

113TH CONGRESS
1ST SESSION

H. R. 299

To restore the Federal electoral rights of the residents of the District of Columbia, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 2013

Mr. ROHRABACHER introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Oversight and Government Reform and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To restore the Federal electoral rights of the residents of the District of Columbia, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “District of Columbia
5 Voting Rights Restoration Act of 2013”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) There is no reason, either historically or by
2 virtue of law, why the people of the District of Co-
3 lumbia, the capital of the United States of America,
4 should not have full voting representation in the
5 Congress of the United States.

6 (2) Article I, section 8, clause 17 of the Con-
7 stitution of the United States, which authorized the
8 creation of the District of Columbia, provides only
9 that the Congress shall have “exclusive legislation in
10 all cases whatsoever” over that District.

11 (3) The same clause of the Constitution pro-
12 vides that Congress “shall exercise like authority
13 over” other Federal territories that have been pur-
14 chased from the States for Federal purposes. Resi-
15 dents of other Federal enclaves, though also denied
16 voting rights after becoming subject to exclusive
17 Federal jurisdiction, have had restored their right to
18 vote for and serve as elected Federal officials from
19 their respective States which ceded the Federal en-
20 claves to the United States.

21 (4) Congress has exercised its authority to reg-
22 ulate Federal elections under article I, section 4 of
23 the Constitution to set the legal requirements that
24 States must follow in establishing Congressional dis-
25 tricts. Congress has also exercised this authority to

1 require States to allow United States citizens who
2 are former residents, and their children who are
3 United States citizens, who are living overseas to
4 vote in Federal elections in the previous State of res-
5 idence, notwithstanding the fact that such former
6 residents and their children may have no intention
7 of returning or establishing residence in that State,
8 and notwithstanding the fact that such citizens are
9 not subject to the laws of that State, including tax
10 laws.

11 (5) The entire territory of the current District
12 of Columbia was ceded to the United States by the
13 State of Maryland, one of the original 13 States of
14 the United States. The portion of the original Dis-
15 trict of Columbia ceded to the United States by the
16 Commonwealth of Virginia was returned to the au-
17 thority of that state in 1846, and the people who
18 now reside in that area vote as citizens of the Com-
19 monwealth of Virginia.

20 (6) The Supreme Court of the United States
21 has found that the cession of legislative authority
22 over the territory that became the District of Colum-
23 bia by the States of Maryland and Virginia did not
24 remove that territory from the United States, and
25 that the people who live in that territory are entitled

1 to all the rights, guarantees, and immunities of the
 2 Constitution that they formerly enjoyed as citizens
 3 of those States. *O'Donoghue v. United States*, 289
 4 U.S. 516 (1933); *Downes v. Bidwell*, 182 U.S. 244
 5 (1901). Among those guarantees are the right to
 6 equal protection of the laws and the right to partici-
 7 pate, equally with other Americans, in a Republican
 8 form of government.

9 (7) Since the people who lived in the territory
 10 that now makes up the District of Columbia once
 11 voted in Maryland as citizens of Maryland, and Con-
 12 gress by adoption of the Organic Act of 1801 sev-
 13 ered the political connection between Maryland and
 14 the District of Columbia by statute, Congress has
 15 the power by statute to restore Maryland state citi-
 16 zenship rights, including Federal electoral rights,
 17 that it took away by enacting the Organic Act of
 18 1801.

19 **SEC. 3. RESTORATION OF RIGHT OF DISTRICT OF COLUM-**
 20 **BIA RESIDENTS TO PARTICIPATE AS MARY-**
 21 **LAND RESIDENTS IN CONGRESSIONAL ELEC-**
 22 **TIONS.**

23 (a) IN GENERAL.—Notwithstanding any other provi-
 24 sion of law, for purposes of representation in the House
 25 of Representatives and Senate, the right of the people of

1 the District of Columbia to be eligible to participate in
 2 elections for the House of Representatives and Senate as
 3 Maryland residents in accordance with the laws of the
 4 State of Maryland, is hereby restored.

5 (b) ELIGIBILITY TO HOLD CONGRESSIONAL OF-
 6 FICE.—Notwithstanding any other provision of law, for
 7 purposes of determining eligibility to serve as a Member
 8 of the House of Representatives or Senate, the right of
 9 the residents of the District of Columbia to be considered
 10 inhabitants of the State of Maryland is hereby restored.

