

1 of 1 DOCUMENT

LEXIS DISTRICT OF COLUMBIA CODE ANNOTATED  
Copyright 2012 by Matthew Bender & Company, Inc.,  
a member of the LexisNexis Group.  
All rights reserved.

\*\*\* Current through December 23, 2011, and through D.C. Act 19-265 \*\*\*  
\*\*\* Annotations current through December 1, 2011 \*\*\*

DIVISION I. GOVERNMENT OF DISTRICT  
TITLE 1. GOVERNMENT ORGANIZATION  
CHAPTER 10. ELECTIONS  
SUBCHAPTER I. REGULATION OF ELECTIONS

**GO TO DISTRICT OF COLUMBIA CODE ARCHIVE DIRECTORY**

D.C. Code § 1-1001.05 (2012)

§ 1-1001.05. Board of Elections and Ethics -- Duties [Formerly § 1-1306]

(a) The Board shall:

(1) Accurately maintain a uniform, interactive computerized voter registration list which shall serve as the official voter registration list for all elections in the District, and shall contain the name, registration information, and a unique identifier assigned for every registered voter in the District. The voter registration list shall be administered pursuant to the Help America Vote Act of 2002, approved October 29, 2002 (116 Stat 1666; 42 U.S.C.S. § 15301 et seq.) ("Help America Vote Act of 2002") and pertinent federal and local law, and shall be coordinated with other District agency databases;

(2) Take whatever action is necessary and appropriate to actively locate, identify, and register qualified voters;

(3) Conduct elections;

(4) Provide for recording and counting votes by means of ballots or machines or both;

(5) Publish in the District of Columbia Register no later than 45 days before each election held under this subchapter, 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;

(6) Publish in 1 or more newspapers of general circulation in the District, a sample copy of the official ballot to be used in any such election, provided, however, nothing contained herein shall require the publication of a sample copy of the official ballots to be used in the advisory neighborhood commissions' elections;

(7) Publish in the District of Columbia Register on the 3rd Friday of every month, the total number of qualified electors registered to vote in the District as of the last day of the month preceding publication. Such notice shall be broken down by ward and political party affiliation, where applicable, and shall list the total number of new registrants, party changes, cancellations, changes of names, and/or addresses processed under each category;

## D.C. Code § 1-1001.05

(8) Divide the District into appropriate voting precincts, each of which shall contain at least 350 registered persons; draw precinct lines within election wards created by the Council, subject to the approval of the Council, in whole or in part, by resolution;

(9) Operate polling places;

(10) Provide information regarding procedures for voter registration and absentee ballots to absent uniformed services voters and overseas voters in federal elections, accept valid voter registration applications, absentee ballot applications, and absentee ballots including write-in ballots from all of those voters, and comply with the Uniformed and Overseas Citizens Absentee Voting Act, approved August 28, 1966 (100 Stat. 924; 42 U.S.C.S. § 1973ff et seq.);

(11) Certify nominees and the results of elections;

(12) Take all reasonable steps to inform all residents and voters of elections and means of casting votes therein;

(13) Repealed;

(14) Issue such regulations and expressly delegate authority to officials and employees of the Board (such delegations of authority only to be effective upon publication in the District of Columbia Register) as are necessary to carry out the purposes of this subchapter, Chapter 11 of this title, and related acts requiring implementation by the Board. 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;

(15) Take reasonable steps to facilitate voting by blind persons and persons with physical and developmental disabilities, qualified to vote under this subchapter, and to authorize such persons to cast a ballot with the assistance of a person of their own choosing;

(15A) At the request of a candidate, consider what action, if any, should be taken to clarify the identity of a candidate if there is potential for confusion among voters about the identity of a candidate because of the similarity of his or her name to another candidate or elected official; and

(16) Perform such other duties as are imposed upon it by this subchapter.

(a-1) (1) The Board shall hold regular monthly meetings in accordance with a schedule to be established by the Board. Additional meetings may be called as needed by the Board. Except in the case of an emergency, the Board shall provide at least 48 hours notice of any additional meeting.

(2) The Board shall make available for public inspection and post on its website a proposed agenda for each Board meeting as soon as practicable, but in any event at least 24 hours before a meeting. Copies of the agenda shall be available to the public at the meeting. The Board, according to its rules, may amend the agenda at the meeting.

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

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

## D.C. Code § 1-1001.05

(B) Would result in the disclosure of matters specifically exempted from disclosure by statute; provided, that the statute:

- (i) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or
- (ii) Establishes particular criteria for withholding or refers to particular types of matters to be withheld;

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

(D) Involve accusing any person of a crime or formally censuring any person;

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

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

- (i) Interfere with enforcement proceedings;
- (ii) Deprive a person of a right to a fair trial or an impartial adjudication;
- (iii) Constitute an unwarranted invasion of personal privacy; or
- (iv) Disclose investigative techniques and procedures; or

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

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

(b) (1) The Board shall, on the 1st Tuesday in April of each presidential election year, conduct a presidential preference primary election within the District of Columbia in which the registered qualified voters therein may express their preference for candidates of each political party of the District of Columbia for nomination for President.

