

Public Law 87-389

AN ACT

To amend the Act of August 12, 1955, relating to elections in the District of Columbia.

October 4, 1961
[H. R. 8444]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to regulate the election of delegates representing the District of Columbia to national political conventions, and for other purposes", approved August 12, 1955 (69 Stat. 699; title I, ch. 11, D.C. Code, 1951 ed.), is amended as follows:

D. C. electors.
Provisions.

(1) The first section is amended by inserting after the word "That" the words "in the District of Columbia electors of President and Vice President of the United States and".

(2) Section 3 of such Act of August 12, 1955 (D.C. Code, sec. 1-1103), is amended by inserting at the end thereof the following new sentence: "The said Commissioners shall from time to time designate the Chairman of the Board."

(3) Paragraph (1) of subsection (a) of section 5 of such Act of August 12, 1955 (D.C. Code, sec. 1-1105), is amended by striking out "permanent".

69 Stat. 700.

(4) Paragraph 3 of subsection (a) of section 5 of such Act of August 12, 1955 (D.C. Code, sec. 1-1105), is amended to read as follows:

"(3) provide for recording and counting votes by means of ballots or machines or both and not less than five days before each election held pursuant to this Act, publish in one or more newspapers of general circulation in the District a copy of the official ballot to be used in any such election;"

Recording and
counting votes.

(5) Section 5 of such Act of August 12, 1955 (D.C. Code, sec. 1-1105), is further amended (A) by striking from the first sentence of subsection (b) "The Board, and persons authorized by it" and inserting in lieu thereof "Each member of the Board and persons authorized by the Board", and by striking the period at the end of subsection (c) thereof and inserting in lieu thereof the following: ", including, a regulation permitting persons not absent from the District but who are physically unable to appear personally at an official registration place, to register in the manner prescribed in such regulation for the purpose of voting in any election held pursuant to this Act."

(6) Paragraphs (6) and (7) of subsection (a) of section 5 of such Act of August 12, 1955 (D.C. Code, sec. 1-1105) are hereby renumbered as paragraphs (7) and (8) respectively, and a new paragraph inserted immediately after paragraph (5) as follows:

"(6) Develop and administer procedures for absentee registration for and voting in any election held under this Act by any person included within the categories referred to in paragraphs (1), (2), (3), or (4) of section 101 of the Federal Voting Assistance Act of 1955 (69 Stat. 584)."

5 USC 2171.

(7) Section 6 of such Act of August 12, 1955 (D.C. Code, sec. 1-1106), is amended by adding at the end thereof the following new subsection:

69 Stat. 700.

"(c) Subject to the approval of the Commissioners of the District of Columbia, the Board is authorized to adopt and use a seal."

(8) Subsection (a) of section 7 of such Act of August 12, 1955 (D.C. Code, sec. 1-1107), is amended to read as follows:

"(a) A person shall be entitled to vote in an election in the District of Columbia only if he is a qualified elector, and except as provided in subsection (e) of this section, he registers in the District during the year in which such election is to be held."

69 Stat. 700.

(9) Paragraphs (2) and (3) of section 7(b) of such Act of August 12, 1955 (D.C. Code, sec. 1-1107), are hereby amended to read as follows:

“(2) he executes a registration affidavit by signature or mark (unless prevented by physical disability) on the form prescribed by the Board pursuant to subsection (c) showing that he meets each of the requirements specified in section 2(2) for a qualified elector or qualifies under procedures established by the Board under paragraph (6) of subsection (a) of section 5 of this Act, and, if he desires to vote in a party election, such form shall show his political party affiliation.”

(10) Section 7(c) of such Act of August 12, 1955 (D.C. Code, sec. 1-1107), is amended by striking “(b)(3)” and inserting in lieu thereof “(b)(2)”.

(11) The first sentence of subsection (d) of section 7 of such Act of August 12, 1955 (D.C. Code, sec. 1-1107), is amended to read as follows: “The registry shall be open from January 1 until forty-five days before the first Tuesday following the first Monday in November during each presidential election year except the forty-five day period which ends on the first Tuesday in May, and except as provided by the Board in the case of a special election. The Board may close the registry on Saturdays, Sundays and holidays.”

