

**Council of the District of Columbia**  
**Committee on Government Operations and the Environment**

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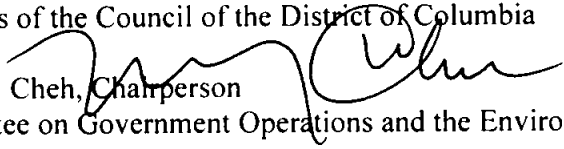
OFFICE OF THE  
SECRETARY

**Committee Report**

1350 Pennsylvania Avenue, N.W., Washington, DC 20004

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To: Members of the Council of the District of Columbia

From: Mary M. Cheh, Chairperson  
  
Committee on Government Operations and the Environment

Date: March 10, 2011

Subject: Bill 19-90, the "District of Columbia Board of Elections and Ethics  
Primary Date Alteration Amendment Act of 2011"

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The Committee on Government Operations and the Environment, to which Bill 19-90, the "District of Columbia Board of Elections and Ethics Primary Date Alteration Amendment Act of 2011" was referred, reports favorably on the legislation and recommends its adoption by the Council of the District of Columbia.

**CONTENTS**

Statement of Purpose and Effect _____	Page 2
Legislative History _____	Page 2
Background and Committee Reasoning _____	Page 2
Section-by-Section Analysis _____	Page 5
Summary of Public Hearing _____	Page 6
Fiscal Impact _____	Page 7
Analysis of Impact on Existing Law _____	Page 7
Committee Action _____	Page 7
List of Attachments _____	Page 8

## **STATEMENT OF PURPOSE AND EFFECT**

The purpose of B19-90, the “District of Columbia Board of Elections and Ethics Primary Date Alteration Amendment Act of 2011,” is to change the codified dates upon which the District currently holds its primary and presidential primary elections.

## **LEGISLATIVE HISTORY**

February 1, 2011	Introduction of B19-90 by Councilmember Mary M. Cheh
February 3, 2011	Referral of Bill 19-90 to the Committee on Government Operations and the Environment
February 11, 2011	Notice of Intent to Act on B19-90 is published in the <i>District of Columbia Register</i>
February 11, 2011	Notice of Public Hearing on B19-90 is published in the <i>District of Columbia Register</i>
March 2, 2011	Public Hearing on B19-90 held by the Committee on Government Operations and the Environment
March 10, 2011	Consideration and vote on B19-90 by the Committee on Government Operations and the Environment

## **BACKGROUND AND COMMITTEE REASONING**

### **History of District Primary Dates**

Bill 19-90, the “District of Columbia Board of Elections and Ethics Primary Date Alteration Amendment Act of 2011” would alter the dates upon which the District holds both its regular primary and presidential primary elections. The presidential primary had historically been held in May.<sup>1</sup> In 2003, the District changed the presidential primary from the first Tuesday in May to the second Tuesday in January of each presidential election year.<sup>2</sup> In 2007, the District changed the date again to the second Tuesday in February.<sup>3</sup> The new date comported with requirements by the national Democratic and Republican party committees which limit which states may hold primaries in January. Under current law, the District holds its regular primary election on the first Tuesday after the second Monday in September in either a presidential election year<sup>4</sup> or in an even-number year<sup>5</sup>.

<sup>1</sup> Aug. 12, 1955, 69 Stat. 699, ch. 862, § 5; DC Law 15-18

<sup>2</sup> DC Code § 1-1001.05(b)(1)

<sup>3</sup> DC Code § 1-1001.10(a)(1)

<sup>4</sup> DC Code § 1-1001.10(a)(1)

<sup>5</sup> DC Code § 1-1001.10(a)(3)(A)

Bill 19-90 would combine the regular primary and the presidential preference primary such that these elections would be held on the first Tuesday in April. A date in April will accomplish several things—it would likely align the District with Maryland such that the District would receive additional delegates to the Convention, would occur prior to voters leaving the area for summer vacations (although the District now has no-fault absentee voting, so vacationing voters is less of a concern), and would occur prior to yearly budget oversight and hearings by the Council such that sitting Councilmembers seeking reelection would not have to divide their time between re-election campaigning and handling important budgetary matters.

### **Requirement to Move Primary Date**

In 2009, Congress passed the Military and Overseas Voter Empowerment Act of 2009 (MOVE Act), which requires that states mail absentee ballots to military and overseas voters at least 45 days prior to an election so that there is sufficient time for voters to receive, mark, and return their ballots to ensure their votes are counted.