(2) No person shall be listed on the ballot as a candidate for nomination for President in such primary unless there shall have been filed with the Board no later than 60 days before the date of such presidential primary election a petition on behalf of his or her candidacy signed by at least 1,000, or 1%, whichever is less, of the qualified electors of the District of Columbia who are registered under § 1-1001.07, and of the same political party as the nominee.

(3) (A) Candidates for delegate and alternates where permitted by political party rules to a particular political party national convention convened to nominate that party's candidate for President shall be listed on the ballot of the presidential preference primary held under this chapter as:

(i) Full slates of candidates for delegates supporting a candidate for nomination for President if there shall have been filed with the Board, no later than 60 days before the date of such presidential primary, a petition on behalf of such

## D.C. Code § 1-1001.05

slate's candidacy signed by the candidates on the slate, and by at least 1,000, or 1%, whichever is less, of the qualified electors of the District of Columbia who are registered under § 1-1001.07 and are of the same political party as the candidates on such slate;

(ii) Full slates of candidates for delegates not committed to support any named candidate for nomination for President if there shall have been filed with the Board, no later than 60 days before the date of such presidential primary, a petition on behalf of such slate's candidacy, signed by the candidates on the slate and by at least 1,000, or 1%, whichever is less, of the qualified electors of the District of Columbia who have registered under § 1-1001.07 and are of the same political party as the candidates on such slate;

(iii) An individual candidate for delegate supporting a candidate for nomination for President if there shall have been filed with the Board, no later than 60 days before the date of such presidential primary, a petition on behalf of such candidate, signed by the candidate and by at least 1,000, or 1%, whichever is less, of the qualified electors of the District of Columbia who have registered under § 1-1001.07 and are of the same political party as the candidate; or

(iv) An individual not committed to support any named candidate for nomination for President if there shall have been filed with the Board, no later than 60 days before the date of such presidential primary, a petition on behalf of such candidate, signed by the candidate and by at least 1,000, or 1%, whichever is less, of the qualified electors of the District of Columbia who have registered under § 1-1001.07 and are of the same political party as the candidate.

(B) No candidate for delegate or alternate may be listed on the ballot unless such candidate was properly selected according to the rules of his political party relating to the nomination of candidates for delegate or alternate.

(C) The governing body of each eligible party shall file with the Board, no later than 180 days prior to the presidential preference primary election:

(i) Notification of that party's intent to conduct a presidential preference primary; and

(ii) A plan for the election detailing the procedures to be followed in the selection of individual delegates and alternates to the convention of that party, including procedures for the selection of committed and uncommitted delegates.

(4) The Board shall:

(A) Arrange the ballot for the presidential preference primary so as to enable each voter to indicate his or her choice for presidential nominee and for the slate of delegates and alternates pledged to support that prospective nominee with 1 mark, and provide an alternative to vote for individual delegates or uncommitted slates of delegates; and

(B) Clearly indicate on the ballot the candidate for nomination for President which a slate or candidate for delegate supports, or name of the person who shall manage an uncommitted slate of delegates.

(5) The delegates and alternates, of each political party in the District of Columbia to the national convention of that party convened for the nomination of that party for President, elected in accordance with this subchapter, shall only be obliged to vote for the candidate whom he or she has been selected to represent in accordance with properly promulgated rules of the political party, on the 1st ballot cast at the convention for nominees for President, or until such time as such candidate to whom the delegate is committed withdraws his candidacy, whichever 1st occurs.

(c) Each member of the Board and persons authorized by the Board may administer oaths to persons executing affidavits pursuant to § 1-1001.08. It may provide for the administering of such other oaths as it considers appropriate to require in the performance of its functions.

(d) The Board may permit either persons temporarily absent from the District or persons physically unable to appear personally at an official registration place to register for the purpose of voting in any election held under this subchapter.

(e) (1) (A) The Board shall select, employ, and fix the compensation for an Executive Director and such staff the Board deems necessary, subject to the pay limitations of § 1-611.16. The Executive Director shall serve at the pleasure of the Board. The Board, at the request of the Director of Campaign Finance, shall provide employees, subject to the compensation provisions of this paragraph, as requested to carry out the powers and duties of the Director. Employees assigned to the Director shall, while so assigned, be under the direction and control of the Director and may not be reassigned without the concurrence of the Director.

(B) The Executive Director shall be a District resident throughout his or her term and failure to maintain District residency shall result in a forfeiture of the position.

