

A RESOLUTION

18-487

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 2010

To declare that the sense of the Council is that, beginning in 2012, the date of the District's primary elections will need to be moved to a date no later than the Tuesday of the first full week of August.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council Primary Election Timing Resolution of 2010".

Sec. 2. The Council finds that:

(1) On October 28, 2009, as part of the National Defense Authorization Act of Fiscal Year 2010 (Pub. L. No. 111-84), President Obama signed the Military and Overseas Voter Empowerment Act ("MOVE Act").

(2) Under the MOVE Act, election jurisdictions are required to be capable of transmitting a federal absentee ballot to an absent uniformed services voter or overseas voter at least 45 days before an election.

(3) Because the certification of the District's primary election will not happen more than 45 days before the general election, the District will be unable to comply with the 45-day requirement.

(4) The Executive Director of the District of Columbia Board of Elections and Ethics has testified that the latest possible date on which a primary election could be held that would comply with the 45-day requirement is the Tuesday of the first full week of August.

(5) Because the District will be unable to meet the timing requirement during the 2010 election cycle, the District must apply for a "hardship exemption waiver" for the 2010 general election before August 2010.

(6) One of the requirements for a hardship exemption waiver is the submission of a "comprehensive plan" to "ensure that absent uniformed services voters and overseas voters are able to receive absentee ballots which they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office."

(7) To assist the Board in obtaining a hardship exemption waiver, the Council will need to enact legislation changing the primary election date for federal offices beginning in 2012.

Sec. 3. It is the sense of the Council that the District government will need to move the date of its primary elections for federal offices to a date no later than the Tuesday of the first full week of August.

Sec. 4. The Secretary to the Council of the District of Columbia shall transmit copies of this resolution upon its adoption to the President of the United States, the Attorney General of the United States, the Director of the Federal Voting Assistance Program, and the Executive Director of the District of Columbia Board of Elections and Ethics.

Sec. 5. This resolution shall take effect immediately.



**COUNCIL OF THE DISTRICT OF COLUMBIA  
WASHINGTON, D.C. 20004**

**Council Period Eighteen**

**RECORD OF OFFICIAL COUNCIL VOTE**

Docket No. PR18-854 Resolution No. R18-487

Action & Date ADOPTED, 06-01-09

Item on Consent Calendar

ROLL CALL VOTE -Result ( )

| Councilmember     | Aye | Nay | NV | AB | Councilmember | Aye | Nay | NV | AB | Councilmember            | Aye | Nay | NV | AB |
|-------------------|-----|-----|----|----|---------------|-----|-----|----|----|--------------------------|-----|-----|----|----|
| Chmn Gray         | X   |     |    |    | Brown, M.     | X   |     |    |    | Mendelson                | X   |     |    |    |
| Alexander         | X   |     |    |    | Catania       | X   |     |    |    | Thomas, Jr.              | X   |     |    |    |
| Barry             | X   |     |    |    | Cheh          | X   |     |    |    | Wells                    | X   |     |    |    |
| Bowser            | X   |     |    |    | Evans         | X   |     |    |    |                          |     |     |    |    |
| Brown, K.         | X   |     |    |    | Graham        | X   |     |    |    |                          |     |     |    |    |
| X - Indicate Vote |     |     |    |    | AB - Absent   |     |     |    |    | NV - Present, Not Voting |     |     |    |    |

VOICE VOTE Result APPROVED

Absent ALL PRESENT

Recorded  
Vote  
(On  
Request)

**CERTIFICATE OF RECORD**

Secretary to the Council

Date