Under current law, the District cannot comply with the time requirements of the MOVE Act. Indeed, during the 2010 election cycle, the District entered into a Memorandum of Understanding (MOU) with the U.S. Department of Justice (DOJ) conceding that the District is out of compliance with the new mandate. The MOU allowed the District to extend the length of time that it would receive absentee ballots from military and overseas voters until 17 days after the election, but DOJ indicated that it will not allow this solution in future years. The MOU further stipulated that by April 1, 2011, the District would provide a status report that shows it is actively working on changing the date for all future primaries. In a hearing on the matter, the Board testified that the primary can be held *no later than* the first full week in August to comply with the 45-day requirement, but would like to hold the primary no later than the first week in June.

The requirement to change the regular primary date from September to a date earlier in the calendar year also offers the opportunity to adjust the date of the District's presidential primary election. It is not cost effective for the Board to hold two primaries in any given presidential election year, each of which could cost nearly \$1 million to administer, if not more. Instead, the primary date for the presidential preference and the regular primary for local partisan races, including Council races, should be combined for both the ease of election administration and for voters.

### **Moves by Other States to Alter Primary Date**

Several states have recently approved adjustments to the presidential primary date or have introduced bills to adjust the date. Arkansas moved up its presidential primary in 2008 from May to February, but has since approved legislation to return the primary to the third Tuesday in May.<sup>6</sup> Illinois has moved its primary back from February to March.<sup>7</sup>

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<sup>6</sup> [http://www.stateline.org/live\\_details/story?contentId=544142](http://www.stateline.org/live_details/story?contentId=544142); Josh Goodman, "States Weight Later Dates for 2012 Presidential Primaries," Stateline, January 24, 2011

Other states, including Oklahoma, California, Idaho, Kansas, Virginia, Maryland, and Washington, are seeking to adjust the dates of their presidential primaries, eliminate them completely, or cancel the primary for the 2012 election.<sup>8</sup> Oklahoma seeks to move its primary from the first Tuesday in February to the first Tuesday in March;<sup>9</sup> California is seeking to move its date from February to June to coincide with the state's regular primary; Virginia has moved its date from the second Tuesday in February to the 1<sup>st</sup> Tuesday in March to coincide with the existing regular primary date; Maryland has introduced bills in both the House and Senate to move the date, either to the first Tuesday in March or the first Tuesday in April; Idaho seeks to move its election by a week in May. Kansas has introduced legislation to eliminate the presidential primary altogether, and Washington would cancel the primary for the 2012 election.<sup>10</sup>

For many of the states mentioned above, saving money is a key consideration in the push to align presidential primaries with regular primaries. In California, the move is estimated to save the state \$80 million.<sup>11</sup> Washington's desire to cancel the 2012 presidential primary is also a bipartisan measure, advocated by the Democratic Governor and Republican Secretary of State, to save the state money.<sup>12</sup> Virginia would also see savings by administering its presidential primary and regular primary together.

Additionally, there are party rules established by both the national Democratic and Republican party leadership that forbids states other than Iowa, New Hampshire, South Carolina, and Nevada from holding primaries before March, of which the District's current codified date runs afoul.<sup>13</sup> However, in 2008, six states voted in January, including Michigan and Florida, which advanced their Democratic primaries in violation of Democratic Party rules and were subsequently penalized by being allowed to send only a portion of delegates to the Convention.<sup>14</sup> Incidentally, by the end of February 2008, voters in nearly three dozen states had already cast ballots in both Democratic and Republican primaries and caucuses.<sup>15</sup>

### **The "Lame Duck" Issue**

There is some concern that having an earlier primary will result in longer "lame duck" periods between an official having been voted out of office and his or her successor taking office. In the District, which tends to lean democratic, there is concern that a spring or summer primary could effectively resolve an electoral contest, resulting

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<sup>7</sup> *Id.*

<sup>8</sup> <http://www.thegreenpapers.com/P12/>

<sup>9</sup> <http://frontloading.blogspot.com/2011/01/pair-of-pre-filed-bills-propose-moving.html>; Josh Putnam, "Pair of Pre-Filed Bills Propose Moving Oklahoma Presidential Primary Back to March," Frontloading HQ, January 24, 2011

<sup>10</sup> <http://www.thegreenpapers.com/P12/>

<sup>11</sup> <http://www.stateline.org/live/details/story?contentId=544142>; Josh Goodman, "States Weight Later Dates for 2012 Presidential Primaries," Stateline, January 24, 2011

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

in the current officeholder pursuing his or her duties with less zeal during the several months prior to the term's expiration. However, it should be noted that even in a democratically leaning jurisdiction, no election is official until the general election, as other parties' candidates will also be on the general ballot. The only real lame duck period is between the November general election and the swearing in of the successor officials—this period from early November to January is constant across jurisdictions.

