

1 Brianne K. Nadeau

2 Councilmember Brianne K. Nadeau

David P. Grosso

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4 Robert C. White, Jr.

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11 A BILL

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15 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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20 To amend the District of Columbia Home Rule Act to reform the structure of the Council from
21 unicameral to bicameral, increase legislative representation of the people of the District
22 of Columbia, provide for non-partisan legislative elections, and to amend the Boundaries
23 Act of 1975 to increase the number of election wards from 8 to 9.

24 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
25 act may be cited as the “Enhanced Representation Charter Amendment Act of 2019”.

26 TITLE I. CHARTER AMENDMENT

27 Sec. 2. Title IV of the District of Columbia Home Rule Act, approved December 24,
28 1973 (87 Stat. 787; D.C. Official Code § 1-204.01 *et. seq.*), is amended as follows:

- 29 (a) Strike the word “his” wherever it appears and insert the phrase “his or her” in its
30 place.
31 (b) Strike the word “he” wherever it appears and insert the phrase “he or she” in its place.
32 (c) Section 401 (D.C. Official Code § 1-204.01) is amended to read as follows:
33 “(b)(1) The Council shall be bicameral and consist of a Senate and a House of
34 Representatives. Members shall begin their terms at noon on January 2nd of the year following
35 their election.

36 “(2) The membership of the Senate shall consist of 9 senators elected on a non-
37 partisan basis who shall be elected one each from the 9 election wards established, from time to
38 time, under the District of Columbia Election Act. Senators shall serve 4-year terms. At the
39 beginning of each legislative session, one member of the Senate shall be elected by the members
40 of the Senate to serve as the President of the Senate. The Senate shall confirm appointments
41 made by the Mayor.

42 “(3) The House of Representatives shall consist of 27 representatives elected on a
43 non-partisan basis, 3 each from each of the 9 election wards established, from time to time, under
44 the District of Columbia Election Act. Representatives shall serve 4-year terms, except that
45 Representatives elected for the first term following passage of the Enhanced Representation
46 Charter Amendment Act of 2019 shall serve 2-year terms. At the beginning of each legislative
47 session, one member of the House of Representatives shall be elected by the members of the
48 House of Representatives to serve as the Speaker of the House of Representatives.

49 “(c) Each chamber of the Council may establish and select such other officers,
50 employees, and rules as deemed necessary and appropriate to carry out the functions of the
51 Council.

52 “(d) Each chamber shall establish standing committees, with professional staff, to assist
53 as appropriate and necessary to carry out the functions of the Council.

54 “(e) The Legislative Session begins on January 2nd of odd numbered years and concludes
55 on December 31st of even numbered years.

56 “(f) In the event of a vacancy of a member in the Senate, the President of the Senate shall
57 appoint a new member to fill the unexpired term.

58 “(g) In the event of a vacancy of a member in the House of Representatives, the Speaker
59 shall appoint a new member to fill the unexpired term.

60 “(h) By a 5/6 vote of its members, a chamber may adopt a resolution of expulsion if it
61 finds, based on substantial evidence, that a member of the chamber took an action that amounts
62 to a gross failure to meet the highest standards of personal and professional conduct. Expulsion is
63 the most severe punitive action, serving as a penalty imposed for egregious wrongdoing.
64 Expulsion results in the removal of the member from the chamber. Expulsion should be used in
65 cases in which the chamber determines that the violation of law committed by a member is of the
66 most serious nature, including those violations that substantially threaten the public trust. To
67 protect the exercise of official member duties and the overriding principle of freedom of speech,
68 the chamber shall not impose expulsion on any member for the exercise of his or her First
69 Amendment right, no matter how distasteful the expression of that right was to the chamber and
70 the Washington, D.C., or in the official exercise of his or her office.

71 “(i)(1) The House of Representatives shall have the sole power of impeachment.
72 Impeachments shall be tried by the Senate. A person may not be convicted unless, by rollcall
73 vote, 2/3rds of the membership of the Senate concurs.