(C) Notwithstanding the provisions of Unit A of Chapter 14 of Title 2, each qualified District resident applicant shall receive an additional 10-point preference over a qualified non-District resident applicant for all positions within the Board unless the applicant declines the preference. This 10-point preference shall be in addition to, and not instead of, qualifications established for the position. All persons hired after February 6, 2008, shall submit proof of residency upon employment in a manner determined by the Board. An applicant claiming the hiring preference under this section shall agree in writing to maintain bona fide District residency for a period of 7 consecutive years from the effective date of hire and shall provide proof of bona fide residency annually to the director of personnel of the Board for the first 7 years of employment. Failure to maintain District residency for the consecutive 7-year period shall result in forfeiture of employment. The Board shall submit to the Mayor and Council annual reports detailing the names of all new employees, their pay schedules, titles, and place of residence.

(2) No provision of this subchapter shall be construed as permitting the Board to appoint any personnel who are not full-time paid employees of the Board to preliminarily determine alleged violations of the law affecting elections, conflicts of interest, or lobbying.

(3) The Board may appoint a General Counsel to serve at the pleasure of the Board. The General Counsel shall be entitled to receive compensation at the same rate as the Executive Director of the Board and shall be responsible solely to the Board. The General Counsel shall perform such duties as may be delegated or assigned to him or her by rule or order of the Board.

(4) (A) The Board shall select, appoint, and fix the compensation of temporary election workers to operate the polling places, including precinct captains who shall oversee the operations of polling places in accordance with rules prescribed by the Board, and polling place workers who shall assist the precinct captains. Precinct captains shall be qualified registered electors in the District. Polling place workers shall be qualified registered electors in the District; provided, that the Board may also appoint as polling place workers individuals who are at least 16 years of age on the day that they are working in this capacity, who reside in the District of Columbia, and who are enrolled in or have graduated from a public or private secondary school or an institution of higher education. Any polling place worker shall be required to:

- (i) Complete at least 4 hours of training;
- (ii) Receive certification as a polling place worker under standards that the Board shall promulgate; and
- (iii) Take and sign an oath of office to honestly, faithfully, and promptly perform the duties of office.

## D.C. Code § 1-1001.05

(B) The Board shall establish standards to measure the performance of polling place workers, including the past performance of a polling place worker, and shall consider the polling place worker's past performance before appointing him or her to work as a polling place worker in a subsequent election.

(f) (1) The Board shall prescribe such regulations as may be necessary to ensure that all persons responsible for the proper administration of this subchapter maintain a position of strict impartiality and refrain from any activity which would imply support or opposition to:

(A) A candidate or group of candidates for office in the District of Columbia; or

(B) Any political party or political committee.

(2) As used in this subsection, the terms "office," "political party," and "political committee" shall have the same meaning as that prescribed in § 1-1101.01.

(g) Notwithstanding provisions of subchapter I of Chapter 5 of Title 2, the Board may hear any case brought before it under this subchapter or under Chapter 11 of this title by 1 member panels. An appeal from a decision of any such 1 member panel may be taken to either the full Board or to the District of Columbia Court of Appeals, at the option of any adversely affected party. If appeal is taken directly to the District of Columbia Court of Appeals, the decision of a 1 member panel shall be, for purposes of such appeal, considered to be a final decision of the Board. If an appeal is taken from a decision of a 1 member panel to the full Board, the decision of the 1 member panel shall be stayed pending a final decision of the Board. The Board may, upon a vote of the majority of its members, hear de novo all issues of fact or law relating to an appeal of a decision of a 1 member panel, except the Board may decide to consider only the record made before such 1 member panel. A final decision of the full Board, relating to an appeal brought to it from a 1 member panel, shall be appealable to the District of Columbia Court of Appeals in the same manner and to the same extent as all other final decisions of the Board.

(h) (1) The Board, pursuant to regulations of general applicability, shall have the power to:

(A) Require by subpoena the attendance and testimony of witnesses and the production of documents relating to the execution of the Board's duties; and

(B) Order that testimony in any proceeding or investigation be taken by deposition before any person who is designated by the Board, and has the power to administer oaths and, in these instances, to compel the attendance and testimony of witnesses and the production of documents by subpoena.

(2) The Board may petition the Superior Court of the District of Columbia to enforce the subpoena or order, in the case of a refusal to obey a subpoena or order of the Board issued pursuant to this subsection. Any person failing to obey the Court's order may be held in contempt of court.

(i) The Board shall cause the following information to be posted at each polling place on the day of each election for federal office:

(1) A sample version of the ballot that will be used for the election;

(2) The election and the hours during which polling places will be open;

(3) Instructions on the proper manner of completing a ballot, including a special ballot;

(4) Instructions for mail-in registrants and first-time voters under section 303(b) of the Help America Vote Act of

2002 [42 U.S.C.S. § 15483(b)];

(5) General information on voting rights under applicable federal and District laws, including the right to cast a special ballot and instructions to contact the appropriate officials if these rights are alleged to have been violated, and;

(6) General information on federal and District law regarding prohibitions on acts of voter fraud and misrepresentation.

(j) Not later than 90 days after the date of each regularly scheduled general election for federal office, the Board shall submit to the Mayor a report, in the format established by the United States Election Assistance Commission, on the number of absentee ballots sent to absent uniformed services voters and overseas voters for the election and the number of ballots which were returned by those voters to the Board. The report shall be transmitted by the Mayor to the United States Election Assistance Commission, and shall be made available to the general public.

