




Councilmember Charles Allen



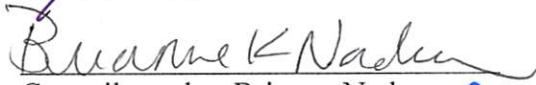
Councilmember David Grosso



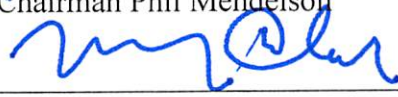
Councilmember Robert C. White Jr.



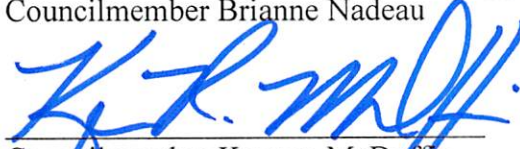
Chairman Phil Mendelson



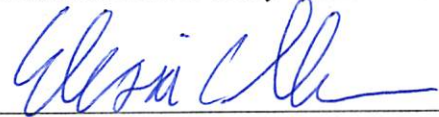
Councilmember Brianne Nadeau



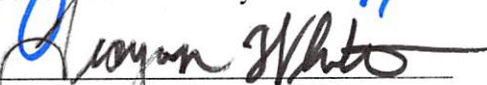
Councilmember Mary Cheh



Councilmember Kenyan McDuffie



Councilmember Elissa Silverman



Councilmember Trayon White

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To reform campaign financing and to provide for publicly funded political campaigns.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fair Elections Act of 2017".

Sec. 2. Definitions.

For the purposes of this act, the term:

31 (1) "Base amount" means the amount participating candidates are eligible to  
32 receive as a lump-sum allocation from the Elections Fund under section 4(a).

33 (2) "Candidate" has the meaning set forth in section 101(6) of the Board of Ethics  
34 and Government Accountability Establishment and Comprehensive Ethics Reform Amendment  
35 Act of 2011, effective April 27, 2012 (D.C. Law 19- 124; D.C. Official Code § 1-1161.01(6)).

36 (3) "Contested election" means an election in which 2 or more candidates for the  
37 same covered office (in the case of councilmember candidates, 2 or more candidates for the same  
38 Council seat) have:

39  
40 (A) Raised or spent the amount of money specified in section 7(a) with  
41 regard to the respective covered offices;

42 (B) Filed a Declaration of Candidacy with the D.C. Board of Elections in  
43 accordance with the Board of Ethics and Government Accountability Establishment and  
44 Comprehensive Ethics Reform Act of 2011, effective February 27, 2012 (D.C. Act 19-318; 3  
45 DCMR § 601); or

46 (C) Qualified for ballot access.

47 (4) "Covered office" means the offices of Mayor, Council Chairman,  
48 Councilmember, Attorney General, and State Board of Education.

49 (5) "Election cycle" means the period beginning on the day after the date of the  
50 most recent general election for the office and ending on the date of the next general election for  
51 that office.

52 (6) "Elections Fund" means the fund established by section 13 to distribute base  
53 amount allocations, matching payments and any other payment provided by this act to  
54 participating candidates.

55 (7) "Immediate family" means, with respect to a candidate:

56 (A) The candidate's spouse or domestic partner;

57 (B) A child, stepchild, parent, grandparent, sibling, or half-sibling, of the  
58 candidate or the candidate's spouse; and

59 (C) The spouse or domestic partner of any individual described in  
60 subparagraph (C) of this paragraph.

61 (8) "Individual" means a natural person.

62 (9) "Matching payments" means payments provided to participating candidates  
63 for qualified small-dollar contributions as provided in section 5.

64 (10) "Participating candidate" means a candidate for a covered office who is  
65 certified under section 9 as eligible to receive base amount allocations and matching payments.

66 (11) "Political committee" has the same meaning as the Board of Ethics and  
67 Government Accountability Establishment and Comprehensive Ethics Reform Act of 2011,  
68 effective February 27, 2012 (D.C. Act 19-318; 3 DCMR § 3000).

69 (12) "Principal campaign committee" has the same meaning as the Board of  
70 Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Act of  
71 2011, effective February 27, 2012 (D.C. Act 19-318; 3 DCMR § 3005).

72 (13) "Qualified small-dollar contribution" means a contribution by an individual  
73 who resides in the District of Columbia, that when aggregated with all other contributions  
74 received by a candidate from that individual within an election cycle, does not exceed: \$200 for

75 Mayor; \$150 for Council Chairman and Attorney General; \$100 for at-large Councilmember;  
76 \$50 for ward Councilmember and at large State Board of Education member; and \$20 for ward  
77 State Board of Education member.

