Public Law 376 CHAPTER 862

AN ACT

August 12, 1955
[H. R. 191]

To regulate the election of delegates representing the District of Columbia to national political conventions, and for other purposes.

D. C. officials of political parties. Election.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following officials of political parties in the District of Columbia shall be elected as provided in this Act:

(1) National committeemen and national committeewomen;

(2) Delegates to conventions of political parties nominating candidates for the Presidency and Vice Presidency of the United States;

(3) Alternates to the officials referred to in clauses (1) and (2) above, where permitted by political party rules; and

(4) Such members and officials of local committees of political parties as may be designated by the duly authorized local committees of such parties for election at large in the District of Columbia.

DEFINITIONS

SEC. 2. For the purposes of this Act—

(1) The term "District" means the District of Columbia.

(2) The term "qualified elector" means a citizen of the United States (A) who does not claim voting residence or right to vote in any State or Territory, and who has resided in the District continuously since the beginning of the one-year period ending on the day of the next election, or, if such period has not begun, resides in the District; (B) who is, or will be on the day of the next election, twenty-one years old; (C) who has never been convicted of a felony in the United States, or if he has been so convicted, has been pardoned; and (D) who is not mentally incompetent as adjudged by a court of competent jurisdiction.

(3) The term "Board" means the Board of Elections for the District of Columbia provided for by section 3.

CREATION OF BOARD OF ELECTIONS

SEC. 3. There is hereby created a Board of Elections for the District of Columbia, to be composed of three members appointed by the Commissioners of the District of Columbia. The first terms of offices on the Board shall expire, as designated by the Commissioners, one at the close of December 31 of each of the first three years which begin after the date of enactment of this Act. Subsequent terms of each such office shall be three years beginning January 1 following the expiration of the preceding term of such office. Any person appointed to fill a vacant office shall be appointed only for the unexpired term of such office. Until his successor is appointed and has qualified, a member may continue to serve even though the term of the office to which he was appointed has expired.

QUALIFICATIONS AND COMPENSATION OF MEMBERS

SEC. 4. (a) No person shall be a member of the Board unless he qualifies as an elector and resides in the District. No person may be appointed to the Board unless he has resided in the District continuously since the beginning of the three-year period ending on the day he is appointed. Members of the Board shall hold no other paid office or employment in the District government and shall hold no active office, position or employment in the Federal Government. Not more than two members shall be members of the same political party.

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(b) Each member of the Board shall be paid compensation of $25 per day while performing duties under this Act. Except as provided in subsection (a) no person shall be ineligible to serve or to receive compensation as a member of the Board because he occupies another office or position or because he receives compensation (including retirement compensation) from another source. The right to compensation from another source otherwise secured to such a person under the laws of the United States shall not be abridged by the fact of his service or receipt of compensation as a member of the Board, or as an employee of the Board.

FUNCTIONS OF BOARD

SEC. 5. (a) The Board shall—

(1) maintain a permanent registry, keeping it accurate and current;

(2) conduct registrations and elections;

(3) print, distribute, and count ballots, or provide and operate suitable voting machines;

(4) divide the District into appropriate voting precincts, each of which shall contain at least three hundred and fifty registered persons;

(5) operate polling places;

(6) certify nominees and the results of elections; and

(7) perform such other duties as are imposed upon it by this Act.

(b) The Board, and persons authorized by it, may administer oaths to persons executing affidavits pursuant to sections 7 and 8. It may provide for the administering of such other oaths as it considers appropriate to require in the performance of its functions.

(c) The Board may prescribe such regulations as it considers necessary to carry out the purposes of this Act.

(d) The Board may employ necessary personnel, at such rates of compensation as may be fixed by the Commissioners of the District of Columbia, without reference to the provisions of the Classification Act of 1949, as amended.

BOARD TO BE INDEPENDENT AGENCY

SEC. 6. (a) In the performance of its duties, the Board shall not be subject to the direction of any nonjudicial officer of the District.

(b) The District government shall furnish to the Board, upon request of the Board, such space and facilities as are available in public buildings in the District to be used as registration or polling places, and such records, information, services, personnel, offices, and equipment, and such other assistance and facilities, as may be necessary to enable the Board properly to perform its functions. Subject to the approval of the Commissioners of the District of Columbia, privately owned space, facilities and equipment may be rented for the registration, polling, and other functions of the Board.

REGISTRATION

SEC. 7. (a) No person shall vote in any election in the District unless he is a qualified elector and, except as provided in subsection (e), is registered in the District.

(b) No person shall be registered unless—

(1) he is a qualified elector;

(2) he has resided in the District continuously since the beginning of the nine-month period ending on the day he offers to register; and

(3) 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 his political affiliation, and that he meets each of the requirements specified in section 2 (2) for a qualified elector as well as the requirement of paragraph (2) of this subsection.