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

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

(2) The number of persons registered:

(A) More than 30 days preceding the election;

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

(C) On the date of the election;

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

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

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

(6) Performance measurement data of polling place workers;

(7) A description of any irregularities experienced on election day; and

(8) Any other information considered relevant by the Board.

**HISTORY:** Aug. 12, 1955, 69 Stat. 700, ch. 862, § 5; Oct. 4, 1961, 75 Stat. 817, Pub. L. 87-389, § 1(3), (4), (5), (6); Apr. 22, 1968, 82 Stat. 103, Pub. L. 90-292, § 4(3); Dec. 23, 1971, 85 Stat. 789, Pub. L. 92-220, § 1(5)-(7), (28), (29); 1973 Ed., § 1-1105; Aug. 14, 1973, 87 Stat. 311, Pub. L. 93-92, § 1(2)-(7); Jan. 3, 1975, 88 Stat. 2177, Pub. L. 93-635, § 13; Dec. 16, 1975, D.C. Law 1-37, § 2(1), (2), 22 DCR 3426; Dec. 16, 1975, D.C. Law 1-38, § 4, 22 DCR 3433; Feb. 17, 1976, D.C. Law 1-45, § 2, 22 DCR 4678; Sept. 2, 1976, D.C. Law 1-79, title I, § 102(5), (6), title V, §§ 502, 503, 23 DCR 2050; Apr. 23, 1977, D.C. Law 1-126, title I, § 103(b), title III, § 301(c)-(f), title IV, § 402, 24 DCR 2372; June 28, 1977, D.C. Law 2-12, § 6(j), 24 DCR 1442; Aug. 18, 1978, D.C. Law 2-101, § 2, 25 DCR 257; Mar. 3, 1979, D.C. Law 2-139, § 3205(v), 25 DCR 5740; Oct. 8, 1981, D.C. Law 4-35, § 3, 28 DCR 3376; 28 DCR 1981 Ed., § 1-1306; Mar. 16, 1982, D.C. Law 4-88, § 2(d), (p), (q), 29 DCR 458; July 1, 1982, D.C. Law 4-120, § 2(a), 29 DCR 2064; Aug. 2, 1983, D.C. Law 5-17, § 5(b), 30 DCR 3196; Oct. 9, 1987, D.C. Law 7-36, § 3, 34 DCR 5321; Mar. 16, 1988, D.C.

## D.C. Code § 1-1001.05

Law 7-92, § 3(a)-(c), 35 DCR 716; Mar. 11, 1992, D.C. Law 9-75, § 2(a), 39 DCR 310; Oct. 20, 1999, D.C. Law 13-40, § 2, 46 DCR 6550; June 21, 2003, D.C. Law 15-18, § 2(a), 50 DCR 3389; Sept. 30, 2004, D.C. Law 15-188, § 2, 51 DCR 6732; Dec. 7, 2004, D.C. Law 15-218, § 2(b), 51 DCR 9132; Apr. 7, 2006, D.C. Law 16-91, § 127(a), 52 DCR 10637; Apr. 24, 2007, D.C. Law 16-305, § 6(a), 53 DCR 6198; Oct. 18, 2007, D.C. Law 17-26, § 2(b), 54 DCR 8018; Feb. 6, 2008, D.C. Law 17-108, § 205, 54 DCR 10993; Feb. 4, 2010, D.C. Law 18-103, § 2(c), 56 DCR 9169; Mar. 31, 2011, D.C. Law 18-330, § 2(a), 58 DCR 20; June 16, 2011, D.C. Law 19-7, § 2(a), 58 DCR 3882.

**NOTES: CROSS REFERENCES.** --District residency preference for employees and District residency requirement for agency heads, § 1-515.01.

**SECTION REFERENCES.** --This section is referenced in § 1-1001.07, § 1-1001.10, § 1-1001.15, and § 1-1001.17.

**EFFECT OF AMENDMENTS.** --D.C. Law 13-40 added (h).

D.C. Law 15-18 substituted "2nd Tuesday in January" for "1st Tuesday in May" in (b)(1).

D.C. Law 15-188 added (e)(4).

D.C. Law 15-218 rewrote (a)(1) and (10); repealed (a)(13); and added (i) and (j).

D.C. Law 16-91 substituted "United States Election Assistance Commission" for "Federal Election Assistance Commission" and "Election Assistance Commission" in (j); and made a technical correction to D.C. Law 15-218, § 2(b), which did not affect this section as codified.

D.C. Law 16-305 substituted "blind persons and persons with physical and developmental disabilities" for "blind, physically handicapped, and developmentally disabled persons" in (a)(15).

D.C. Law 17-26 substituted "2nd Tuesday in February" for "2nd Tuesday in January" in (b)(1).

D.C. Law 17-108 added (e)(1)(B) and (C).