In testimony offered to the Committee, witnesses with experience working on elections administration and on campaigns suggested that the lame duck issue is a red herring. Some jurisdictions may vote out an office holder up to 18 months before that official actually leaves office, which has not been shown to adversely affect the commitment of those officeholders to their posts. Additionally, many states have held early spring or summer primaries for many years without having experienced any lame duck-related difficulties. Lastly, there is no evidence that having an earlier primary reduces voter turn-out in general elections.

### **Conclusion**

A primary date of the first Tuesday in April gives the District the opportunity to have a voice in presidential nominations in presidential election years as well as an increased number of Convention delegates, provides local partisan races a date upon which residents are likely to be in the area, and sitting Councilmembers seeking reelection will not find their attention bifurcated by simultaneously campaigning and conducting budget oversight hearings.

The push to "frontload" a state's primary during the presidential election cycle, once seen as a way for a state to have more control over the nomination process, is coming to be viewed as an unnecessary, and expensive, hassle. As the District must move its regular primary date to comply with the federal MOVE Act, and as the trend in other states is to combine regular primary elections with presidential party elections, it makes fiscal sense for the District to adjust both dates and hold only one primary election every two years.

### **SECTION-BY-SECTION ANALYSIS**

Section 1 provides the long and short title of Bill 19-90.

Section 2a would amend the date of the presidential primary from the second Tuesday in February to the first Tuesday in April.

Section 2b would amend the date of the regular primary from the first Tuesday after the second Tuesday in September to the first Tuesday in April, and change the date of the presidential primary from the second Tuesday in February to the first Tuesday in April.

Section 3 sets forth the fiscal impact statement.

Section 4 states the effective date of the legislation.

### **SUMMARY OF PUBLIC HEARING**

The Committee on Government Operations and the Environment held a public hearing on Bill 19-90 on Wednesday, March 2, 2011. Councilmember Mary M. Cheh, Chairperson of the Committee, called the hearing to order at 3:25 p.m. in Room 412 of the John A. Wilson Building. Chairperson Cheh offered her opening remarks explaining that B19-90 would change the dates upon which the primary and presidential primary elections are held in the District. With that, she opened the floor to witnesses. The following witnesses testified on B19-90 before the Committee:

William O'Field, Democratic State Committee, testified in support in the bill, which would ensure that military and overseas voters have enough time to participate in the election process. With respect to the date, he stated that a date in April, May, or June would be satisfactory, although specifically noted that with a date in April there is a longer "lame duck" period, although he further noted that other states hold early primaries without adverse attendant issues.

Michael Sindram, Public Witness, supports the legislation, and testified that it is important to ensure that military and overseas voters are properly enfranchised.

Chuck Thies, Public Witness, testified that although it makes financial sense to combine the presidential preference and regular primaries, in 2004 when the District held the first-in-the-nation primary in January there was a lot of coverage of the District's unrepresented status. On the lame duck issue, he noted that regardless when the primary is held, there are no official lame ducks until after the general election, because other party candidates (Green party, independents, etc.) are not on the primary ballot, but are present on the general election ballot. He stated that the earliest the regular primary ought to be in the last week in April, but wants to continue the practice of holding a very early presidential preference primary.

James Johnson, Public Witness, informed the Committee that it is his preference that the District's presidential primary coincides with Maryland's primary. He stated that he was not in favor of combining the presidential preference primary and the regular primary.

Rokey Suleman, Executive Director, D.C. Board of Elections and Ethics, testified that the Board of Elections and Ethics does not have an official position on when to hold the primary, other than it must be held in August or earlier to comply with the MOVE Act. He noted that to hold separate presidential preference and regular primaries will cost the District \$1.1-1.3 million each. With respect to a possible date, he suggested that certain times and months are less preferred, due to weather conditions and holidays, noting that we even currently deal with Labor Day when holding the current September primary. He suggested that May tends to work well for primaries. On the lame duck issue, he testified that in other jurisdictions, some office holders can effectively be voted out up to 18

months prior to their actual departure from government, and that such workers have not historically abdicated their responsibilities or thwarted the good administration of government. He also stated that holding an earlier primary is not likely to have any downward effect on voter turnout.

Chairperson Cheh thanked the witnesses for their testimony and called the hearing to a close at 4:05 p.m.

