

A RESOLUTION

23-100

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 14, 2019

To declare the existence of an emergency with respect to the need to amend the District of Columbia Election Code of 1955 to require the Board of Elections to accept absentee ballots postmarked or otherwise proven to have been sent on or before the day of the election and received by the Board of Elections no later than the 7th day after the election, to move the primary election date in presidential election years to the first Tuesday in June, and to require the Board of Elections, at each early voting center, to allow persons to vote in person for not more than 12 days before election day.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Primary Date Alteration Emergency Declaration Resolution of 2019”.

Sec. 2. (a) There exists an immediate need to move the District of Columbia’s primary election date in presidential election years from the 3rd Tuesday in June to the 1st Tuesday in June.

(b) The current primary election date set for 2020 – June 16, 2020 – violates the rules of both the Republican and Democratic Parties. Republican National Committee rules require a primary election to occur during a certain timeframe before the Republican National Convention. As the current primary election date falls outside of this timeframe, the District of Columbia Republican Party is effectively prohibited from participating in the Board of Elections-run primary election. The Democratic National Committee has adopted similar rules, with which the current primary election date set for 2020 does not comply.

(c) Bringing the primary election date into compliance with these rules requires either a date change or the Board of Elections (“Board”) to hold 2 elections – one for local races and one for federal races. Holding separate local and presidential elections would be a waste of District resources. Further, based on historic trends, it would likely discourage voter turnout in the local election and cause voter confusion.

(d) Moving the primary election date to the 1st Tuesday in June would align the District with state primaries in Montana, New Jersey, New Mexico, and South Dakota. Currently, the District holds the last presidential primary election in the country.

(e) A primary election date earlier than the 1st Tuesday in June would raise concerns because it would require candidates to do the bulk of their campaigning over the December holidays after picking up their petitions earlier in the month. This would not provide the time for new candidates to reach voters or give voters the chance to learn about new candidates.

(f) A primary election date earlier than that proposed in the emergency legislation would also limit the ability of candidates to successfully run under the District's new Fair Elections Program for publicly-financed campaigns.

(g) At the Committee on the Judiciary and Public Safety's April 29, 2019, public hearing on identical permanent legislation, the Board raised 2 concerns that this emergency legislation addresses. First, the Board noted that, for a presidential primary election held on the 1st Tuesday in June, the Memorial Day holiday would almost always take place during the early voting period. This emergency legislation therefore adds 2 days of early voting to the current period. Second, the Board noted that it will experience difficulties in processing and fulfilling requests for absentee ballots that are received on or shortly before the deadline for requesting absentee ballots, which is currently the 7th day before an election. This emergency legislation therefore allows the Board to receive absentee ballots up to 7 days after an election, rather than by 8 p.m. on the day of the election, giving all District residents an opportunity to have their absentee vote counted.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Primary Date Alteration Emergency Amendment Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.