The 2010 amendment by D.C. Law 18-103 added (a-1); rewrote (e)(4); and added (k).

The 2011 amendment by D.C. Law 18-330 added (15A) and made a related change.

The 2011 amendment by D.C. Law 19-7 substituted "1st Tuesday in April" for "2nd Tuesday in February" in (b)(1).

**TEMPORARY LEGISLATION.** --Section 121(a) of D.C. Law 19- (Act 19-248) amended (a)(14) and added (a)(17) to read as follows:

"(a) The Board shall:

\*\*\*\*\*

"(a)(14) Issue such regulations and expressly delegate authority to officials and employees of the Board (such delegations of authority only to be effective upon publication in the District of Columbia Register) as are necessary to carry out the purposes of this subchapter, Chapter 11 of this title, the Uniform Military and Overseas Voters Temporary Act of 2011, passed on 2nd reading on December 6, 2011 (Enrolled version of Bill 19-547) [D.C. Law 19- (Act 19-248)], and related acts requiring implementation by the Board. 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;

\*\*\*\*\*

"(a)(15A) At the request of a candidate, consider what action, if any, should be taken to clarify the identity of a candidate if there is potential for confusion among voters about the identity of a candidate because of the similarity of his or her name to another candidate or elected official;



## D.C. Code § 1-1001.05

"(a)(16) Perform such other duties as are imposed upon it by this subchapter; and

"(a)(17) Perform duties imposed upon it by the Uniform Military and Overseas Voters Temporary Act of 2011, passed on 2nd reading on December 6, 2011 (Enrolled version of Bill 19-547) [D.C. Law 19- (Act 19-248)]."

Section 201(a)(1) of D.C. Law 19- (Act 19-248) amended (b)(2) and (b)(3)(A)(i) through (b)(3)(A)(i)(iv) to read as follows:

"(b)(2) No person shall be listed on the ballot as a candidate for nomination for President in such primary unless there shall have been filed with the Board no later than 90 days before the date of such presidential primary election a petition on behalf of his or her candidacy signed by at least 1,000, or 1%, whichever is less, of the qualified electors of the District of Columbia who are registered under § 1-1001.07, and of the same political party as the nominee.

"(b)(3)(A) Candidates for delegate and alternates where permitted by political party rules to a particular political party national convention convened to nominate that party's candidate for President shall be listed on the ballot of the presidential preference primary held under this chapter as:

"(b)(3)(A)(i) Full slates of candidates for delegates supporting a candidate for nomination for President if there shall have been filed with the Board, no later than 90 days before the date of such presidential primary, a petition on behalf of such slate's candidacy signed by the candidates on the slate, and by at least 1,000, or 1%, whichever is less, of the qualified electors of the District of Columbia who are registered under § 1-1001.07 and are of the same political party as the candidates on such slate;

"(b)(3)(A)(ii) Full slates of candidates for delegates not committed to support any named candidate for nomination for President if there shall have been filed with the Board, no later than 90 days before the date of such presidential primary, a petition on behalf of such slate's candidacy, signed by the candidates on the slate and by at least 1,000, or 1%, whichever is less, of the qualified electors of the District of Columbia who have registered under § 1-1001.07 and are of the same political party as the candidates on such slate;

"(b)(3)(A)(iii) An individual candidate for delegate supporting a candidate for nomination for President if there shall have been filed with the Board, no later than 90 days before the date of such presidential primary, a petition on behalf of such candidate, signed by the candidate and by at least 1,000, or 1%, whichever is less, of the qualified electors of the District of Columbia who have registered under § 1-1001.07 and are of the same political party as the candidate; or

"(b)(3)(A)(iv) An individual not committed to support any named candidate for nomination for President if there shall have been filed with the Board, no later than 90 days before the date of such presidential primary, a petition on behalf of such candidate, signed by the candidate and by at least 1,000, or 1%, whichever is less, of the qualified electors of the District of Columbia who have registered under § 1-1001.07 and are of the same political party as the candidate."

Section 302(b) of D.C. Law 19- (Act 19-248) provided that the act shall expire after 225 days of its having taken effect.

**EMERGENCY LEGISLATION.** --For temporary addition of (a-1) and (k), and amendment of (e)(4), see § 2(c) of the Omnibus Election Reform Emergency Amendment Act of 2009 (D.C. Act 18-236, November 30, 2009, 56 DCR 9154).

For temporary amendment of (a)(14) and addition of (a)(17), see § 121(a) of the Comprehensive Military and Overseas Voters Accommodation Emergency Act of 2011 (D.C. Act 19-230, November 16, 2011, 58 DCR 9942).

For temporary amendment of (b)(2) and (b)(3)(A), see § 201(a)(1) of the Comprehensive Military and Overseas Voters Accommodation Emergency Act of 2011 (D.C. Act 19-230, November 16, 2011, 58 DCR 9942).

For temporary amendment of (b)(2), see § 2 of the Presidential Primary Ballot Access Emergency Amendment Act of 2011 (D.C. Act 19-260, December 21, 2011, 58 DCR 11230).