### **FISCAL IMPACT**

The Committee on Government Operations and the Environment finds that approval of Bill 19-90 will have no fiscal impact on the FY 2011 budget, but would result in \$1.1 million in savings in the FY 2011-FY 2014 financial plan period. A fiscal impact statement, prepared by the Chief Financial Officer and dated March 10, 2011, is attached to this report.

### **IMPACT ON EXISTING LAW**

This bill would amend Sections 5 and 10 of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001 *et seq.*) to statutorily alter the dates upon which the District holds both its regular primary elections and presidential primary elections.

### **COMMITTEE ACTION**

On March 10, 2011, the Committee on Government Operations and the Environment convened a mark-up at 2:15 pm on Bill 19-90, the "District of Columbia Board of Elections and Ethics Primary Date Alteration Amendment Act of 2011." Present and voting were Councilmembers Mary Cheh, David Catania, Tommy Wells, and Harry Thomas.

Chairperson Cheh gave a brief description of the bill before opening the floor for comments from the members. Councilmember Wells stated that on the first Tuesday in April weather is still uncertain, Councilmembers are busy with their Performance Oversight duties, and that it would significantly increase the lame duck period. He suggested that June would be a better month to hold the election, and offered an oral motion to change the date to June. He further stated that while holding the District's primary at a time that a neighboring jurisdiction is holding a primary may be nice, that it is more important that the residents of the District are served by the government.

Councilmember Catania did not support moving the date to June. He supported the date in April stating that while the Council is busy at that time with its Performance Oversight duties, those are not as complicated or time consuming as being in full budget negotiations, likely to be occurring during the first week of June. He further stated that it

is better for members to be campaigning in February and March, before the budget comes down from the Mayor.

Councilmember Harry Thomas had procedural concerns about the oral motion offered by Councilmember Wells, and stated that he was not prepared to support a move to June.

Councilmember Wells withdrew his motion.

Chairperson Cheh then moved for approval of the Committee print of Bill 19-90. The Committee voted 3-1 to approve the Committee print with the members voting as follows:

YES: Cheh, Catania, Thomas

NO: Wells

Chairperson Cheh then moved for approval of the Committee report on Bill 19-90. The Committee voted 4-0 to approve the Committee report with members voting as follows:

YES: Cheh, Catania, Thomas, Wells

NO: -

The meeting was adjourned at 3:00 PM

#### LIST OF ATTACHMENTS

- (A) Bill 19-90, as introduced
- (B) Committee Print of Bill 19-90
- (C) Notice of Intent to Act, published in the *District of Columbia Register*
- (D) Public Hearing Notice, published in the *District of Columbia Register*
- (E) Public Hearing Agenda and Witness List
- (F) Written Testimony Provided to the Committee
- (G) Fiscal Impact Statement for Bill 19-90



ATTACHMENT A

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Mary M. Cheh introduced the following bill, which was referred to the Committee on \_\_\_\_\_.

To amend the District of Columbia Election Code of 1955 to alter the date of District of Columbia primary and presidential preference primary elections.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Board of Elections and Ethics Primary Date Alteration Act of 2011."

Sec. 2. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01), is amended as follows:

(a) Section 5(b)(1) (D.C. Official Code § 1-1001.05) is amended by striking the phrase "shall, on the 2nd Tuesday in January of each presidential election year," and inserting the phrase "shall, on the 1st Tuesday after the 2nd Monday in June of each presidential year," in its place.

(b) Section 10(a) (D.C. Official Code § 1-1001.10) is amended to read as follows:

(1) Paragraph (1) is amended by striking the phrase "shall be held on the

1 1st Tuesday after the 2nd Monday in September” and inserting the phrase “shall be held on the  
2 1st Tuesday after the 2nd Monday in June” in its place, and by striking the phrase “and the  
3 primary under § 1-1005(b) shall be held on the 2nd Tuesday in January of each presidential  
4 year.” and inserting the phrase “shall be held on the 1st Tuesday after the 2nd Monday in June of  
5 each presidential year.” in its place.

6 (3) Subparagraph (3)(A) is amended by striking the phrase “shall be held on the  
7 1st Tuesday after the 2nd Monday in September” and inserting the phrase “shall be held on the  
8 1st Tuesday after the 2nd Monday in June” in its place.

9 (4) Subparagraph (3)(B) is amended by striking the phrase “shall be held on the  
10 1st Tuesday after the 2nd Monday in September” and inserting the phrase “shall be held on the  
11 1st Tuesday after the 2nd Monday in June” in its place.