11 (c) EFFECTIVE DATE.—This section shall apply with
 12 respect to elections for Federal office occurring during
 13 2014 and any succeeding year.

14 **SEC. 4. RESTORATION OF RIGHT OF DISTRICT OF COLUM-**
 15 **BIA RESIDENTS TO PARTICIPATE AS MARY-**
 16 **LAND RESIDENTS IN PRESIDENTIAL ELEC-**
 17 **TIONS.**

18 (a) IN GENERAL.—Notwithstanding any other provi-
 19 sion of law, the right of the people of the District of Co-
 20 lumbia to be eligible to participate in elections for electors
 21 of President and Vice President, and to serve as such elec-
 22 tors as Maryland residents in accordance with the laws
 23 of the State of Maryland, is hereby restored.

24 (b) ELIGIBILITY TO SERVE AS ELECTORS.—Notwith-
 25 standing any other provision of law, for purposes of deter-

1 mining eligibility to serve as electors of President and Vice
 2 President, the right of the residents of the District of Co-
 3 lumbia to be considered inhabitants of the State of Mary-
 4 land is hereby restored.

5 (c) TERMINATION OF APPOINTMENT OF SEPARATE
 6 ELECTORS BY DISTRICT OF COLUMBIA.—In accordance
 7 with the authority under sections 1 and 2 of the 23rd
 8 amendment to the Constitution and the authority under
 9 article I, section 8, to legislate for the District of Colum-
 10 bia, and notwithstanding any other provision of law, Con-
 11 gress directs that no electors of President and Vice Presi-
 12 dent shall be appointed by the District of Columbia and
 13 that no votes from such electors shall be cast or counted
 14 in the electoral vote for President and Vice President.

15 (d) CONFORMING AMENDMENT.—

16 (1) IN GENERAL.—Chapter 1 of title 3, United
 17 States Code, is amended by striking section 21.

18 (2) CLERICAL AMENDMENT.—The table of sec-
 19 tions for chapter 1 of title 3, United States Code,
 20 is amended by striking the item relating to section
 21 21.

22 **SEC. 5. COMPOSITION OF HOUSE OF REPRESENTATIVES.**

23 (a) NUMBER AND APPORTIONMENT OF MARYLAND
 24 MEMBERS.—For purposes of determining the number and
 25 apportionment of the Members of the House of Represent-

atives from the State of Maryland for the One Hundred Fourteenth Congress and each succeeding Congress, the population of the District of Columbia shall be added to the population of Maryland under the decennial census.

(b) INCREASE IN MEMBERSHIP OF HOUSE OF REPRESENTATIVES.—

(1) PERMANENT INCREASE IN NUMBER OF MEMBERS.—Effective with respect to the One Hundred Fourteenth Congress and each succeeding Congress, the House of Representatives shall be composed of 436 Members.

(2) REAPPORTIONMENT OF MEMBERS RESULTING FROM INCREASE.—

(A) IN GENERAL.—Section 22(a) of the Act entitled “An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress”, approved June 28, 1929 (2 U.S.C. 2a(a)), is amended by striking “the then existing number of Representatives” and inserting “the number of Representatives established with respect to the One Hundred Fourteenth Congress”.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply with re-

1 spect to the regular decennial census conducted
2 for 2020 and each subsequent regular decennial
3 census.

4 (c) PROHIBITING DIVISION OF DISTRICT OF COLUM-
5 BIA INTO SEPARATE CONGRESSIONAL DISTRICTS.—

6 (1) IN GENERAL.—Notwithstanding subsection
7 (a), in establishing Congressional districts after the
8 effective date of this section, the State of Maryland
9 shall ensure that the entire area of the District of
10 Columbia is included in the same Congressional dis-
11 trict (except as provided in paragraph (2)).

12 (2) SPECIAL RULE IF POPULATION OF DISTRICT
13 EQUALS OR EXCEEDS AVERAGE POPULATION OF
14 MARYLAND CONGRESSIONAL DISTRICTS.—If the pop-
15 ulation of the District of Columbia equals or exceeds
16 the average population of a Congressional district in
17 the State of Maryland under the decennial census
18 used for the apportionment of the Members of the
19 House of Representatives from the State of Mary-
20 land, the State of Maryland shall ensure that at
21 least one Congressional district in the State consists
22 exclusively of territory within the District of Colum-
23 bia.