Registration affidavit form.

(c) In administering the provisions of subsection (b) (3), the Board shall prepare and use a registration affidavit form in which each request for information is readily understandable and can be satisfied by a concise answer or mark. The Board may request additional information required to determine whether the registrant meets the requirements imposed by or referred to in subsection (b).

(d) The registry shall be kept open except during the fifteen-day period ending on the first Tuesday in May of each presidential election year, and except as provided by the Board in the case of a special election. While the registry is open, any person may apply for registration or change his registration.

(e) If a person is not permitted to register, such person, or any qualified candidate, may appeal to the Board, but not later than three days after the registry is closed for the next election. The Board shall decide within five days after the appeal is perfected whether the challenged elector is entitled to register. If the appeal is denied, the appellant may, within three days after such denial, appeal to the municipal court for the District of Columbia. The decision of such court shall be final and not appealable. If the appeal is upheld by either the Board or the court, the challenged elector shall be allowed to register immediately. If the appeal is pending on election day, the challenged elector may cast a ballot marked "challenged", as provided in section 9 (d).

NOMINATIONS: CONTENTS OF BALLOTS

SEC. 8. (a) Candidates for office participating in an election held pursuant to this Act shall be the persons registered under section 7 who have been nominated for such office by a petition—

(1) prepared and presented to the Board in accordance with rules prescribed by the Board, but not later than thirty days before the date of the election; and

(2) signed by not less than one hundred voters, registered under section 7, and of the same political party as the nominee.

(b) No person shall hold elected office pursuant to this Act unless he has been a bona fide resident of the District of Columbia continuously since the beginning of the three-year period ending on the date of the next election, and is a qualified elector registered under section 7.

(c) The Board shall arrange the ballot of each political party so as to enable the voters of such party—

(1) to vote for the candidates duly qualified and nominated for election by such party under this Act; and

(2) to answer in the affirmative or negative such questions relating to the conduct of the affairs of such party as the duly authorized local committee of such party may file with the Board in writing: *Provided, however*, That the questions shall be so filed not later than thirty days before the date of the election.

METHOD OF VOTING

SEC. 9. (a) Voting in all elections shall be secret. Voting may be by paper ballot or voting machine.

(b) The ballot of a person who is registered as a resident of the District shall be valid only if cast in the voting precinct where the residence shown on his registration is located.

(c) Each qualified candidate may have a watcher at each polling place, provided the watcher presents proper credentials signed by the candidate. No one shall interfere with the opportunity of a watcher to observe the conduct of the election at that polling place and the counting of votes. Watchers may challenge prospective voters who are believed to be unqualified to vote.

Challenged ballots.

(d) If the official in charge of the polling place, after hearing both parties to any such challenge or acting on his own initiative with respect to a prospective voter, reasonably believes the prospective voter is unqualified to vote, he shall allow the voter to cast a paper ballot marked "challenged". Ballots so cast shall be segregated, and no such ballot shall be counted until the challenge has been removed as provided in subsection (e).

(e) If a person has been permitted to vote only by challenged ballot, such person, or any qualified candidate, may appeal to the Board within three days after election day. The Board shall decide within seven days after the appeal is perfected whether the voter was qualified to vote. If the appeal is denied, the appellant may within three days of such denial appeal to the municipal court of the District of Columbia. The decision of such court shall be final and not appealable. If the Board decides that the voter was qualified to vote, the word "challenged" shall be stricken from the voter's ballot and the ballot shall be treated as if it had not been challenged.

(f) If the official in charge of the polling place is satisfied that a qualified elector is unable to record his vote by marking the ballot or operating the voting machine, two officials of the polling place shall on the request of the voter enter the voting booth and vote as directed. The officials shall tell no one how the voter voted. The official in charge of the voting place shall make a return of all such voters, giving their names and disabilities.

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

Availability of regulations.

(h) Copies of the regulations of the Board with respect to voting shall be made available to prospective voters at each polling place.

ELECTIONS

SEC. 10. (a) The elections of the officials referred to in clauses (1), (2), and (3) of the first section and of officials designated pursuant to clause (4) of such section shall be held on the first Tuesday in May of each presidential election year. Any such election shall be conducted by the Board in conformity with the provisions of this Act. Polls shall be open from 8 o'clock antemeridian to 8 o'clock postmeridian on election days.

(b) Candidates receiving the highest number of votes in said election shall be declared the winners.

(c) In the case of a tie, the candidates receiving the tie vote shall cast lots before the Board, at 12 o'clock noon on a date to be set by the Board, but not sooner than ten days following the election, and the one to whom the lot shall fall shall be declared the winner. If any candidate or candidates, receiving a tie vote, fail to appear before

12 o'clock noon on said day, the Board shall cast lots for him or them. For the purpose of casting lots any candidate may appear in person, or by proxy appointed in writing.