12 (5) Subparagraph (3)(C) is amended by striking the phrase “shall be held on the  
13 1st Tuesday after the 2nd Monday in September” and inserting the phrase “shall be held on the  
14 1st Tuesday after the 2nd Monday in June” in its place.

15 Sec. 3. Fiscal impact statement

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

19 Sec. 4. Effective date

20 This act shall take effect following approval by the Mayor (or in the event of veto by the  
21 Mayor, action by Council to override the veto), a 30-day period of Congressional review as  
22 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
23 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
24 Columbia Register.

ATTACHMENT B

1 **Committee Print, Bill 19-90**  
2 **Committee on Government Operations and the Environment**  
3 **March 10, 2010**  
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7 A BILL

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9 19-90  
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12 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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18 To amend the District of Columbia Election Code of 1955 to alter the date of District of  
19 Columbia primary and presidential preference primary elections.  
20

21 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
22 act may be cited as the "District of Columbia Board of Elections and Ethics Primary Date  
23 Alteration Amendment Act of 2011."

24 Sec. 2. The District of Columbia Election Code of 1955, approved August 12, 1955 (69  
25 Stat. 699; D.C. Official Code § 1-1001.01), is amended as follows:

26 (a) Section 5(b)(1) (D.C. Official Code § 1-1001.05) is amended by striking the phrase  
27 "shall, on the 2nd Tuesday in February of each presidential election year," and inserting the  
28 phrase "shall, on the 1st Tuesday in April of each presidential election year," in its place.

29 (b) Section 10(a) (D.C. Official Code § 1-1001.10) is amended as follows:

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

31 (A) Strike the phrase "shall be held on the 1st Tuesday after the 2nd  
32 Monday in September" and insert the phrase "shall be held on the 1st Tuesday in April" in its  
33 place; and

34 (B) Strike the phrase "The primary under § 1-1005(b) shall be held

1 on the 2nd Tuesday in February of each presidential election year.” and insert the phrase “The  
2 primary under § 1-1005(b) shall be held on the 1st Tuesday in April of each presidential election  
3 year.” in its place.

4 (2) Subparagraph (3)(A) is amended by striking the phrase “shall be held on the  
5 1st Tuesday after the 2nd Monday in September” and inserting the phrase “shall be held on the  
6 1st Tuesday in April” in its place.

7 (3) Subparagraph (3)(B) is amended by striking the phrase “shall be held on the  
8 1st Tuesday after the 2nd Monday in September” and inserting the phrase “shall be held on the  
9 1st Tuesday in April” in its place.

10 (4) Subparagraph (3)(C) is amended by striking the phrase “shall be held on the  
11 1st Tuesday after the 2nd Monday in September” and inserting the phrase “shall be held on the  
12 1st Tuesday in April” in its place.

13 Sec. 3. Fiscal impact statement.

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

17 Sec. 4. Effective date.

18 This act shall take effect following approval by the Mayor (or in the event of veto by the  
19 Mayor, action by Council to override the veto), a 30-day period of Congressional review as  
20 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
21 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
22 Columbia Register.

ATTACHMENT C

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**NOTICE OF INTENT TO ACT ON NEW LEGISLATION**

The Council of the District of Columbia hereby gives notice of its intention to consider the following legislative matters for final Council action in not less than **15 days**. Referrals of legislation to various committees of the Council are listed below and are subject to change at the legislative meeting immediately following or coinciding with the date of introduction. It is also noted that legislation may be co-sponsored by other Councilmembers after its introduction.

Interested persons wishing to comment may do so in writing addressed to Cynthia Brock-Smith, Secretary to the Council, 1350 Pennsylvania Avenue, NW, Room 5, Washington, D.C. 20004. Copies of bills and proposed resolutions are available in the Legislative Services Division, 1350 Pennsylvania Avenue, NW, Room 10, Washington, D.C. 20004 Telephone: 724-8050 or online at [www.dccouncil.us](http://www.dccouncil.us).

