

Government of the District of Columbia
Office of the Chief Financial Officer



Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer

DATE: June 19, 2013

SUBJECT: Fiscal Impact Statement – “Board of Elections Petition Circulation Requirements Amendment Act of 2013”

REFERENCE: Bill 20-245 as Introduced

Conclusion

Funds are sufficient in the approved FY 2013 budget, and the proposed FY 2014 through FY 2017 budget and financial plan to implement the bill.

Background

The bill eliminates the requirement¹ that circulators of petitions be registered voters and residents of the District.² If a circulator of a petition is not a resident of the District, the bill requires that he or she register as a petition circulator with the Board of Elections and Ethics (“Board”) and consent to being subject to the subpoena authorities of the District, the Board and the Superior Court of the District of Columbia. These requirements apply to petitions that place initiatives or referendum measures on ballots,³ petitions to nominate candidates for elected office,⁴ and petitions for recalling elected officials.⁵

Financial Plan Impact

Funds are sufficient in the approved FY 2013 budget, and the proposed FY 2014 through FY 2017 budget and financial plan to implement the bill.

¹ By amending the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*)

² The circulators would still have to be at least 18 years of age.

³ D.C. Official Code § 1-1001.16(h)(5)

⁴ D.C. Official Code § 1-1001.08(b)(2)

⁵ D.C. Official Code § 1-1001.17(i)(6)

The Honorable Phil Mendelson

FIS: "Board of Elections Petition Circulation Requirements Amendment Act of 2013," Bill 20-245 as Introduced.

The bill requires that the Board manage the registration of non-resident petition circulators, and it is expected that the Board can absorb this new administrative function within its existing resources.

Because of the District's role as the nation's capital, there is the potential for non-District petitioners to target the District to place referendum initiatives on the ballot. At this time, such a surge is speculative, but if this results in a large increase in the number of petitions and ballot initiatives, it could strain the Board's resources in four areas:

- 1) ***Verification of petition signatures.*** The Board is required to verify ballot initiatives and referendum petitions – including a labor intensive signature verification process. Should the number of petitions surge, the Board may not be able to meet this requirement with existing staffing.
- 2) ***Election costs.*** If a large number of petitions results in more ballot questions, this has the potential to increase the cost of elections due to length of time voters need to vote (possibly requiring more equipment), voter reading assistance, and ballot and instruction printing costs. The Board also cautions that longer ballots may increase potential for poll worker errors.
- 3) ***Training of petition circulators.*** Currently, training is not required of petition circulators, but the Board may determine a training requirement is necessary if the number of circulators surges.
- 4) ***Legal costs.*** Should it be necessary to subpoena an out-of-state petitioner, process server and legal costs may increase due to distance.