24 (3) SPECIAL RULE FOR INITIAL DISTRICT.—
25 Until the State of Maryland establishes Congres-

1 sional districts to take into account the enactment of
2 this section, the Congressional district of the addi-
3 tional Representative to which the State is entitled
4 under this section shall consist exclusively of the
5 area of the District of Columbia.

6 **SEC. 6. COORDINATION OF ELECTION ADMINISTRATION.**

7 (a) APPLICATION OF MARYLAND ELECTION LAWS.—

8 (1) IN GENERAL.—Federal elections in the Dis-
9 trict of Columbia shall be administered and carried
10 out by the State of Maryland, in accordance with the
11 applicable laws of the State of Maryland.

12 (2) TREATMENT OF DISTRICT AS UNIT OF
13 LOCAL GOVERNMENT.—For purposes of the laws of
14 the State of Maryland which apply to Federal elec-
15 tions in the District of Columbia pursuant to para-
16 graph (1), the District of Columbia shall be consid-
17 ered to be a unit of local government within the
18 State of Maryland with responsibility for the admin-
19 istration of Federal elections.

20 (b) CONFORMING AMENDMENTS TO HELP AMERICA
21 VOTE ACT OF 2002.—

22 (1) TREATMENT OF DISTRICT OF COLUMBIA AS
23 PART OF MARYLAND.—Section 901 of the Help
24 America Vote Act of 2002 (42 U.S.C. 15541) is
25 amended—

1 (A) by striking “the District of Columbia”;

2 (B) by striking “In this Act” and inserting

3 “(a) IN GENERAL.—In this Act”; and

4 (C) by adding at the end the following new
5 subsection:

6 “(b) SPECIAL RULE FOR STATE OF MARYLAND AND
7 DISTRICT OF COLUMBIA.—For purposes of this Act, the
8 following shall apply:

9 “(1) The voting age population of the State of
10 Maryland shall be considered to include the voting
11 age population of the District of Columbia for pur-
12 poses of sections 101(d)(4) and 252(b).

13 “(2) The District of Columbia shall be consid-
14 ered a unit of local government or jurisdiction lo-
15 cated within the State of Maryland.

16 “(3) An election for Federal office taking place
17 in the District of Columbia shall be considered to
18 take place in the State of Maryland.”.

19 (c) CONFORMING AMENDMENTS TO OTHER FEDERAL
20 ELECTION LAWS.—

21 (1) UNIFORMED AND OVERSEAS CITIZENS AB-
22 SENTEE VOTING ACT.—

23 (A) IN GENERAL.—Title I of the Uni-
24 formed and Overseas Citizens Absentee Voting

1 Act (42 U.S.C. 1973ff et seq.) is amended by
2 adding at the end the following new section:

3 **“SEC. 108. SPECIAL RULE FOR STATE OF MARYLAND AND**
4 **DISTRICT OF COLUMBIA.**

5 “For purposes of this title, the following shall apply:

6 “(1) An absent uniformed services voter or
7 overseas voter who is a resident of the District of
8 Columbia shall be considered to be a resident of the
9 State of Maryland.

10 “(2) An election for Federal office taking place
11 in the District of Columbia shall be considered to
12 take place in the State of Maryland.

13 “(3) The State of Maryland, and the election
14 officials of the State of Maryland, shall be respon-
15 sible for carrying out the provisions of this title with
16 respect to voters who are residents of the District of
17 Columbia.”.

18 (B) CONFORMING AMENDMENT.—Section
19 107(6) of the Uniformed and Overseas Citizens
20 Absentee Voting Act (42 U.S.C. 1973ff–6) is
21 amended by striking “the District of Colum-
22 bia,”.

23 (2) NATIONAL VOTER REGISTRATION ACT OF
24 1973.—

1 (A) IN GENERAL.—The National Voter
2 Registration Act of 1973 (42 U.S.C. 1973gg et
3 seq.) is amended—

4 (i) by redesignating section 13 as sec-
5 tion 14; and

6 (ii) by adding at the end the following
7 new section:

8 **“SEC. 12. SPECIAL RULE FOR STATE OF MARYLAND AND**
9 **DISTRICT OF COLUMBIA.**

10 “For purposes of this Act, the following shall apply:

11 “(1) The District of Columbia shall be consid-
12 ered a registrar’s jurisdiction within the State of
13 Maryland.

14 “(2) An election for Federal office taking place
15 in the District of Columbia shall be considered to
16 take place in the State of Maryland.