74 “(2) The Mayor, Attorney General, and members of the State Board of Education,
75 are subject to impeachment for misconduct in office. Judgment may extend only to removal and
76 disqualification to hold any office in the District of Columbia, but the person convicted or
77 acquitted remains subject to criminal punishment according to law.”.

78 (d) Section 402 (D.C. Official Code § 1-204.02) is amended to read as follows:

79 “(a) No person shall hold the office as a member of the Council unless the individual (1)
80 is a qualified elector; (2) is domiciled in Washington, D.C. and if seeking election to represent a

81 particular ward, resides in the ward from which they seek to represent; (3) has resided and been
82 domiciled in Washington, D.C. for 1 year immediately preceding the day on which the general or
83 special election for such office is to be held; (4) has not been convicted of a felony while holding
84 the office; (5) has not previously been expelled by either chamber of the Council; and (6) holds
85 no public office (other than their employment in and position as a member of the Council, or as
86 provided in subsection (b)), for which he or she is compensated in an amount in excess of his or
87 her actual expenses in connection therewith, except that nothing in this clause shall prohibit any
88 such person, while a member of the Council, from serving as a delegate or alternate delegate to a
89 convention of a political party nominating candidates for President and Vice President of the
90 United States, or from holding an appointment in a reserve component of an armed force of the
91 United States other than a member serving on active duty under a call for more than 30 days. A
92 member of the Council shall forfeit their office upon failure to maintain the qualifications
93 required by this subsection.

94 “(b) To eliminate the appearance of a conflict with the proper discharge of duties,
95 Members of the Council shall not engage in any employment (whether as an employee, self-
96 employed, or providing contracting services) or hold any other position (other than their position
97 in the Council) for which they are compensated in an amount in excess of their actual expenses
98 in connection therewith, except that a member of the Council is exempt from this prohibition for
99 the purposes of a teaching position to provide educational instruction in a primary or secondary
100 institution, a post-secondary institution, or any other institution whose primary function is to
101 educate individuals.

102 (e) Section 403 (D.C. Official Code § 1-204.03) is amended as follows:

103 (1) Subsection (a) is amended as follows:

104 (a) Each member of the Council shall receive compensation, payable in periodic
105 installments. Members of the Senate shall receive an annual compensation of at a rate equal to
106 the maximum rate as may be established from time to time for grade 15 of the General Schedule
107 under §5332 of Title 5 of the United States Code. Members of the House of Representatives shall
108 receive an annual compensation at a rate equal to the maximum rate as may be established from
109 time to time for grade 14 of the General Schedule under §5332 of Title 5 of the United States
110 Code.

111 (2) Subsection (c) is amended by striking the word “Chairman” and inserting the
112 phrase “President of the Senate and Speaker of the House of Representatives” in its place;

113 (3) Subsection (d) is amended by striking the word “Chairman” and inserting the
114 phrase “President of the Senate and Speaker of the House of Representatives” in its place.

115 (f) Section 404 (D.C. Official Code § 1-204.04(e)) is amended as follows:

116 (1) Subsection (e) is amended as follows:

117 (A) Strike the word “Chairman” and insert the phrase “President of the
118 Senate” in its place.

119 (B) Strike the phrase “two-thirds of the members of the Council present”
120 and insert the phrase “two-thirds of the members of each Chamber present” in its place.

121 (2) Subsection (f) is amended by striking the phrase “two-thirds of the members
122 of the Council present” and inserting the phrase “two-thirds of the members of each Chamber
123 present” in its place.

124 (g) Section 411 (D.C. Official Code § 1-204.11) is amended to read as follows:

125 “(a) The President shall be the presiding officer of the Senate, and the Speaker shall be
126 the presiding officer of the House of Representatives.

127 “(b) If the Mayor is impeached, absent from the state, or unable to discharge the powers
128 and duties of the office of Mayor, the President of the Senate shall act as Mayor until the
129 inability shall cease or until the term expires. While the President is acting Mayor, he or she shall
130 not exercise any of his or her authority as President or member of the Senate.”.