78 (14) “Qualifying period” means the period beginning on the day after the most  
79 recent general election for the covered office that a candidate is seeking and ending upon  
80 certification by the Board of Elections of the primary ballot for partisan elections and the general  
81 election ballot for all others.

82 (15) “Solicit or direct” means to ask, request, or recommend that another person  
83 make a contribution or donation, or to guide a person who has expressed an intent to make a  
84 contribution or donation by identifying a candidate, political committee or organization for the  
85 receipt of such funds or things of value. “Solicit or direct” includes speaking or being a featured  
86 guest at a fundraising event at which contributions other than qualified small-dollar contributions  
87 or contributions from a committee, or segregated account of a committee, that only accepts  
88 contributions from individuals that do not exceed \$250 per individual per calendar year are  
89 raised.

90 (16) “Uncontested Election” means an election for covered office in which only  
91 one candidate has:

92 (A) Raised or spent the amount of money specified in section 7(a) with  
93 regard to the respective covered office;

94 (B) Filed a Declaration of Candidacy with the D.C. Board of Elections in  
95 accordance with the Board of Ethics and Government Accountability Establishment and  
96 Comprehensive Ethics Reform Act of 2011, effective February 27, 2012 (D.C. Act 19-318; 3  
97 DCMR § 601); or

98 (C). Qualified for ballot access.

99 Sec. 3. Establishment of the Fair Elections Program.

100 (a) There is established within the Office of Campaign Finance (“Office”) the Fair  
101 Elections Program.

102 (b) The Office shall administer all laws and regulations governing the Fair Elections  
103 Program and shall establish procedures for the auditing and verification of qualified small-dollar  
104 contributions to ensure that contributions meet the requirements of the Fair Elections Program.

105 (c) The Office shall review and evaluate the effect of this act upon the conduct of election  
106 campaigns in the District and shall submit a report to the Mayor and the Council 2 months from  
107 the date of implementation of this act and every election, excluding special elections, thereafter,  
108 and at any other time upon the request of the Mayor or the Council and at other times as the  
109 Office deems appropriate. The report shall contain the following:

110 (1) The number and names of candidates who qualify for and choose to receive  
111 public funds pursuant to this act, and of candidates failing to qualify or otherwise not choosing to  
112 receive such funds, in each election during the four preceding calendar years;

113 (2) The amount of funds provided to the principal campaign committee of each  
114 candidate pursuant to this act and the contributions received and expenditures made by each  
115 candidate and the principal committee of the candidate, in each election during the 4 preceding  
116 calendar years;

117 (3) The number and names of non-participating candidates in each  
118 election during the 4 preceding calendar years, together with the expenditures made by each  
119 candidate and the authorized committees of the candidate in each election;

120 (4) An analysis of the effect of this act on political campaigns, including its effect  
121 on the sources and amounts of private financing, the level of campaign expenditures, voter  
122 participation, the number of candidates and the candidates' ability to campaign effectively for  
123 public office;

124 (5) A review of the procedures utilized in providing public funds to candidates;  
125 and

126 (6) Any recommendations by the Office for changes in this act as the Office  
127 deems appropriate.

128 (d) Based on the review and evaluation required by this section, the Office of  
129 Campaign Finance, with approval from the District of Columbia Board of Elections ("Board"),  
130 shall adjust the following amounts within 3 months of the submission of its report to the Mayor  
131 and Council:

132 (1) The number and dollar amount of qualifying small-dollar contributions a  
133 candidate must receive under section 7(a) to qualify as a participating candidate;

134 (2) The base amount participating candidates are eligible to receive under section  
135 4; and

136 (3) The maximum amount of matching payments a candidate may receive under  
137 section 5(b).

138 Sec. 4. Allocations from the Elections Fund.

139 (a)(1) Except as provided in paragraphs (2) and (3) of this subsection, participating  
140 candidates shall be eligible to receive the base amount upon certification by the Office of  
141 Campaign Finance under section 9;

142 (A) The base amount for the first election cycle under this act shall be

143 \$160,000 for the office of Mayor, \$40,000 for the office of Council Chairman, \$40,000 for the  
144 office of Councilmember, \$40,000 for the office of Attorney General, and \$10,000 for the office  
145 of State Board of Education;

146 (B) After the first election cycle that occurs after the effective date of this  
147 act and after each subsequent election cycle, the base amounts set forth in subparagraph (A) of  
148 this paragraph shall be adjusted by the percentage change in average expenditures over the last 2  
149 election cycles by the winning candidates for each covered office, as determined by the Office of  
150 Campaign Finance.