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**COUNCIL OF THE DISTRICT OF COLUMBIA**

**PROPOSED LEGISLATION**

**BILLS**

B19-76      Inclusionary Zoning Amendment Act of 2011

Intro. 02-01-11 by Councilmember Catania and referred to the Committee on Housing and Workforce Development

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B19-77      Pension Protection and Sustainability Amendment Act of 2011

Intro. 02-01-11 by Councilmember Catania and referred to the Committee on Government Operations and the Environment

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B19-78      Practice of Naturopathic Medicine Licensing Amendment Act of 2011

Intro. 02-01-11 by Councilmembers Barry and Thomas and referred to the Committee on Health

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B19-79      D.C. Health Corps Act of 2011

Intro. 02-01-11 by Councilmember Barry and referred to the Committee of the Whole

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**BILLS cont'd**

- B19-80      Accountant Mobility Amendment Act of 2011  
Intro. 02-01-11 by Councilmembers Alexander and Cheh and referred to the  
Committee on Public Services and Consumer Affairs
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- B19-81      Sunshine Employable Skills Act of 2011  
Intro. 02-01-11 by Councilmembers Biddle, M. Brown and Chairman K. Brown  
and referred to the Committee on Housing and Workforce Development
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- B19-82      Natural Disaster Protection Fund Excise Tax Act of 2011  
Intro. 02-01-11 by Councilmember Evans and referred to the Committee on  
Finance and Revenue
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- B19-83      Electric Company Extreme Weather Outage Reimbursement Amendment Act of  
2011  
Intro. 02-01-11 by Councilmember Bowser and referred to the Committee on  
Public Services and Consumer Affairs
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- B19-84      Unfair Insurance Claim Settlement Practices Enhancement Amendment Act of  
2011  
Intro. 02-01-11 by Councilmembers Bowser and Alexander and referred to the  
Committee on Public Services and Consumer Affairs
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- B19-85      Department of Parks and Recreation Revenue Generation Amendment Act of  
2011  
Intro. 02-01-11 by Councilmembers Bowser and Thomas and referred to the  
Committee on Libraries, Parks and Recreation
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- B19-86      Exemptions and Abatements Information Requirements Act of 2011  
Intro. 02-01-11 by Councilmembers M. Brown, Cheh, Wells, Mendelson, Barry  
and Chairman K. Brown and referred to the Committee on Finance and Revenue
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- B19-87      Homeless Services Reform Amendment Act of 2011  
Intro. 02-01-11 by Councilmembers M. Brown and Graham and referred to the  
Committee on Human Services
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**BILLS cont'd**

B19-88 Washington Overlook at Fort Lincoln Low-Income Rental Extension Tax Relief Act of 2011

Intro. 02-01-11 by Councilmember Thomas and referred to the Committee on Finance and Revenue

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B19-89 Unsolicited Automated Telephone Call Act of 2011

Intro. 02-01-11 by Councilmember Cheh and referred to the Committee on Public Services and Consumer Affairs

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B19-90 District of Columbia Board of Elections and Ethics Primary Date Alteration Act of 2011

Intro. 02-01-11 by Councilmember Cheh and referred to the Committee on Government Operations and the Environment

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B19-91 Public Notice of Advisory Neighborhood Commissions Resolution Act of 2011

Intro. 02-02-11 by Councilmember Bowser and referred to the Committee on Aging and Community Affairs

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**PROPOSED RESOLUTIONS**

PR19-62 Washington Yu Ying Public Charter School Revenue Bonds Project Approval Resolution of 2011

Intro. 02-03-11 by Chairman K. Brown at the request of the Mayor and referred to the Committee on Finance and Revenue

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PR19-63 Center for Strategic and International Studies, Inc. Revenue Bonds Project Approval Resolution of 2011

Intro. 02-03-11 by Chairman K. Brown at the request of the Mayor and referred to the Committee on Finance and Revenue

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PR19-64 Director of the Office of Risk Management Phillip A. Lattimore, III Confirmation Resolution of 2011

Intro. 02-03-11 by Chairman K. Brown at the request of the Mayor and referred to the Committee on Government Operations and the Environment

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ATTACHMENT D

Council of the District of Columbia  
Committee on Government Operations and the Environment  
**Notice of Public Hearing**  
1350 Pennsylvania Avenue, N.W. Washington, DC 20004

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**COUNCILMEMBER MARY M. CHEH, CHAIRPERSON  
COMMITTEE ON GOVERNMENT OPERATIONS AND THE ENVIRONMENT**

**ANNOUNCES A PUBLIC HEARING ON**

**Bill 19-90, the "District of Columbia Board of Elections and Ethics  
Primary Date Alteration Act of 2011"**

**March 2, 2011**

**2:00 PM**

**Room 412**

**John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.**

On March 2, 2011, Councilmember Mary M. Cheh, Chairperson of the Committee on Government Operations and the Environment, will hold a public hearing on Bill 19-90, the "District of Columbia Board of Elections and Ethics Primary Date Alteration Act of 2011." The hearing will take place directly following the Board of Elections and Ethics' 2011 Performance Oversight hearing scheduled for the same day.

