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2 Chairman Kwame R. Brown  
3 at the request of the Mayor  
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7 A BILL  
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10 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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13 Chairman Kwame R. Brown, at the request of the Mayor, introduced the following bill,  
14 which was referred to the Committee on \_\_\_\_\_.  
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16 To amend the District of Columbia Home Rule Act to require that in the event of a  
17 vacancy in the Office of Chairman, a Councilmember representing a ward, an at-  
18 large Councilmember, the Office of Mayor, or the Attorney General, the Board of  
19 Elections and Ethics shall hold a special election to fill such a vacancy on a  
20 Tuesday occurring at least 100 days and not more than 130 days after the date on  
21 which such vacancy occurs, which the Board of Elections and Ethics determines  
22 will provide the largest opportunity for voter participation, and to authorize the  
23 Board of Elections and Ethics to postpone such a special election if a natural  
24 disaster, war, riot, unforeseen attack, or other major upheaval preclude or make it  
25 difficult for a substantial number of voters to exercise their right to vote; and to  
26 amend the District of Columbia Election Code of 1955 to require that in the event  
27 of a vacancy in the office of Delegate that occurs before May 1 of the last year of  
28 the Delegate's term of office, or for an elected member of the State Board of  
29 Education, the Board of Elections and Ethics shall hold a special election to fill  
30 such a vacancy on a Tuesday occurring at least 100 days and not more than 130  
31 days after the date on which such vacancy occurs, which the Board of Elections  
32 and Ethics determines will provide the largest opportunity for voter participation,  
33 and to authorize the Board of Elections and Ethics to postpone such a special  
34 election if a natural disaster, war, riot, unforeseen attack, or other major upheaval  
35 preclude or make it difficult for a substantial number of voters to exercise their  
36 right to vote.  
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38 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

39 That this act may be cited as the "Special Election Amendment Act of 2012".

40 Title I. District of Columbia Home Rule Act Special Election Amendment Act of 2012.  
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1           Sec. 1001. Short title.

2           This subtitle may be cited as the “District of Columbia Home Rule Act Special  
3 Election Amendment Act of 2012”.

4           Sec. 1002. Title IV of the District of Columbia Home Rule Act, approved  
5 December 24, 1973 (87 Stat. 785; D.C. Official Code § 1-204.01 et seq.), is amended as  
6 follows:

7           Sections 401(b)(3), 401 (d) (1) and (d) (2), 421(c)(2) and 435(b)(1) (D.C. Official  
8 Code §§ 1-204.01(b)(3), 1-204.01 (d) (1) and (d) (2), 1-204.21(c)(2), and 1-204.35(b)(1))  
9 are amended by striking the phrase “the 1st Tuesday occurring more than 114 days after  
10 the date on which such vacancy occurs, unless the Board of Elections and Ethics  
11 determines that such vacancy could be more practicably filled in a special election held  
12 on the same day as the next general election to be held in the District occurring within 60  
13 days of the date on which a special election would otherwise have been held under the  
14 provisions of this paragraph.” and inserting in its place the phrase “a Tuesday occurring  
15 at least 100 days and not more than 130 days after the date on which such vacancy  
16 occurs, which the Board of Elections and Ethics determines, based on a totality of the  
17 circumstances, taking into account, *inter alia*, cultural and religious holidays, will  
18 provide the largest opportunity for voter participation, unless the Board of Elections and  
19 Ethics determines that such vacancy could be more practicably filled in a special election  
20 held on the same day as the next general election to be held in the District occurring  
21 within 60 days of the date on which a special election would otherwise have been held  
22 under the provisions of this paragraph. The Board of Elections and Ethics may postpone  
23 the special election until the next practicable Tuesday in the event that a natural disaster,

1 war, riot, unforeseen attack, or other major upheaval precludes or makes it difficult for a  
2 substantial number of voters to exercise their right to vote”.”

3 Title II. District of Columbia Election Code of 1955 Amendment.

4 Sec. 2001. Short title. This subtitle may be cited as the “District of Columbia  
5 Election Code of 1955 Amendment Act of 2012”.

6 Sec. 2002. Sections 10 (d) (2) (A) and (e) (1) of the District of Columbia Election  
7 Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-  
8 1001.10(d)(2)(A) and (e)(1) are amended by striking the phrase “the 1st Tuesday  
9 occurring more than 114 days after the date on which such vacancy occurs, unless the  
10 Board of Elections and Ethics determines that such vacancy could be more practicably  
11 filled in a special election held on the same day as the next general election to be held in  
12 the District occurring within 60 days of the date on which a special election would  
13 otherwise have been held under the provisions of this subsection.” and inserting in its  
14 place the phrase “a Tuesday occurring at least 100 days and not more than 130 days after  
15 the date on which such vacancy occurs, which the Board of Elections and Ethics  
16 determines, based on a totality of the circumstances, taking into account, *inter alia*,  
17 cultural and religious holidays, will provide the largest opportunity for voter  
18 participation, unless the Board of Elections and Ethics determines that such vacancy  
19 could be more practicably filled in a special election held on the same day as the next  
20 general election to be held in the District occurring within 60 days of the date on which a  
21 special election would otherwise have been held under the provisions of this subsection.  
22 The Board of Elections and Ethics may postpone the special election until the next  
23 practicable Tuesday in the event that a natural disaster, war, riot, unforeseen attack, or

1 other major upheaval precludes or makes it difficult for a substantial number of voters to  
2 exercise their right to vote.”

3           Sec. 3001. Fiscal impact statement.

4           The Council adopts the fiscal impact statement in the committee report as the  
5 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home  
6 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-  
7 206.02(c)(3)).

8           Sec. 4001. Effective date.

9           (a) Title I of this act shall take effect following ratification by a majority of the  
10 registered qualified electors of the District of Columbia voting in a referendum held for  
11 such purpose and a 35-day period of Congressional review as provided in section 303 of  
12 the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813;  
13 D.C. Code § 1-203.03), and publication in the District of Columbia Register.

14           (b) Title II of this act shall take immediately upon the effective date of Title I and  
15 following approval by the Mayor (or in the event of veto by the Mayor, action by the  
16 Council to override the veto), a 30-day period of Congressional review as provided in  
17 section 602 (c) (1) of the District of Columbia Home Rule Act, approved December 24,  
18 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c) (1)), and publication in the District  
19 of Columbia Register.

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