151 (2) If there is a recount of an election, a participating candidate shall be eligible to  
152 receive 25% of the base amount for the covered office for expenses related to the recount.

153 (3) If a participating candidate is running in an uncontested election, the candidate  
154 shall not receive the base amount allocation provided in paragraph (1) of this subsection. The  
155 candidates shall be eligible to receive matching payments pursuant to section 5. In the event an  
156 uncontested election becomes a contested election, the participating candidate shall receive the  
157 base amount.

158 (b) Allocations under subsection (a) of this section shall be made:

159 (1) Not later than 4 business days after the candidate is certified as a participating  
160 candidate under section 9;

161 (2) For a recount, not later than 4 business days after the Board orders the holding  
162 of the recount;

163 (3) For candidates running in an uncontested election that becomes contested, not  
164 later than 4 business days after the election becomes contested.

165 (c) Funds shall be distributed to participating candidates under this section through the  
166 use of an electronic funds exchange or a debit card.

167 Sec. 5. Matching payments for qualified small-dollar contributions.

168 (a) Qualified small-dollar contributions received by a participating candidate from  
169 individuals who are residents of the District shall be eligible for the following matching  
170 payments:

171 (1) Qualified-small dollar contributions received through the final day of the  
172 qualifying period shall be matched at 200% of the amount of the qualified small-dollar  
173 contributions; except, that once a candidate qualifies for the ballot, qualified small-dollar  
174 contributions received before the candidate qualified for the ballot shall be matched by an  
175 additional 300% of the amount of the small-dollar contributions;

176 (2) Qualified-small dollar contributions received after the final day of the  
177 qualifying period shall be matched at 500% of the amount of the qualified small-dollar  
178 contributions.

179 (b) The maximum amount participating candidates may receive under this section shall  
180 be:

181 (1) For the office of Mayor, the number of registered voters in the District  
182 contained in the first report following the most recent general election by the Board in  
183 accordance with section 5(a)(7) of the District of Columbia Election Code of 1955, approved  
184 August 12, 1955 (69 Stat. 702; D.C. Official Code§ 1-1001.05(a)(7)), multiplied by \$6;

185 (2) For the offices of the Council Chairman and the Attorney General, the number  
186 of registered voters in the District contained in the first report following the most recent general  
187 election by the Board in accordance with section 5(a)(7) of the District of Columbia Election



188 Code of 1955, approved August 12, 1955 (69 Stat. 702; D.C. Official Code§ 1-1001.05(a)(7)),  
189 multiplied by \$1.25;

190 (3) For the offices of at-large Councilmembers: the number of registered voters in  
191 the District contained in the first report following the most recent general election by the D.C.  
192 Board of Elections in accordance with section 5(a)(7) of the District of Columbia Election Code  
193 of 1955, approved August 12, 1955 (69 Stat. 702; D.C. Official Code§ 1-1001.05(a)(7)),  
194 multiplied by \$0.75;

195 (4) For the offices of ward Councilmember and at large State Board of Education  
196 member: the number of registered voters in the District contained in the first report following the  
197 most recent general election by the D.C. Board of Elections in accordance with section 5(a)(7) of  
198 the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 702; D.C.  
199 Official Code§ 1-1001.05(a)(7)), multiplied by \$0.50.

200 (5) For the offices of ward State Board of Education member: the number of  
201 registered voters in the District contained in the first report following the most recent general  
202 election by the D.C. Board of Elections in accordance with section 5(a)(7) of the District of  
203 Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 702; D.C. Official Code§  
204 1-1001.05(a)(7)), multiplied by \$0.20.

205 (c) Payments under this section shall be made not later than 4 business days after the  
206 receipt of a report made under subsection (d) of this section, or as soon thereafter as practicable.  
207 The Office of Campaign Finance shall schedule a minimum of 3 payment dates within the 30-  
208 day period immediately preceding a covered election.

209 (d) Each participating candidate shall file reports, pursuant to section 309 of the of the  
210 Board of Ethics and Government Accountability Establishment and Comprehensive Ethics

211 Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19- 124; D.C. Official  
212 Code§ 1-1163.09 (“Ethics Act”), of receipts of qualified small-dollar contributions at the times  
213 and in the manner as prescribed by the Office of Campaign Finance.

