21 enforcement of any law of the District of Columbia acting within the scope of his or her
22 authority.”.

23 Sec. 906. “False statements” provision repealed.

- 1 Section 1003.6(i) of Title 3 of the District of Columbia Municipal Regulations (3 DCMR
- 2 § 1003.6(i)) is repealed.