**LEGISLATIVE HISTORY OF LAW 1-37.** --Law 1-37 was introduced in Council and assigned Bill No. 1-69, which was referred to the Committee on Governmental Operations. The Bill was adopted on first and second readings on July 29, 1975 and Sept. 9, 1975, respectively. Signed by the Mayor on Oct. 6, 1975, it was assigned Act No. 1-51 and transmitted to both Houses of Congress for its review.

**LEGISLATIVE HISTORY OF LAW 1-38.** --Law 1-38 was introduced in Council and assigned Bill No. 1-78, which was referred to the Committee on Governmental Operations. The Bill was adopted on first and second readings on July 29, 1975 and Sept. 9, 1975, respectively. Signed by the Mayor on Oct. 6, 1975, it was assigned Act No. 1-52 and

transmitted to both Houses of Congress for its review.

LEGISLATIVE HISTORY OF LAW 1-45. --Law 1-45 was introduced in Council and assigned Bill No. 1-184, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on Oct. 7, 1975 and Oct. 21, 1975, respectively. Signed by the Mayor on Nov. 7, 1975, it was assigned Act No. 1-65 and transmitted to both Houses of Congress for its review.

LEGISLATIVE HISTORY OF LAW 1-79. --See note to § 1-1001.02.

LEGISLATIVE HISTORY OF LAW 1-126. --See note to § 1-1001.02.

LEGISLATIVE HISTORY OF LAW 2-12. --Law 2-12 was introduced in Council and assigned Bill No. 2-87, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on Mar. 22, 1977 and Apr. 5, 1977, respectively. Signed by the Mayor on Apr. 26, 1977, it was assigned Act No. 2-33 and transmitted to both Houses of Congress for its review.

LEGISLATIVE HISTORY OF LAW 2-101. --See note to § 1-1001.01.

LEGISLATIVE HISTORY OF LAW 2-139. --See note to § 1-1001.04.

LEGISLATIVE HISTORY OF LAW 4-35. --Law 4-35 was introduced in Council and assigned Bill No. 4-229, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 16, 1981 and June 30, 1981, respectively. Signed by the Mayor on July 20, 1981, it was assigned Act No. 4-62 and transmitted to both Houses of Congress for its review.

LEGISLATIVE HISTORY OF LAW 4-88. --See note to § 1-1001.01

LEGISLATIVE HISTORY OF LAW 4-120. --Law 4-120 was introduced in Council and assigned Bill No. 4-235, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on Apr. 6, 1982 and Apr. 27, 1982, respectively. Signed by the Mayor on May 11, 1982, it was assigned Act No. 4-183 and transmitted to both Houses of Congress for its review.

LEGISLATIVE HISTORY OF LAW 5-17. --See note to § 1-1001.02.

LEGISLATIVE HISTORY OF LAW 7-36. --Law 7-36 was introduced in Council and assigned Bill No. 7-221, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 16, 1987 and June 30, 1987, respectively. Signed by the Mayor on July 23, 1987, it was assigned Act No. 7-64 and transmitted to both Houses of Congress for its review.

LEGISLATIVE HISTORY OF LAW 7-92. --Law 7-92 was introduced in Council and assigned Bill No. 7-321, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on Dec. 8, 1987 and Jan. 5, 1988, respectively. Signed by the Mayor on Jan. 25, 1988, it was assigned Act No. 7-134 and transmitted to both Houses of Congress for its review.

LEGISLATIVE HISTORY OF LAW 9-75. --Law 9-75 was introduced in Council and assigned Bill No. 9-242, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on Nov. 5, 1991, and Dec. 3, 1991, respectively. Signed by the Mayor on Jan. 3, 1992, it was assigned Act No. 9-127 and transmitted to both Houses of Congress for its review.

LEGISLATIVE HISTORY OF LAW 13-40. --Law 13-40, the "Board of Elections and Ethics Subpoena Authority

Amendment Act of 1999," was introduced in Council and assigned Bill No. 13-146. The Bill was adopted on first and second readings on June 8, 1999, and July 6, 1999, respectively. Signed by the Mayor on July 19, 1999, it was assigned Act No. 13-113 and transmitted to both Houses of Congress for its review. D.C. Law 13-40 became effective on Oct. 20, 1999.

LEGISLATIVE HISTORY OF LAW 14-169. --Law 14-169, the "Youth Pollworker Temporary Amendment Act of 2002," was introduced in Council and assigned Bill No. 14-585. The Bill was adopted on first and second readings on Mar. 5, 2002, and Apr. 9, 2002, respectively. Signed by the Mayor on Apr. 30, 2002, it was assigned Act No. 14-358 and transmitted to both Houses of Congress for its review. D.C. Law 14-169 became effective on June 28, 2002, and expired on Feb. 8, 2003.