17 “(3) The State of Maryland, and the election
18 officials of the State of Maryland, shall be respon-
19 sible for carrying out this Act with respect to the
20 District of Columbia, except that—

21 “(A) section 5 shall apply to motor vehicle
22 driver’s license applications and the motor vehi-
23 cle authority of the District of Columbia in the
24 same manner as that section applies to a State,
25 and the State of Maryland shall provide the

1 District of Columbia with such forms and other
 2 materials as the District of Columbia may re-
 3 quire to carry out that section; and

4 “(B) the District of Columbia shall des-
 5 ignate voter registration agencies under section
 6 7 in the same manner as a State, and the State
 7 of Maryland shall provide the District of Co-
 8 lumbia with such forms and other materials as
 9 the District of Columbia may require to carry
 10 out that section.”.

11 (B) CONFORMING AMENDMENT.—Section
 12 3(4) of such Act (42 U.S.C. gg–1(4)) is amend-
 13 ed by striking “and the District of Columbia”.

14 (3) VOTING ACCESSIBILITY FOR THE ELDERLY
 15 AND HANDICAPPED ACT.—

16 (A) IN GENERAL.—The Voting Accessi-
 17 bility for the Elderly and Handicapped Act (42
 18 U.S.C. 1973ee et seq.) is amended—

19 (i) by redesignating section 8 as sec-
 20 tion 9; and

21 (ii) by inserting after section 7 the
 22 following new section:

23 “SPECIAL RULE FOR STATE OF MARYLAND AND DISTRICT
 24 OF COLUMBIA

25 “SEC. 8. For purposes of this Act, the following shall
 26 apply:

1 “(1) The District of Columbia shall be consid-
2 ered a political subdivision of the State of Maryland.

3 “(2) An election for Federal office taking place
4 in the District of Columbia shall be considered to
5 take place in the State of Maryland.

6 “(3) The State of Maryland shall be responsible
7 for carrying out this Act with respect to the District
8 of Columbia.”.

9 (B) CONFORMING AMENDMENT.—Section
10 8(5) of such Act (42 U.S.C. 1973ee–6(5)) is
11 amended by striking “the District of Colum-
12 bia,”.

13 (d) CONFORMING AMENDMENT TO HOME RULE
14 ACT.—Section 752 of the District of Columbia Home Rule
15 Act (sec. 1–207.52, D.C. Official Code) is amended by
16 striking the period at the end and inserting the following:
17 “, except to the extent required under section 5 of the
18 District of Columbia Voting Rights Restoration Act of
19 2013.”.

20 (e) OTHER CONFORMING AMENDMENT TO DISTRICT
21 OF COLUMBIA ELECTION LAW.—The District of Columbia
22 Elections Code of 1955 is amended by adding at the end
23 the following new section:

1 **“SEC. 18. APPLICABILITY OF MARYLAND ELECTION LAW**
2 **FOR ADMINISTRATION OF FEDERAL ELEC-**
3 **TIONS.**

4 “Notwithstanding any other provision of this Code or
5 other law or regulation of the District of Columbia—

6 “(1) any election for Federal office in the Dis-
7 trict of Columbia shall be administered and carried
8 out by the State of Maryland, in accordance with the
9 applicable law of the State of Maryland; and

10 “(2) no provision of this Code shall apply with
11 respect to any election for Federal office to the ex-
12 tent that the provision is inconsistent with the appli-
13 cable law of the State of Maryland.”.

14 (f) **EFFECTIVE DATE.**—This section and the amend-
15 ments made by this section shall apply with respect to
16 elections for Federal office occurring during 2014 and any
17 succeeding year.

18 **SEC. 7. REPEAL OF OFFICE OF DISTRICT OF COLUMBIA**
19 **DELEGATE.**

20 (a) **IN GENERAL.**—Sections 202 and 204 of the Dis-
21 trict of Columbia Delegate Act (Public Law 91–405; sec-
22 tions 1–401 and 1–402, D.C. Official Code) are repealed,
23 and the provisions of law amended or repealed by such
24 sections are restored or revived as if such sections had
25 not been enacted.

1 (b) CONFORMING AMENDMENTS TO DISTRICT OF CO-
2 LUMBIA ELECTIONS CODE OF 1955.—The District of Co-
3 lumbia Elections Code of 1955 is amended—

4 (1) in section 1 (sec. 1–1001.01, D.C. Official
5 Code), by striking “the Delegate to the House of
6 Representatives”;

7 (2) in section 2 (sec. 1–1001.02, D.C. Official
8 Code)—

9 (A) by striking paragraph (6), and

10 (B) in paragraph (13), by striking “the
11 Delegate to Congress for the District of Colum-
12 bia”;

13 (3) in section 8 (sec. 1–1001.08, D.C. Official
14 Code)—

15 (A) by striking “Delegate” in the heading,
16 and

17 (B) by striking “Delegate,” each place it
18 appears in subsections (h)(1)(A), (i)(1), and
19 (j)(1);

20 (4) in section 10 (sec. 1–1001.10, D.C. Official
21 Code)—

22 (A) by striking subparagraph (A) of sub-
23 section (a)(3), and

24 (B) in subsection (d)—

1 (i) by striking “Delegate,” each place
 2 it appears in paragraph (1), and

3 (ii) by striking paragraph (2) and re-
 4 designating paragraph (3) as paragraph
 5 (2);

6 (5) in section 15(b) (sec. 1–1001.15(b), D.C.
 7 Official Code), by striking “Delegate,”; and

8 (6) in section 17(a) (sec. 1–1001.17(a), D.C.
 9 Official Code), by striking “except the Delegate to
 10 the Congress from the District of Columbia”.

11 (c) EFFECTIVE DATE.—The amendments made by
 12 this section shall apply with respect to elections occurring
 13 during 2014 and any succeeding year.

14 **SEC. 8. REPEAL OF OFFICES OF STATEHOOD REPRESENTA-**
 15 **TIVE AND SENATOR.**

16 (a) IN GENERAL.—Section 4 of the District of Co-
 17 lumbia Statehood Constitutional Convention Initiative of
 18 1979 (sec. 1–123, D.C. Official Code) is amended by strik-
 19 ing subsections (d) through (h).

20 (b) CONFORMING AMENDMENTS.—

21 (1) STATEHOOD COMMISSION.—Section 6 of
 22 such Initiative (sec. 1–125, D.C. Official Code) is
 23 amended—

24 (A) in subsection (a)—

- 1 (i) by striking “27 voting members”
2 and inserting “24 voting members”,
3 (ii) by adding “and” at the end of
4 paragraph (4); and
5 (iii) by striking paragraphs (5) and
6 (6) and redesignating paragraph (7) as
7 paragraph (5); and
8 (B) in subsection (a–1)(1), by striking sub-
9 paragraphs (F), (G), and (H).

10 (2) AUTHORIZATION OF APPROPRIATIONS.—
11 Section 8 of such Initiative (sec. 1–127, D.C. Offi-
12 cial Code) is hereby repealed.

13 (3) APPLICATION OF HONORARIA LIMITA-
14 TIONS.—Section 4 of D.C. Law 8–135 (sec. 1–131,
15 D.C. Official Code) is hereby repealed.

16 (4) APPLICATION OF CAMPAIGN FINANCE
17 LAWS.—Section 3 of the Statehood Convention Pro-
18 cedural Amendments Act of 1982 (sec. 1–135, D.C.
19 Official Code) is hereby repealed.

20 (5) LIST OF ELECTED OFFICIALS.—Section
21 2(13) of the District of Columbia Elections Code of
22 1955 (sec. 1–1001.02(13), D.C. Official Code) is
23 amended by striking “United States Senator and
24 Representative,”.

1 **SEC. 9. NONSEVERABILITY OF CERTAIN PROVISIONS.**

2 If any provision of sections 3, 5(a), or 5(b) of this
3 Act, or the application thereof to any person or cir-
4 cumstance, is held invalid, the remaining provisions of this
5 Act or any amendment made by this Act shall be treated
6 as invalid.

7 **SEC. 10. RULES OF CONSTRUCTION.**

8 Nothing in this Act may be construed—

9 (1) to permit residents of the District of Colum-
10 bia to vote in elections for State or local office in the
11 State of Maryland or to permit nonresidents of the
12 District of Columbia to vote in elections for local of-
13 fice in the District of Columbia;

14 (2) to affect the power of Congress under arti-
15 cle I, section 8, clause 17 of the Constitution to ex-
16 ercise exclusive legislative authority over the District
17 of Columbia; or

18 (3) to affect the powers of the Government of
19 the District of Columbia under the District of Co-
20 lumbia Home Rule Act (except as specifically pro-
21 vided in this Act).

○