214 (e) A written explanation shall be provided with respect to any denial of any payment  
215 under this section and shall provide for the opportunity for review and reconsideration within 5  
216 business days of the denial.

217 (f) Funds shall be distributed to participating candidates under this section through the  
218 use of an electronic funds exchange or a debit card.

219 Sec. 6. Eligibility for certification.

220 (a) A candidate is eligible to be certified as a participating candidate with respect to an  
221 election if the candidate meets the following requirements:

222 (1) During the qualifying period, the candidate files a statement of intent to seek  
223 certification as a participating candidate;

224 (2) The candidate meets the qualifying requirements of section 7; and

225 (3) Not later than the last day of the qualifying period, the candidate files, with the  
226 Office of Campaign Finance, an affidavit signed by the candidate and the treasurer of the  
227 candidate’s principal campaign committee declaring that the candidate:

228 (A) Has complied with and, if certified, will continue to comply with the  
229 contribution limits and all other requirements of this act;

230 (B) If certified, will comply with the debate requirements of section 11;

231 (C) If certified, will run only as a participating candidate for all elections  
232 for the office that the candidate is seeking during the election cycle; and

233 (D) Has either qualified or will take steps to qualify to be on the ballot.

234 (b) Notwithstanding subsection (a) of this section, a participating candidate shall not be  
235 eligible to receive any payment from the Elections Fund after the primary election unless the  
236 candidate's party nominated the candidate to be placed on the ballot for the general election or  
237 the candidate is otherwise qualified to be on the ballot.

238 Sec. 7. Fair Elections Program qualifying requirements.

239 A candidate meets the requirements of this section if, during the qualifying period, the  
240 candidate obtains the following number of qualified small-dollar contributions from individuals  
241 who have a primary residence in the District and are otherwise not prohibited from making a  
242 contribution under District law:

243 (1) For the office of Mayor, qualified small-dollar contributions from at least  
244 1,000 individuals, the total amount of which totals \$40,000 or more.

245 (2) For the office of Attorney General or Council Chairman, qualified small-dollar  
246 contributions from at least 500 individuals, the total amount of which totals \$20,000 or more.

247 (3) For an at-large Council seat, qualified small-dollar contributions from at least  
248 300 individuals, the total amount of which totals \$12,000 or more.

249 (4) For a ward Council seat and the at large State Board of Education seat,  
250 qualified small-dollar contributions from at least 100 individuals, the total amount of which  
251 totals \$2,000 or more.

252 (5) For a ward State Board of Education seat, qualified small-dollar contributions  
253 from at least 50 individuals, the total amount of which totals \$1,000 or more.

254 Sec. 8. Qualified small-dollar contributions requirements.

255 The following provisions shall apply to all qualified small-dollar contributions:

256 (1) Each qualified small-dollar contribution shall be acknowledged by a physical  
257 or digital receipt to the contributor, with a copy retained by the candidate. The receipt shall  
258 include:

259 (A) The contributor's digital or physical signature, printed name, home  
260 address, telephone number, occupation, if any, and the name of the candidate on whose behalf  
261 the contribution is made; and

262 (B) A written and signed oath declaring that the contributor:

263 (i) Is making the contribution in his or her own name and from his  
264 or her own funds;

265 (ii) Has made the contribution willingly, without coercion;

266 (iii) Has not received anything of value in return for the  
267 contribution; and

268 (iv) Is a resident of the District of Columbia.

269 (C) A contribution for which a candidate has not obtained a signed and  
270 fully completed receipt shall not be counted as a qualified small-dollar contribution.

271 (2) Each qualified small-dollar contribution may be made by means of a personal  
272 check, credit card, cash, or electronic payment account.

273 Sec. 9. Fair Elections Program certification.

274 (a)(1) Not later than 5 days after a candidate files an affidavit under section 6(a)(3), the  
275 Office of Campaign Finance shall:

276 (A) Determine whether the candidate meets the requirements for  
277 certification as a participating candidate;

278 (B) If the requirements are met, certify the candidate as a participating  
279 candidate; and

280 (C) Notify the candidate of the Office of Campaign Finance's  
281 determination.

282 (2) If the Office of Campaign Finance certifies a candidate as a participating  
283 candidate with respect to the first election of the election cycle involved, the Office of Campaign  
284 Finance shall be deemed to have certified the candidate as a participating candidate with respect  
285 to all subsequent elections of the election cycle.