The District is obligated to move the date of its Primary election due to a 2009 federal law, the Military and Overseas Voter Empowerment Act of 2009, which requires that all military and overseas voters have 45 days to receive, mark, and return their absentee ballots. In 2010, the Board of Elections and Ethics signed a Memorandum of Understanding with the Department of Justice, which requires the District to be actively engaged in changing the date. The public hearing will take place in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify at the hearing should contact Ms. Aukima Benjamin, staff assistant to the Committee on Government Operations and the Environment, at 724-8062, or via e-mail at [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us). The record will close at the end of the business day on March 16, 2011.

ATTACHMENT E

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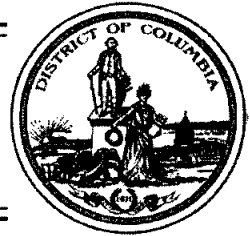
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COMMITTEE ON GOVERNMENT OPERATIONS  
AND THE ENVIRONMENT

MARY M. CHEH, CHAIR

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WITNESS LIST

COUNCILMEMBER MARY M. CHEH, CHAIRPERSON  
COMMITTEE ON GOVERNMENT OPERATIONS & THE ENVIRONMENT

ANNOUNCES A PUBLIC HEARING ON

Bill 19-90, the "District of Columbia Board of Elections and Ethics  
Primary Date Alteration Act of 2011"

March 2, 2011

2:00 PM

Room 412

John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.

**Public Witnesses**

Chuck Thies, Public Witness

Michael Sindram, Public Witness

William O'Field, Democratic State Committee

**Executive Witnesses**

Rokey Suleman, Executive Director, Board of Elections and Ethics

ATTACHMENT F

Testimony of Chuck Thies to the DC Council Committee on Government Operations  
Presidential and Local Primary Elections  
March 2, 2011

When you take into consideration the budget constraints impacting DC, scheduling our presidential and local primary elections on the same day is certainly prudent.

However, there is a situation where the District should consider holding its presidential primary separate from our local elections. We did it before, on January 13, 2004.

Councilmember Jack Evans led the way and was joined by several Council colleagues and Mayor Williams in supporting a DC presidential primary held before Iowa and New Hampshire.

While this was controversial, that in itself was the point.

DC's "First in the Nation Primary" generated hundreds of news stories across the country, each of which made mention of the rationale for breaking established traditions and Party rules: we were seeking to draw attention to our lack of voting rights and we wanted candidates to state their positions on our status as second class citizens.

Both major Parties and every Democratic candidate were forced to make a decision about our primary. Each of those decisions garnered further media attention and mentions of our disenfranchised status. The candidates who sought to opt out of the primary and both major political parties were portrayed by voting rights activists as having made a choice: party rules were more important than showing support for 600,000 disenfranchised Americans.

While the DC Primary did not dominate the headlines, an incalculable number of Americans learned of our plight and our saga came to be known by journalists, editors and pundits. All of this occurred before the days of widely read internet political sites and saturated coverage of politics on cable news.

There is also a greater opportunity available to us in 2012 than there was 8 years ago. In media circles it is called a hook: **Will President Obama ask that his name be removed from our Democratic Presidential Primary election or will he defy Party rules and show solidarity with District residents?**

If that isn't a story with the potential to grow legs, what is?

While I am not advocating specifically that DC should schedule its 2012 presidential primary in advance of Iowa and New Hampshire, if the Council is considering holding a presidential primary on a separate date from our local primary, the value, risks and audacity of eclipsing Iowa and New Hampshire must be weighed in a serious fashion.

Should a Councilmember wish to pursue the notion, I am happy to lend my experience and expertise to those discussions.

Thank you.



**Testimony of William O'Field**  
**Council of the District of Columbia**  
**Committee on Government Operations and the Environment**  
**Public Hearing on Bill 19-0090, the "District of Columbia Board of Elections**  
**and Ethics Primary Date Alteration Act of 2011"**  
**John A. Wilson Building, January 19, 2011**

Good afternoon Councilmember Cheh, Committee members and staff. I am William O'Field, a resident of Ward One, the former Public Affairs and Program Development Manager of the D.C. Board of Elections and Ethics (Board), and a Certified Election/Registration Administrator. I also serve on the Executive Committee of the D.C. Democratic State Committee (DCDSC). I appreciate the opportunity to comment on Bill 19-0090, the "District of Columbia Board of Elections and Ethics Primary Date Alteration Act of 2011".

I am here today to speak in support of Bill 19-0090 which would:

- Move the presidential preference primary election from the second Tuesday in January of each presidential election year to the first Tuesday after the second Monday in June of each presidential election year; and
- Also move the District's local party primary elections from the first Tuesday after the second Monday in September to the first Tuesday after the second Monday in June.

