

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, due to congressional review, the District of Columbia Election Code of 1955 to permit the District of Columbia Board of Elections to hold special elections to fill vacancies in the offices of the Delegate to the House of Representatives from the District of Columbia and an elected member of the State Board of Education on a Tuesday occurring at least 70 days but not more than 174 days after the date on which the vacancy occurs.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Special Election Reform Congressional Review Emergency Amendment Act of 2014”.

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 1 (D.C. Official Code § 1-1001.01) is amended by striking the phrase “Board of Education” and inserting the phrase “State Board of Education” in its place.

(b) Section 2 (D.C. Official Code § 1-1001.02) is amended as follows:

(1) Paragraph (5) is amended to read as follows:

“(5) The term “State Board of Education” means the State Board of Education established by section 402 of the Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-2651).”.

1 (2) Paragraph (13) is amended by striking the phrase “the President and members
2 of the Board of Education” and inserting the phrase “members of the State Board of Education”
3 in its place.

4 (c) Section 8 (D.C. Official Code § 1-1001.08) is amended as follows:

5 (1) The heading is amended by striking the phrase “Board of Education” and
6 inserting the phrase “State Board of Education” in its place.

7 (2) Subsection (m) is amended by striking the phrase “Board of Education” and
8 inserting the phrase “State Board of Education” in its place.

9 (3) Subsection (n) is amended by striking the phrase “Board of Education”
10 wherever it appears and inserting the phrase “State Board of Education” in its place.

11 (d) Section 10 (D.C. Official Code § 1-1001.10) is amended as follows:

12 (1) Subsection (a)(5) is amended by striking the phrase “Board of Education” and
13 inserting the phrase “State Board of Education” in its place.

14 (2) Subsection (d) is amended as follows:

15 (A) Paragraph (1) is amended by striking the phrase “Board of Education”
16 and inserting the phrase “State Board of Education” in its place.

17 (B) Paragraph (2)(A) is amended by striking the phrase "first Tuesday that
18 occurs more than 114 days after the date on which the vacancy is certified by the Board unless
19 the Board determines that the vacancy could be filled more practicably in a special election held
20 on the same day as the next District-wide special, primary, or general election that is to occur
21 within 60 days of the date on which the special election would otherwise have been held under
22 the provisions of this subsection" and inserting the phrase "Tuesday occurring at least 70 days
23 and not more than 174 days after the date on which the vacancy occurs which the Board

1 determines, based on a totality of the circumstances, taking into account, inter alia, cultural and
2 religious holidays and the administrability of the election, will provide the opportunity for the
3 greatest level of voter participation” in its place.

4 (3) Subsection (e) is amended as follows:

5 (A) Paragraph (1) is amended as follows:

6 (i) Strike the phrase “Board of Education” both times it appears
7 and insert the phrase “State Board of Education” in its place.

8 (ii) Strike the phrase “1st Tuesday that occurs more than 114 days
9 after the date on which the vacancy is certified by the Board of Elections, unless the Board
10 determines that the vacancy could be filled more practicably in a special election held on the
11 same day as the next special, primary, or general election that is to occur within 60 days of the
12 date on which a special election would otherwise have been held under the provisions of this
13 subsection” and insert the phrase “Tuesday occurring at least 70 days and not more than 174
14 days after the date on which the vacancy occurs which the Board determines, based on a totality
15 of the circumstances, taking into account, inter alia, cultural and religious holidays and the
16 administrability of the election, will provide the opportunity for the greatest level of voter
17 participation” in its place.

18 (B) Paragraph (2) is repealed.

19 (4) Subsection (f) is amended by striking the phrase “Board of Education” both
20 times it appears and inserting the phrase “State Board of Education” in its place.

21 (e) Section 11(a)(2) (D.C. Official Code § 1-1001.11(a)(2)) is amended by striking the
22 phrase “President of the Board of Education, or member of the Board of Education” and
23 inserting the phrase “or member of the State Board of Education” in its place.

1 (f) Section 15 (D.C. Official Code § 1-1001.15) is amended as follows:

2 (1) Subsection (a) is amended by striking the phrase “Board of Education” both
3 times it appears and inserting the phrase “State Board of Education” in its place.

4 (2) Subsection (b) is amended by striking the phrase “Board of Education” and
5 inserting the phrase “State Board of Education” in its place.

6 Sec. 3. Fiscal impact statement.

7 The Council adopts the fiscal impact statement in the committee report for the Special
8 Election Reform Amendment Act of 2014, passed on 2nd reading on September 23, 2014
9 (Enrolled version of Bill 20-611), as the fiscal impact statement required by section 602(c)(3) of
10 the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C.
11 Official Code § 1-206.02(c)(3)).

12 Sec. 4. Effective date.

13 This act shall take effect following approval by the Mayor (or in the event of veto by the
14 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
15 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
16 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
17 Columbia Register.