286 (b)(1) The Office of Campaign Finance may revoke a certification under subsection (a) of  
287 this section, if a candidate:

288 (A) Fails to qualify to appear on the ballot at any time after the date of  
289 certification (other than a candidate certified as a participating candidate with respect to a  
290 primary election who fails to qualify to appear on the ballot for a subsequent election in that  
291 election cycle); or

292 (B) Otherwise fails to comply with the requirements of this act, including  
293 any regulatory requirements prescribed by the Office of Campaign Finance; or

294 (C) Terminates the candidacy.

295 (2) If certification is revoked under paragraph (1) of this subsection, the candidate  
296 shall repay to the Elections Fund an amount equal to the value of benefits received under this act  
297 with respect to the election cycle involved plus interest, at a rate determined by the Office of  
298 Campaign Finance, on any such amount received.

299 Sec. 10. Limitations on fundraising, contributions, expenditures, and use of public funds.

300 (a) Except as provided in subsection (d) of this section, a participating candidate shall not  
301 accept, solicit or direct contributions in connection with any election other than:

302 (1) Qualified small-dollar contributions;

303 (2) Contributions from a political committee that only accepts contributions from  
304 individuals that do not exceed \$250 per individual per calendar year not exceeding \$1,500 per  
305 committee;

306 (3) Base amount allocations under section 4;

307 (4) Matching payments under section 5; and

308 (5) Contributions from individuals.

309 (b) Except as provided in subsection (d) of this section, a participating candidate shall,  
310 with respect to all elections occurring during the election cycle for the office involved, make no  
311 expenditures from any amounts other than:

312 (1) Qualified small-dollar contributions;

313 (2) Contributions from a committee, or segregated account of a committee, that  
314 only accepts contributions from individuals that do not exceed \$250 per individual per calendar  
315 year;

316 (3) Base amount allocations under section 4; and

317 (4) Matching payments under section 5; and

318 (5) From personal funds or the funds of any immediate family member of the  
319 candidate (other than funds received through qualified small-dollar contributions).

320 (c) For purposes of subsections (a)(2) and (b)(2) of this section, “contributions from  
321 individuals” includes “contributions” as defined in section 101(10)(A) of the Ethics Act from  
322 individuals and the allocation by a labor or other membership organization whose members are

323 limited to individual dues, whose amount and frequency are predetermined by the organization  
324 and the payment of which is a condition of membership in the organization.

325 (d)(1) A candidate who has accepted contributions that are not qualified small-dollar  
326 contributions or contributions described in subsection (a)(2) of this section before the date the  
327 candidate files a statement of intent under section 6(a)(1) is not in violation of subsection (a) of  
328 this section, but only if all contributions are:

329 (A) Returned to the contributor;

330 (B) Submitted to the Office of Campaign Finance for deposit in the  
331 Elections Fund; or

332 (C) Spent in accordance with paragraph (2) of this subsection.

333 (2) If a candidate has made expenditures prior to the date the candidate files a  
334 statement of intent under section 6(a)(1) that the candidate is prohibited from making under  
335 subsection (b) of this section, the candidate shall not be in violation of that subsection if the  
336 aggregate amount of the prohibited expenditures does not exceed 20% of the base amount the  
337 candidate would be eligible to receive under section 4(a)(1).

338 (3) Notwithstanding paragraph (1) of this subsection, unexpended contributions  
339 received by the candidate or an authorized committee of the candidate with respect to a previous  
340 election may be retained, but only if the candidate places the funds in escrow and refrains from  
341 raising additional funds for or spending funds from that account during the election cycle in  
342 which a candidate is a participating candidate.

343 (4) Contributions received and expenditures made by the candidate or an  
344 authorized committee of the candidate prior to the effective date of this act shall not constitute a  
345 violation of subsection (a) or subsection (b) of this section. Unexpended contributions shall be

346 treated the same as campaign surpluses under paragraph (3) of this subsection, and expenditures  
347 made shall count against the limit in paragraph (2) of this subsection.