If passed, Bill 19-0090 would guarantee that District of Columbia voters who are serving in the military on battlefields and situated in military bases in countries overseas. Further, I am in support of the legislation because it would enfranchise our District voters living and working abroad -- some of whom are serving in U.S. embassies, serving as election officials in emerging democracies, students, and others.

Bill 19-0090 would enfranchise these voters because it would allow for enough time between the District's primary and general elections for the Board to produce a ballot for the general election that will reach our overseas military personnel and others to receive their ballots, vote them, and return them in a timely manner.

From my experience as one of the Board's election administrators between 1995 and 2008, we were often concerned about the timing of sending out the ballots for the November general election given the challenge period after a September primary.

I took a very informal survey and found that during the 2010 election cycles that approximately 14 states have June primaries, but of course I expect this number to increase as states follow the mandate by the Department of Justice to change their primary elections from September.

Furthermore, the Chair of the D.C. Democratic State Committee Anita Bonds wanted me to share with you that it is the sense of the Executive Committee of the DCDSC to support Bill 19-0090 with regard to enfranchising District voters overseas. However, as Bill 19-0090 relates to the presidential preference primary, the DCDSC would like to keep the date for the election open, because the Democratic National Committee will allocate additional base delegates to each state that participates in a "clustering" primary or selection process. By moving the selection process to occur after April 1 but before May 1, each state accrues an additional 10% of base delegates. Currently, the District has 17 base delegates with a potential of 22 if the election is held at the same time as a contiguous state. Chair Bonds is working with Delaware, Maryland, and Virginia to "cluster" for the purpose of gaining additional delegates.

In closing, if enacted into law Bill 19-0090 would help to ensure that District voters who are either temporarily or permanently overseas would be enfranchised. Thank you for allowing me this opportunity to testify on this important piece of legislation.

ATTACHMENT G


Government of the District of Columbia  
Office of the Chief Financial Officer



**Natwar M. Gandhi**  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Kwame R. Brown  
Chairman, Council of the District of Columbia

**FROM:** Natwar M. Gandhi  
Chief Financial Officer 

**DATE:** March 10, 2011

**SUBJECT:** Fiscal Impact Statement – “District of Columbia Board of Elections and Ethics Primary Date Alteration Amendment Act of 2011”

**REFERENCE:** Bill Number 19-90, Committee Print shared with the OCFO on March 3, 2011

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**Conclusion**

Funds are sufficient in the FY 2011 through FY 2014 budget and financial plan to implement the proposed legislation. Enactment of the proposed legislation would not impact the FY 2011 budget, but result in \$1.1 million in savings in the FY 2011 through FY 2014 financial plan period.

**Background**

The proposed legislation would amend the District of Columbia Election Code of 1955<sup>1</sup> to move the date of the presidential preference primary and the District of Columbia primary to the 1<sup>st</sup> Tuesday in April. Currently, the presidential preference primary is held on the 2<sup>nd</sup> Tuesday in February and the District of Columbia primary is held the 1<sup>st</sup> Tuesday after the 2<sup>nd</sup> Monday in September.

**Financial Plan Impact**

Funds are sufficient in the FY 2011 through FY 2014 budget and financial plan to implement the proposed legislation. Enactment of the proposed legislation would result in \$1.1 million in savings in FY 2012.

Every presidential election year, the District holds two primary elections leading up to the general election in November – the presidential preference primary in February and the regular primary in

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<sup>1</sup> Approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*)

The Honorable Kwame R. Brown

FIS: B19-90 "District of Columbia Board of Elections and Ethics Primary Date Alteration Amendment Act of 2011," Committee Print shared with the OCFO on March 3, 2011

September. As a result of consolidating the primary schedule and only holding one primary, the District would save approximately \$1.1 million in a presidential election year. The savings would be realized in the local budget of the Board of Elections and Ethics.

<b>Estimated Savings of Bill 19-90</b>					
<b>District of Columbia Board of Elections and Ethics Primary Date Alteration Amendment Act of 2011</b>					
<b>FY 2011 - FY 2014</b>					
	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>Four-Year Total</b>
<b>Estimated Savings<sup>1</sup></b>	\$0	\$1,100,000	\$0	\$0	\$1,100,000

<sup>1</sup> Savings as reported by the Board of Elections and Ethics in the Public Hearing for Bill 19-90 by the Committee on Government Operations and the Environment on March 2, 2011.