131 (h) Section 412 (D.C. Official Code § 1-204.12) is amended as follows:

132 “(a) Each Chamber shall adopt rules for the following:

133 “(1) Procedures for selection of officers;

134 “(2) Procedures for consideration of business in the chamber;

135 “(3) Procedures for investigation, and consideration of, the expulsion of a
136 member;

137 “(4) Procedures for selecting a new or temporary Speaker of the House or
138 President of the Senate in the event of a vacancy, incapacitation, or inability to discharge the
139 powers and duties of the respective office;

140 “(5) Other procedures, protocol, and decorum as deemed necessary by the
141 Chamber.

142 “(b)(1) Each chamber, to discharge the powers and duties imposed herein, shall
143 pass acts and adopt resolutions, upon a vote of a majority of the members of the chamber present
144 and voting, unless otherwise provided in this title or by the chamber. Except as provided in the
145 last sentence of this subsection, the Council shall use acts for all legislative purposes. An act may
146 originate in either chamber of the Council, and all acts passed by one chamber may be amended
147 by the other. Each proposed act shall be read twice by each chamber, with at least 13 days
148 intervening between each reading. Upon final adoption by the Council of matching acts passed
149 by each chamber, the act shall be made immediately available to the public in a manner which

150 the Council shall determine, and presented to the Mayor for signature and transmission to
151 Congress for review. If the Council determines, by a vote of two-thirds of the members of each
152 chamber, that emergency circumstances make it necessary that an act be passed after a single
153 reading, or that it take effect immediately upon enactment, such act shall be effective for a period
154 of not to exceed 90 days.

155 (2) Resolutions shall be used (1) to express simple determinations, decisions, or
156 directions of the Council of a special or temporary character; and (2) to approve or disapprove
157 proposed actions of a kind historically or traditionally transmitted by the Mayor, the Board of
158 Elections, Public Service Commission, Armory Board, Board of Education, the Board of
159 Trustees of the University of the District of Columbia, or the Convention Center Board of
160 Directors to the Council pursuant to an act. Such resolutions must be specifically authorized by
161 that act and must be designed to implement that act.

162 “(c) A special election may be called by resolution of the Council to present for an
163 advisory referendum vote of the people any proposition upon which the Council desires to take
164 action.

165 “(d) A majority of each chamber of the Council shall constitute a quorum for the lawful
166 convening of any meeting and for the transaction of business of the chamber, except a lesser
167 number may hold hearings.”.

168 (i) Section 421(b) (D.C. Official Code § 1-204.21(b)) is amended by striking the term “on
169 a partisan basis” and inserting the word “on a non-partisan basis”.

170 (j) Section 421(c)(2) (D.C. Official Code § 1-204.21(c)) is amended as follows:

171 (1) Strike the word “Chairman” wherever it appears and insert the word
172 “President of the Senate” in its place.

173 (2) Strike the word “Council” wherever it appears and insert the word “Senate” in
174 its place.

175 (k) Section 435(a) (D.C. Official Code § 1-204.35) is amended by striking the phrase
176 “elected on a partisan basis” and inserting the phrase “elected on a non-partisan basis” in its
177 place.

178 TITLE II. CONFORMING AMENDMENTS

179 Sec. 3. Section 2 of the Boundaries Act of 1975, approved December 16, 1975 (D.C. Law
180 1-38, D.C. Official Code § 1-1011.01) is amended as follows:

181 (a) Subsection (c) is amended by striking the number “8” and inserting the number “9” in
182 its place.

183 (b) Subsection (e) is amended by striking the number “8” and inserting the number “9” in
184 its place.

185 Sec. 4. Fiscal impact statement.

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

189 Sec. 4. Effective date.

190 This act shall take effect following ratification by a majority of the registered qualified
191 electors in the District of Columbia voting in a referendum held for such purpose and a 35-day
192 period of Congressional review as provided in section 303 of the District of Columbia Home
193 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-205), and
194 publication in the District of Columbia Register.

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