

A BILL

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 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 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; and

“(C) Qualified petition circulator to the candidate;

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

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

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

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

49 “(B) No Department of Corrections employee properly exercising their
50 duties pursuant to the requirements of subparagraph (A) of this paragraph shall be found to have
51 committed a violation of the District’s Code of Conduct, as defined in section 101(7) of the
52 Board of Ethics and Government Accountability Establishment and Comprehensive Ethics
53 Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official
54 Code § 1-1161.01(7)), or the Prohibition on Government Employee Engagement in Political
55 Activity Act of 2010, effective March 31, 2011 (D.C. Law 18-335; D.C. Official Code § 1-
56 1171.01 *et seq.*), for so doing.”.

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

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

73 “(ii) Notwithstanding sub-sub-subparagraph (i) of this sub-
74 subparagraph, if the affected single-member district contains the Central Detention Facility and
75 Correctional Treatment Facility, the affected Advisory Neighborhood Commission, in
76 consultation with the OANC, shall make in-person voting available to qualified registered
77 electors within the single-member district who are not in the care and custody of the Department
78 of Corrections, and the Department of Corrections, in consultation with the affected Advisory
79 Neighborhood Commission and the OANC, shall make voting available to qualified electors in

80 its care and custody, including by distributing ballots to qualified electors listed as voters in the
81 affected single-member district on the voter registration list provided by the Board, collecting the
82 ballots, and transmitting the ballots to the Board for counting and transmission of the results to
83 OANC and the affected Advisory Neighborhood Commission.”.

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

85 (1) Paragraph (1A) is repealed.

86 (2) A new paragraph (1B) is added to read as follows:

87 “(1B) If the Commission contains the Central Detention Facility and
88 Correctional Treatment Facility:

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

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

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

98 (2) A new paragraph (1C) is added to read as follows:

99 “(1C) Notwithstanding any other provision of law, an Advisory Neighborhood
100 Commissioner may call a meeting and remotely participate in that meeting and vote on matters
101 before the Commission without being physically present through a teleconference or through

102 digital means identified by the Commission for this purpose. Members physically or remotely
103 present shall be counted for determination of a quorum.”.

104 Sec. 3. Fiscal impact statement.

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

108 Sec. 4. Effective date.

109 This act shall take effect following approval by the Mayor (or in the event of veto by the
110 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
111 90 days, as provided for emergency acts of the Council of the District of Columbia in section
112 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
113 D.C. Official Code § 1-204.12(a)).