Re: Interference in another Commissioner’s single-member district

Director Grant:

You have asked us to advise on a question your office has received: whether the Advisory Neighborhood Commissions Act of 1975 (“ANC Act”)\(^1\) prohibits a Commissioner from “interfering” within the single-member district of another Commissioner by speaking with businesses and community members from the other Commissioner’s single-member district, or holding events in that single-member district, without consulting with or involving that other Commissioner. No such prohibition exists.

Single-member districts play an important role in the operations of an ANC. Under the Home Rule Act, Advisory Neighborhood Commissioners are “elected from single-member districts within each neighborhood commission area by the registered qualified electors of such district.”\(^2\) Likewise, under the ANC Act, each single-member district Commissioner is entitled to “equal access to the Commission office and its records in order to carry out Commission duties and responsibilities,”\(^3\) and entitled to advance notice of certain proposed governmental actions that may affect neighborhood planning and development in that Commissioner’s single-member district.\(^4\)

Even so, single-member districts are electoral districts, not territorial units. Although each Commissioner elected from a single-member district can fairly be described as a representative of that district, nothing in the ANC Act, or any other District law, gives a single-member district Commissioner any control over activities that take place within that Commissioner’s district.

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\(^1\) Effective October 10, 1975 (D.C. Law 1-21; D.C. Official Code § 1-309.01 et seq.).
\(^2\) D.C. Official Code § 1-207.38(b); see id. § 1-309.03 (Council establishes single-member district boundaries by act).
\(^3\) Id. § 1-309.13(p).
\(^4\) See, e.g., id. § 1-309.10(b).
For instance, a single Commissioner has no authority to determine how ANC funds will be spent within that Commissioner’s single-member district, or to offer recommendations entitled to great weight about policies affecting that district. Any ANC authority on those and others matters within a single-member district is exercised by the ANC as a body, rather than by any single Commissioner.² Nor does anything in District law restrict a Commissioner’s activities to his or her own single-member district. Accordingly, the ANC Act leaves Commissioners free – just as private citizens are – to travel to, speak to people in, and conduct events in other single-member districts, without any requirement that they first consult the Commissioners elected from those other districts. Commissioners may choose to do this kind of consultation as a matter of etiquette, but it is not required as a matter of law.

Sincerely,

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(AL-22-181)

² See id. §§ 1-309.10(d) (great weight applies only to recommendations of the ANC as a whole) and 1-309.13(f)(1) (expenditure of Commission funds requires the approval of the ANC).