(12) So much of subsection (a) of section 8 of such Act of August 12, 1955 (D.C. Code, sec. 1-1108), as precedes clause (1) is amended to read as follows:

“(a) Candidates for office participating in an election of the officials referred to in clauses (1), (2), and (3) of the first section of this Act and of officials designated pursuant to clause (4) of such section shall be the persons registered under section 7 of this Act who have been nominated for such office by a petition—”.

(13) Section 8 of such Act of August 12, 1955 (D.C. Code, sec. 1-1108), is further amended by adding at the end thereof the following new subsections:

“(d) Each political party who has had its candidate elected as President of the United States after January 1, 1950, shall be entitled to nominate candidates for presidential electors. The executive committee of the organization recognized by the national committee of each such party as the official organization of that party in the District of Columbia shall nominate by appropriate means the presidential electors for that party. Nominations shall be made by message to the Board of Elections on or before September 1 next preceding a presidential election.

“(e) The names of the candidates of each political party for President and Vice President shall be placed on the ballot under the title and device, if any, of that party as designated by the duly authorized committee of the organization recognized by the national committee of that party as the official organization of that party in the District. The form of the ballot shall be determined by the Board. The position on the ballot of names of candidates for President and Vice President shall be determined by lot. The names of persons nominated as candidates for electors of President and Vice President shall not appear on the ballot.

“(f) A political party which does not qualify under subsection (d) of this section may have the names of its candidates for President and Vice President of the United States printed on the general election ballot provided a petition nominating the appropriate number of candidates for presidential electors signed by at least 5 per centum of registered qualified electors of the District of Columbia, as of July 1 of the year in which the election is to be held is presented to the Board on or before August 15 preceding the date of the presidential election.

D. C. Code 1-1105.

“(g) No person may be elected to the office of elector of President and Vice President pursuant to this Act unless (1) he is a registered voter in the District and (2) he has been a bona fide resident of the District for a period of three years immediately preceding the date of the presidential election. Each person elected as elector of President and Vice President shall, in the presence of the Board, take an oath or solemnly affirm that he will vote for the candidates of the party he has been nominated to represent, and it shall be his duty to vote in such manner in the electoral college.”

Qualifications of electors.

(14) Subsection (a) of section 9 is amended by striking the second sentence.

69 Stat. 702.
D. C. Code 1-1109.

(15) Subsection (b) of section 9 is amended by striking “ballot” and inserting in lieu thereof “vote” in the first sentence thereof and by inserting at the end thereof the following new sentence: “The Board shall by regulation permit voting for electors of President and Vice President by any registered elector who is absent from the District or who, because of his physical condition, is unable to vote in person at the polling place in his voting precinct on election day”.

(16) Subsection (e) of section 9 of such Act of August 12, 1955 (D.C. Code, sec. 1-1109), is amended by striking “municipal court of the District” and inserting in lieu thereof “municipal court for the District”.

(17) Subsection (g) of section 9 of such Act of August 12, 1955 (D.C. Code, sec. 1-1109), is amended to read as follows:

“(g) No person shall vote more than once in any election, nor shall any person vote in an election held by a political party other than that of which he has declared himself a member.”

(18) Subsection (a) of section 10 of such Act of August 12, 1955 (D.C. Code, sec. 1-1110), is amended by inserting “(1)” immediately after “(a)”, and by adding at the end of such subsection the following:

“(2) The electors of President and Vice President of the United States shall be elected on the Tuesday next after the first Monday in November in every fourth year succeeding every election of a President and Vice President of the United States. Polls shall be open from 8 o'clock antemeridian to 8 o'clock postmeridian on election day. Each vote cast for a candidate for President or Vice President whose name appears on the general election ballot shall be counted as a vote cast for the candidates for presidential electors of the party supporting such presidential and vice presidential candidate. Candidates receiving the highest number of votes in such election shall be declared the winners, except that in the case of a tie it shall be resolved in the same manner as is provided in subsection (c) of this section.”