LEGISLATIVE HISTORY OF LAW 15-18. --Law 15-18, the "Presidential Primary Election Amendment Act of 2003," was introduced in Council and assigned Bill No. 15-81. The Bill was adopted on first and second readings on Mar. 4, 2003, and Apr. 1, 2003, respectively. Signed by the Mayor on Apr. 15, 2003, it was assigned Act No. 15-65 and transmitted to Congress for its review. D.C. Law 15-18 became effective on June 21, 2003.

LEGISLATIVE HISTORY OF LAW 15-55. --Law 15-55, the "Presidential Primary Petition Waiver and Democratic State Committee Elections Temporary Act of 2003," was introduced in Council and assigned Bill No. 15-378. The Bill was adopted on first and second readings on July 8, 2003, and Sept. 16, 2003, respectively. Signed by the Mayor on Oct. 6, 2003, it was assigned Act No. 15-168 and transmitted to Congress for its review. D.C. Law 15-55 became effective on Dec. 9, 2003, and expires on July 21, 2004.

LEGISLATIVE HISTORY OF LAW 15-80. --15-80, the "Presidential Primary Petition and Filing Waiver Temporary Act of 2003," was introduced in Council and assigned Bill No. 15-493. The Bill was adopted on first and second readings on Oct. 7, 2003, and Nov. 4, 2003, respectively. Signed by the Mayor on Nov. 25, 2003, it was assigned Act No. 15-245 and transmitted to Congress for its review. D.C. Law 15-80 became effective on Mar. 10, 2004, and expires on Oct. 21, 2004.

LEGISLATIVE HISTORY OF LAW 15-120. --See note to § 1-1001.02.

LEGISLATIVE HISTORY OF LAW 15-188. --Law 15-188, the "Youth Pollworker Amendment Act of 2004," was introduced in Council and assigned Bill No. 15-124. The Bill was adopted on first and second readings on May 4, 2004, and June 1, 2004, respectively. Signed by the Mayor on June 23, 2004, it was assigned Act No. 15-455 and transmitted to Congress for its review. D.C. Law 15-188 became effective on Sept. 30, 2004.

LEGISLATIVE HISTORY OF LAW 15-218. --See note to § 1-1001.02

LEGISLATIVE HISTORY OF LAW 16-91. --Law 16-91, the "Technical Amendments Act of 2005," was introduced in Council and assigned Bill No. 16-477. The Bill was adopted on first and second readings on Nov. 1, 2005, and Nov. 15, 2005, respectively. Signed by the Mayor on Nov. 30, 2005, it was assigned Act No. 16-212 and transmitted to Congress for its review. D.C. Law 16-91 became effective on Apr. 7, 2006.

LEGISLATIVE HISTORY OF LAW 16-305. --Law 16-305, the "People First Respectful Language Conforming Amendment Act of 2006," was introduced in Council and assigned Bill No. 16-664. The Bill was adopted on first and second readings on June 20, 2006, and July 11, 2006, respectively. Signed by the Mayor on July 18, 2006, it was assigned Act No. 16-437 and transmitted to Congress for its review. D.C. Law 16-305 became effective on Apr. 24, 2007.

LEGISLATIVE HISTORY OF LAW 17-26. --See note to § 1-1001.01.

LEGISLATIVE HISTORY OF LAW 17-108. --Law 17-108, the "Jobs for D.C. Residents Amendment Act of 2007," was introduced in Council and assigned Bill No. 17-185. The Bill was adopted on first and second readings on July 10, 2007, and Oct. 2, 2007, respectively. Signed by the Mayor on Oct. 26, 2007, it was assigned Act No. 17-172 and transmitted to Congress for its review. D.C. Law 17-108 became effective on Feb. 6, 2008.

LEGISLATIVE HISTORY OF LAW 17-127. --Law 17-127, the "Presidential Primary Ballot Access Temporary Amendment Act of 2008," was introduced in Council and assigned Bill No. 17-521. The Bill was adopted on first and second readings on Dec. 11, 2007, and Jan. 8, 2008, respectively. Signed by the Mayor on Jan. 29, 2008, it was assigned Act No. 17-276 and transmitted to Congress for its review. D.C. Law 17-127 became effective on Mar. 20, 2008, and expires on Oct. 31, 2008.

LEGISLATIVE HISTORY OF LAW 18-103. --See note to § 1-1001.02.

LEGISLATIVE HISTORY OF LAW 18-330. --Law 18-330, the "Corrupt Election Practices Amendment Act of 2010," was introduced in Council and assigned Bill No. 18-894. The Bill was adopted on first and second readings on Nov. 23, 2010, and Dec. 7, 2010, respectively. Deemed approved without the signature of the Mayor on Jan. 8, 2011, it was assigned Act No. 18-652 and transmitted to Congress for its review. D.C. Law 18-330 became effective on Mar. 31, 2011.

LEGISLATIVE HISTORY OF LAW 19-7. --Law 19-7, the "District of Columbia Board of Elections and Ethics Primary Date Alteration Amendment Act of 2011," was introduced in Council and assigned Bill No. 19-90. The Bill was adopted on first and second readings on Mar. 15, 2011, and Apr. 5, 2011, respectively. Signed by the Mayor on Apr. 27, 2011, it was assigned Act No. 19-53 and transmitted to Congress for its review. D.C. Law 19-7 became effective on June 16, 2011.

