

Calendar No. 448

112TH CONGRESS
2D SESSION**H. R. 3902**

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2012

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

JULY 12, 2012

Reported by Mr. LIEBERMAN, without amendment

AN ACT

To amend the District of Columbia Home Rule Act to revise
the timing of special elections for local office in the
District of Columbia.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “District of Columbia
5 Special Election Reform Act”.

6 **SEC. 2. TIMING OF SPECIAL ELECTIONS FOR LOCAL OF-**
7 **FICE IN DISTRICT OF COLUMBIA.**

8 (a) COUNCIL.—

1 (1) CHAIR.—The first sentence of section
2 401(b)(3) of the District of Columbia Home Rule
3 Act (sec. 1–204.01(b)(3), D.C. Official Code) is
4 amended to read as follows: “To fill a vacancy in the
5 Office of Chairman, the Board of Elections shall
6 hold a special election in the District on the Tuesday
7 occurring at least 70 days and not more than 174
8 days after the date on which such vacancy occurs
9 which the Board of Elections determines, based on
10 a totality of the circumstances, taking into account,
11 inter alia, cultural and religious holidays and the ad-
12 ministrability of the election, will provide the oppor-
13 tunity for the greatest level of voter participation.”.

14 (2) MEMBERS ELECTED FROM WARDS.—The
15 first sentence of section 401(d)(1) of such Act (sec.
16 1–204.01(d)(1), D.C. Official Code) is amended to
17 read as follows: “In the event of a vacancy in the
18 Council of a member elected from a ward, the Board
19 of Elections shall hold a special election in the Dis-
20 trict on the Tuesday occurring at least 70 days and
21 not more than 174 days after the date on which
22 such vacancy occurs which the Board of Elections
23 determines, based on a totality of the circumstances,
24 taking into account, inter alia, cultural and religious
25 holidays and the administrability of the election, will

1 provide the opportunity for the greatest level of
2 voter participation.”.

3 (3) MEMBERS ELECTED AT-LARGE.—The sec-
4 ond sentence of section 401(d)(2) of such Act (sec.
5 1–204.01(d)(2)) is amended by striking “and such
6 special election” and all that follows and inserting
7 the following: “and such special election shall be
8 held on the Tuesday occurring at least 70 days and
9 not more than 174 days after the date on which
10 such vacancy occurs which the Board of Elections
11 determines, based on a totality of the circumstances,
12 taking into account, inter alia, cultural and religious
13 holidays and the administrability of the election, will
14 provide the opportunity for the greatest level of
15 voter participation.”.

16 (b) MAYOR.—The first sentence of section 421(c)(2)
17 of such Act (sec. 1–204.21.(c)(2), D.C. Official Code) is
18 amended to read as follows: “To fill a vacancy in the Of-
19 fice of Mayor, the Board of Elections shall hold a special
20 election in the District on the Tuesday occurring at least
21 70 days and not more than 174 days after the date on
22 which such vacancy occurs which the Board of Elections
23 determines, based on a totality of the circumstances, tak-
24 ing into account, inter alia, cultural and religious holidays

1 and the administrability of the election, will provide the
2 opportunity for the greatest level of voter participation.”.

3 (c) ATTORNEY GENERAL.—The first sentence of sec-
4 tion 435(b)(1) of such Act (sec. 1–204.35(b)(1), D.C. Of-
5 ficial Code) is amended by striking “the Board” and all
6 that follows and inserting the following: “the Board of
7 Elections shall hold a special election in the District on
8 the Tuesday occurring at least 70 days and not more than
9 174 days after the date on which such vacancy occurs
10 which the Board of Elections determines, based on a total-
11 ity of the circumstances, taking into account, inter alia,
12 cultural and religious holidays and the administrability of
13 the election, will provide the opportunity for the greatest
14 level of voter participation.”.

15 **SEC. 3. EFFECTIVE DATE.**

16 The amendments made by section 2 shall apply with
17 respect to vacancies occurring on or after the enactment
18 of this Act.

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