Death of elected official.

(d) In the event that any official elected pursuant to this Act dies during his or her term of office leaving no person elected pursuant to this Act to serve the remainder of the unexpired term of office, the successor or successors to serve the remainder of such term shall be chosen pursuant to the rules of the duly authorized local committee.

RECOUNTS AND CONTESTS

SEC. 11. (a) If, within seven days after the Board certifies the results of an election, any qualified candidate at such election petitions the Board to have the votes cast at such election recounted in one or more voting precincts, the Board shall order such recount. In each such case, the petitioner shall deposit a fee of $20 for each precinct petitioned to be recounted. If the cost of the recount is less than $20 per precinct, the difference shall be refunded. If the result of the election is changed as a result of the recount, the entire amount deposited by the petitioner shall be refunded. Such recounts shall be conducted in the manner prescribed by the Board by regulation.

(b) Within seven days after the Board certifies the results of an election, any person who voted in the election may petition the United States District Court for the District of Columbia to review such election. In response to such a petition, the court may set aside the results so certified and declare the true results of the election, or void the election in whole or in part. To determine the true results of an election the court may order a recount or take other appropriate action, whether or not a recount has been conducted or requested pursuant to subsection (a). The court shall void an election only for fraud, mistake, the making of expenditures by a candidate in violation of this Act, or other defect, serious enough to vitiate the election as a fair expression of the will of the registered qualified electors voting therein. If the court voids an election it may order a special election, which shall be conducted in such manner (comparable to that prescribed for regular elections), and at such time, as the Board shall prescribe. The decision of such court shall be final and not appealable.

INTERFERENCE WITH REGISTRATION OR VOTING

SEC. 12. No one shall interfere with the registration or voting of another person, except as it may be reasonably necessary in the performance of a duty imposed by law.

EXPENDITURES

Appropriation.

SEC. 13. (a) There are hereby authorized to be appropriated, out of any money in the Treasury to the credit of the District of Columbia not otherwise appropriated, such amounts as may be necessary to carry out the purposes of this Act.

(b) Subject to the penalties provided in this Act, a candidate for national committeeman, national committeewoman, delegate, or alternate, in his campaign for election, shall not make expenditures in excess of $2,500.

(c) No independent committee or party committee shall receive contributions aggregating more than $100,000, or make expenditures aggregating more than $100,000 for any campaign covered by this Act.

(d) No person shall, directly or indirectly, make contribution in an aggregate amount in excess of $5,000 in connection with any campaign

for election of any national committeeman, national committeewoman, delegate, or alternate.

(e) Every candidate and independent committee or party committee shall, within ten days after the election, file with the Board of Elections an itemized statement, subscribed and sworn to, by the candidate or committee treasurer, as the case may be, setting forth all moneys received and expended in connection with said election, the names of persons from whom received and to whom paid, and the purpose for which it was expended. Such statement shall set forth any unpaid debts and obligations incurred by the candidate or independent committee or party committee with regard to such election, and specify the balance, if any, of such election funds remaining in his or their hands.

PENALTIES

SEC. 14. Any person who shall register, or attempt to register, under the provisions of this Act and make any false representations as to his place of residence or his voting privilege in any other part of the United States, or be guilty of bribery or intimidation of any voter at the elections herein provided for, or, being registered, shall vote or attempt to vote more than once in any election so held, or shall purloin or secrete any of the votes cast in such elections, or attempt to vote in an election held by a political party other than that to which he has declared himself to be affiliated, or, if employed in the counting of votes in such elections, make a false report in regard thereto, and every candidate, person, or official of any political committee who shall make any expenditure or contribution in violation of this Act, shall upon conviction thereof be fined not more than $500 or be imprisoned not more than ninety days, or both. The provisions of this section shall be supplemental to and not in derogation of any penalties under other laws of the District of Columbia.

Approved August 12, 1955.

Public Law 377 CHAPTER 863

August 12, 1955
[S. 2501]

AN ACT

To provide grants to assist States to meet the cost of poliomyelitis vaccination programs, and for other purposes.

Poliomyelitis Vaccination Assistance Act of 1955.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Poliomyelitis Vaccination Assistance Act of 1955".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. There is hereby authorized to be appropriated, to remain available until February 15, 1956, such sums as may be necessary for making payments to States which have submitted, and had approved by the Surgeon General, applications for grants under this Act.

ALLOTMENTS TO STATES

SEC. 3. (a) From the sums appropriated pursuant to section 2, the Surgeon General shall allot to each State which has an application approved pursuant to section 4—

(1) an amount equal to 33⅓ per centum of the number of unvaccinated eligible persons in such State multiplied by the product of (A) the cost of the poliomyelitis vaccine per eligible person, and (B) the State's allotment percentage; and