LEGISLATIVE HISTORY OF LAW 19- (Act 19-248). --Law 19- (Act 19-248), the "Comprehensive Military and Overseas Voters Accommodation Temporary Act of 2011," was introduced in Council and assigned Bill No. 19-547. The Bill was adopted on first and second readings on Nov. 1, 2011, and Dec. 6, 2011, respectively. Signed by the Mayor on Dec. 21, 2011, it was assigned Act No. 19-248 and transmitted to Congress for its review. D.C. Law 19- (Act 19-248) became effective on , 2012, and expires on , 2012.

SECTION EFFECTIVE UNTIL ENACTMENT OF D.C. LAW 19-7. --This section, as amended by D.C. Law 18-330, effective March 31, 2011, read as set out above, except for (b)(1), which read as follows:

"(b)(1) The Board shall, on the 2nd Tuesday in February of each presidential election year, conduct a presidential preference primary election within the District of Columbia in which the registered qualified voters therein may express their preference for candidates of each political party of the District of Columbia for nomination for President."

EDITOR'S NOTES. --D.C. Law 16-91, § 127(a)(2), provided that D.C. Law 15-218, § 2(b), be amended by striking the phrase "Federal Election" and inserting the phrase "United States Election" in its place. D.C. Law 15-218, § 2(b)(1)(B), amended subsection (a)(10) of this section, and D.C. Law 15-218, § 2(b)(2), added subsection (j). LexisNexis believes that D.C. Law 16-91 did not intend to substitute "uniformed services voters and overseas voters in United States elections" for "uniformed services voters and overseas voters in federal elections" in (a)(10). Given the specific capitalization and the use of the singular provided in D.C. Law 16-91, LexisNexis interpreted the act as intending only to amend subsection (j) of this section by substituting "United States Election Assistance Commission" for "Federal Election Assistance Commission." LexisNexis also corrected the reference in (a)(10) from nonexistent "42 U.S.C. § 1873ff" to "42 U.S.C.S. § 1973ff."

## Voting Equipment

ANALYSIS Judicial review -- Administrative decisions Protection from undue persuasion Scope of authority  
Write-in candidates

### JUDICIAL REVIEW.

#### -- ADMINISTRATIVE DECISIONS.

Appellate jurisdiction for review of Board of Elections and Ethics decision that mayoral candidate met residency requirements did not lie under D.C. Code § 1-1001.05(g) which provides for appeal from a board decision composed of one member panels; this procedural subsection simply authorizes the use of one member panels where otherwise the full board would have to sit, but does not to expand substantive jurisdiction of the federal court over preliminary matters, and applies only to any "case" brought before the board. *Lawrence v. District of Columbia Bd. of Elections & Ethics*, App. D.C., 611 A.2d 529, 1992 D.C. App. LEXIS 197 (1992).

#### PROTECTION FROM UNDUE PERSUASION.

This section allows the Board of Elections & Ethics to take steps related to protecting potential voters from being improperly dissuaded from exercising their franchise. *Scolaro v. District of Columbia Bd. of Elections & Ethics*, 946 F. Supp. 80 (D.D.C. 1996).

#### SCOPE OF AUTHORITY.

When the District of Columbia Board of Elections and Ethics declined to count the write-in ballots cast in a party's primary election, the Board thwarted the statutory purpose of § 1-1001.05(b)(1) to enable the voters to express their preference, as the primary was permissibly structured on the principles of proportional representation, rather than "winner-take-all," and write-in ballots accounted for 32 percent of the vote; a write-in candidate could have received enough votes to entitle him or her to a delegate to the party's national convention. *Best v. D.C. Bd. of Elections & Ethics*, 852 A.2d 915, 2004 D.C. App. LEXIS 297 (2004).

#### WRITE-IN CANDIDATES.

In the context of a primary election held to award delegates to candidates in proportion to their votes, D.C. Mun. Regs. tit. 3, § 810.10 must be read to require the District of Columbia Board of Elections and Ethics to count the votes for each write-in candidate so long as the total number of write-in votes is sufficient to elect a write-in candidate to be represented by a delegate; the purpose of the election is determinative. *Best v. D.C. Bd. of Elections & Ethics*, 852 A.2d 915, 2004 D.C. App. LEXIS 297 (2004).

Write-in nominee who was an "apparent winner" in a primary -- that is, one who apparently was entitled to delegate representation at a national convention -- had to be notified and given an opportunity to submit the required documentation in the prescribed time before he or she could be deemed to be ineligible and votes cast for such individuals could be deemed invalid, under D.C. Mun. Regs. tit. 3, § 604.5. *Best v. D.C. Bd. of Elections & Ethics*, 852 A.2d 915, 2004 D.C. App. LEXIS 297 (2004).