Election date, method of voting.

(19) Subsection (b) of section 10 of such Act of August 12, 1955 (D.C. Code, sec. 1-1109), is amended by striking “said election” and inserting in lieu thereof “such elections”.

D. C. Code 1-1110.

(20) Section (d) of section 10 is amended by striking “dies” and inserting in lieu thereof “dies, resigns, or becomes unable to serve”, and by striking “local committee” and inserting in lieu thereof “party committee: *Provided*, That such successor shall have the qualifications required by this Act for such office”.

(21) Subsection (b) of section 13 of such Act of August 12, 1955 (D.C. Code, sec. 1-1113), is amended by inserting after the words “a candidate for” the words “elector of President and Vice President,”.

(22) Subsection (d) of section 13 of such Act of August 12, 1955 (D.C. Code, sec. 1-1113), is amended by striking “any national committeeman” and inserting in lieu thereof “any elector, national committeeman”.

(23) Subsection (e) of section 13 of such Act of August 12, 1955 (D.C. Code, sec. 1-1113), is amended by striking from the first

sentence thereof "the election" and inserting in lieu thereof "an election".

(24) Section 14 of such Act of August 12, 1955 (D.C. Code, sec. 1-1114), is amended (A) by striking from the first sentence thereof "if employed in the counting of votes in such elections" and inserting in lieu thereof "if employed in the counting of votes in any election held pursuant to this Act knowingly"; (B) by inserting the word "knowingly" immediately before the words "make any expenditure".

69 Stat. 699.

(25) The title of such Act of August 12, 1955 (D.C. Code), is amended to read as follows: "An Act to regulate the election in the District of Columbia of electors of President and Vice President of the United States and of delegates representing the District of Columbia to national political conventions, and for other purposes."

D. C. Code 1-1102.

(26) Clause (A) of paragraph 2 of section 2 of such Act is amended to read as follows: "(A) who does not claim voting residence or right to vote in any State or Territory; and who, for the purpose of voting in an election under this Act, has resided in the District continuously since the beginning of the one-year period ending on the day of such election;"

3 USC 1-20.

SEC. 2. (a) Chapter 1 of title 3 of the United States Code is amended by adding at the end thereof the following new section:

§ 21. Definitions

"As used in this chapter the term—

"(a) 'State' includes the District of Columbia.

"(b) 'executives of each State' includes the Board of Commissioners of the District of Columbia."

(b) The table of contents of chapter 1 of title 3 of the United States Code is amended by adding at the end thereof the following:

"21. Definitions."

5 USC 2171 note.

(c) For the purposes of the Federal Voting Assistance Act of 1955 (69 Stat. 584) the word "State" shall be deemed to include the District of Columbia.

48 Stat. 322.

SEC. 3. The second paragraph of section 7 of the District of Columbia Alcoholic Beverage Control Act, as amended (sec. 25-107, D.C. Code, 1951 ed.), is amended by inserting after the first sentence the following new sentence: "Notwithstanding any other provision of this Act, the Commissioners shall not authorize the sale by any licensee, other than the holder of a retailer's license, class E, of any beverages on the day of the presidential election in the District of Columbia during the hours when the polls are open, and any such sales are hereby prohibited."

Approved October 4, 1961.

Public Law 87-390

October 4, 1961
[H. R. 8383]

AN ACT

To further amend section 201(i) of the Federal Civil Defense Act of 1950, as amended, and for other purposes.

Civil defense.
Assistance to
States.

64 Stat. 1249; 72
Stat. 532.
50 USC app.
2281.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201(i) of the Federal Civil Defense Act of 1950, as amended, is further amended by inserting after the first proviso the following: "*Provided further,* That retroactive financial contributions which were otherwise approvable, approved and made to the States prior to June 30, 1960, to carry out the purposes of this subsection are hereby ratified and affirmed;"

Approved October 4, 1961.