

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, due to congressional review, the Advisory Neighborhood Commissions Act of 1975 to extend pandemic related provisions related to Advisory Neighborhood Commissions, including pandemic election procedures to fill vacancies on Advisory Neighborhood Commissions and authorization for Advisory Neighborhood Commissions to meet remotely.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Advisory Neighborhood Commissions Pandemic Provisions Extension Congressional Review Emergency Amendment Act of 2023”.

Sec. 2. The Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.01 *et seq.*) is amended as follows:

(a) Section 6(b) (D.C. Official Code § 1-309.05(b)) is amended by adding new paragraphs (3), (4), and (5) to read as follows:

“(3) Petition sheets circulated in support of a candidate shall be filed with the Board in hard copy but may be electronically provided by the:

“(A) Board to the candidate;

“(B) Candidate to qualified petition circulators; or

“(C) Qualified petition circulator to the candidate;

“(4) Signatures on a petition sheet shall not be invalidated because the signer was also the circulator of the same petition on which the signature appears; and

“(5)(A) If the election is for a member of an Advisory Neighborhood Commission representing the single-member district containing the Central Detention Facility and Correctional Treatment Facility:

“(i) The Board shall develop, and the Department of Corrections shall distribute, lay-friendly educational materials for individuals in the Department of Corrections’ care and custody about how to register to vote and how to vote, residency and elections requirements to run for Advisory Neighborhood Commissioner, and the functions of an Advisory Neighborhood Commission; and

“(ii) The Department of Corrections shall facilitate the transmission of petition sheets to any candidates who are in its care and custody, petition circulation among the registered qualified electors in its care and custody, and transmission of those petition sheets from candidates in its care and custody to the Board.”

“(B) No Department of Corrections employee properly exercising their duties pursuant to the requirements of subparagraph (A) of this paragraph shall have committed a violation of the District’s Code of Conduct, as defined in section 101(7) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01(7)), or the Prohibition on Government Employee Engagement in Political Activity Act of 2010, effective March 31, 2011 (D.C. Law 18-335; D.C. Official Code § 1-1171.01 *et seq.*).”

(b) Section 8(d)(6)(E) (D.C. Official Code § 1-309.06(d)(6)(E) is amended to read as follows:

“(E)(i) If the Board transmits a list of qualified candidates containing more than one name, the affected Advisory Neighborhood Commission shall give notice at a public meeting of a time and location, to be determined in consultation with the OANC, at which the qualified registered electors of the affected single-member district shall vote to elect a Commissioner. At the location selected, the affected Advisory Neighborhood Commission, in consultation with the OANC, shall make in-person voting available to qualified registered electors during at least a 4-hour time period. To vote, all qualified registered electors shall display their voter identification card or, alternatively, be listed as a voter in the affected single-member district on the Board’s voter registration list. Ballot counting shall be facilitated by at least 2 representatives of the OANC, and the results shall be read aloud at the conclusion of the selected time period by the Chairperson of the Advisory Neighborhood Commission, by such Commissioner as the Chairperson shall designate, or in the event that the Office of the Chairperson is vacant or there are no Commissioners present, by the presiding Commissioner at the next regularly scheduled meeting of the Commission.

“(ii) Notwithstanding sub- subparagraph (i) of this subparagraph, if the affected single-member district contains the Central Detention Facility and Correctional Treatment Facility, the affected Advisory Neighborhood Commission, in consultation with the OANC, shall make in-person voting available to qualified registered electors within the single-member district who are not in the care and custody of the Department of Corrections, and the Department of Corrections, in consultation with the affected Advisory Neighborhood Commission and the OANC, shall make voting available to qualified electors in its care and custody, including by distributing ballots to qualified electors listed as voters in the affected single-member district on the voter registration list provided by the Board, collecting the ballots, and transmitting the ballots to the Board for counting and transmission of the results to the OANC and the affected Advisory Neighborhood Commission.”

(c) Section 14(b) (D.C. Official Code § 1-309.11(b)) is amended as follows:

(1) Paragraph (1A) is repealed.

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(2) New paragraphs (1B) and (1C) are added to read as follows:

“(1B) If the Commission contains the Central Detention Facility and Correctional Treatment Facility:

“(A) A Commissioner on that Commission shall be entitled to call a meeting, remotely participate in that meeting, and vote on matters before the Commission, through a teleconference or other electronic means identified by the Commission for this purpose;

“(B) Commissioners in the care and custody of the Department of Corrections in the Central Detention Facility or the Correctional Treatment Facility shall be permitted to participate in meetings and vote on matters before the Commission remotely; and

“(C) Commissioners on that Commission who are physically or electronically present shall be counted toward the determination of a quorum.

“(1C) Notwithstanding any other provision of law, an Advisory Neighborhood Commissioner may call a meeting and remotely participate in that meeting and vote on matters before the Commission without being physically present through a teleconference or through digital means identified by the Commission for this purpose. Members physically or remotely present shall be counted for determination of a quorum.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia