

Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL
JUDICIARY SQUARE
441 FOURTH ST., N.W.
WASHINGTON, D. C. 20001



IN REPLY REFER TO:
AC-99-202

May 4, 1999

Steve Leraris
4020 Arkansas Avenue, N.W.
Washington, D.C. 20011

Re: ANC Commissioner car registration in Maryland

Dear Mr. Leraris:

This responds to your letter of April 2, 1999 wherein you asked whether "it is legal for an ANC Commissioner to hold office and have her car registered in the State of Maryland?" You attached a copy of a Maryland car registration of Vivian L. Portis, ANC 4C Commissioner. Your question really involves two separate issues. The first issue is what are the requirements for holding office as an ANC Commissioner. The second issue is whether any resident of the District, including an ANC Commissioner, may lawfully register their car in another state.

The requirements that Ms. Portis must meet in order to be an ANC Commissioner are: 1) she is a registered qualified elector; 2) she actually resides in the single-member district from which she was elected; 3) she has resided in the single-member district continuously for 60 days prior to the date of filing of a nominating petition; and 4) she holds no other elected office. D.C. Code § 1-256(a). These requirements are the only restrictions on Ms. Portis' status as an ANC Commissioner.

Ms. Portis, like any other resident, must register her car in the District if she meets two criteria: residency and operation of the car in the District¹. However, there are several lawful ways for a person residing in the District to maintain a vehicle registration from another state. I understand that you contacted DMV on this issue and feel that you were not given a satisfactory answer. However, DMV is merely the adjudicatory body with respect to vehicle violations, not the enforcement body. If you have any questions about the applicability of the vehicle registration laws to a particular situation, you may

¹ I am told by Counsel to DPW and DMV that merely "housing" the vehicle in D.C. is not tantamount to operation of the vehicle in the District.

contact Gwen Mitchell, Administrator, Parking Enforcement Administration of the Department of Public Works, at 541-6065.

I do not have sufficient facts to determine whether Ms. Portis lawfully may hold office as an ANC Commissioner while registering her car in Maryland. She may meet the single-member district residency and other requirements for an ANC Commissioner as described above and also qualify to register her car in Maryland. Alternatively, while qualifying as an ANC Commissioner, she may be ineligible to register her car in Maryland and have failed to register her car as required under District law. If the latter is true, her failure to register her car in the District nevertheless would be irrelevant to her status as an ANC Commissioner. On the other hand, if Ms. Portis has registered her car in Maryland because she is now a resident of Maryland, then she no longer resides in the single-member district from which she was elected and the District of Columbia Board of Elections and Ethics may declare her seat on the ANC vacant under the procedures outlined in Title 3 of the District of Columbia Municipal Regulations, Chapter 13. (Copies attached.) If you have any evidence that Ms. Portis is no longer a resident of the single-member district from which she was elected, you may wish to present it to the Board of Elections and Ethics, which will then take any further action it considers to be appropriate. The Board's General Counsel is Kenneth J. McGhie, who can be reached at 727-2525.

You also raised a concern that Ms. Portis is not paying taxes to the District. Any allegations pertaining to a person's status as a taxpayer in the District should be directed to George Fields, Chief of Criminal Investigations at the Office of Tax and Revenue, at 442-6874.

If you have any additional questions with regard to this matter, please do not hesitate to contact me at 727-3400.

Sincerely,



Annette B. Elseth
Assistant Corporation Counsel
Legal Counsel Division

Attachments

bcc: Warren Graves
Director
Office of Intergovernmental Relations