348 (e) A participating candidate shall not use the base amount allocation or matching  
349 payments for the following:

350 (1) Costs of legal defense in any campaign law enforcement proceeding;

351 (2) Indirect campaign purposes, including:

352 (A) The candidate's personal support or compensation to the candidate or  
353 a member of the candidate's immediate family;

354 (B) Clothing and other items related to the candidate's personal  
355 appearance;

356 (C) Capital assets having a value in excess of \$500 and useful life  
357 extending beyond the end of the current election period determined in accordance with generally  
358 accepted accounting principles;

359 (D) Contributions or loans to the campaign committee of another  
360 candidate or to a party committee or other political committee;

361 (E) Independent expenditures;

362 (F) Any payment or transfer for which compensating value is not received.

363 Sec. 11. Debate requirement.

364 A participating candidate shall, during an applicable election cycle, participate in at least:

365 (1) One public debate before the primary election, if the primary election is not an  
366 uncontested election, with other participating candidates and other candidates from the same  
367 party seeking the same nomination as the participating candidate; and



368 (2) Two public debates before the general election, if the general election is not an  
369 uncontested election, with other participating candidates and other willing candidates seeking the  
370 same office as the participating candidate.

371 Sec. 12. Remitting unspent funds after election.

372 (a) Not later than 30 days after the last election in an election cycle for which a  
373 participating candidate qualifies to be on the ballot, the participating candidate shall remit to the  
374 Office of Campaign Finance, for deposit in the Elections Fund, an amount equal to the lesser of  
375 the following:

376 (1) The amount of money in the participating candidate's campaign account; or

377 (2) The sum of the base amount allocations received by the participating  
378 candidate and the matching payments received by the candidate.

379 (b)(1) A participating candidate may withhold from the amount required to be remitted  
380 under subsection (a)(1) of this section the amount of any authorized expenditures that were  
381 incurred in connection with the participating candidate's campaign but that remain unpaid as of  
382 the deadline applicable to the participating candidate under subsection (a) of this section.

383 (2) A participating candidate may withhold an amount of expenditure pursuant to  
384 paragraph (1) of this subsection only if the participating candidate submits documentation of the  
385 expenditure and the amount to the Office of Campaign Finance not later than the deadline  
386 applicable to the candidate under subsection (a) of this section.

387 Sec. 13. Elections Fund.

388 (a) There is established a special, dedicated, non-lapsing Elections Fund ("Fund"),  
389 administered by the Board of Elections, that shall be used solely for the purpose of providing  
390 public financing for election campaigns of participating candidates.

391 (b) As soon as practicable in 2017, and in time for inclusion in the Mayor's budget and  
392 financial plan in every year thereafter, and at other times as the Office of Campaign Finance  
393 deems necessary, the Office of Campaign finance shall submit its estimate of the amount of  
394 public funds that will be necessary to provide candidates with sufficient financing for elections in  
395 the next year in which elections are scheduled and for elections to fill vacancies to be held prior  
396 to that year and a reserve for contingencies. The estimates shall be submitted in a manner and at  
397 such times as to assure that appropriations may be allocated in full by the beginning of the fiscal  
398 year prior to the year in which elections are scheduled and to allow additional amounts to be  
399 appropriated if necessary.

400 (c) Other sources of revenue to be deposited in the Fund shall include:

401 (1) Unspent funds distributed to any participating candidate who does not remain  
402 a candidate until the election for which they were distributed, or any unspent distributed funds  
403 that remain unspent and unobligated by a participating candidate following the date of the  
404 election for which they were distributed;

405 (2) Fines levied by the Office of Campaign Finance against candidates for  
406 violation of election laws;

407 (3) Voluntary donations made directly to the Elections Fund;

408 (4) Any interest generated by the Fund; and

409 (5) Any other sources of revenue determined as necessary by the Council.

410 Sec. 14. Violations and Penalties.

411 (a) If a participating candidate accepts a contribution or makes an expenditure prohibited  
412 under section 10, the Office of Campaign Finance shall assess a civil penalty against the  
413 candidate in an amount that is not more than 3 times the amount of the contribution or

414 expenditure. Any amounts collected under this subsection shall be deposited into the Elections  
415 Fund.

416 (b) If the Office of Campaign Finance determines that any benefit made available to a  
417 participating candidate was not used as provided for in this act or that a participating candidate  
418 has violated any of the dates for remission of funds contained in this act, the Office shall notify  
419 the candidate and the candidate shall pay to the Elections Fund an amount equal to:

420 (1) The amount of benefits used or not remitted, as appropriate; and

421 (2) Interest on any amounts at a rate determined by the Office.

422 (c) Civil penalties under this provision shall be assessed in accordance with the  
423 procedures set forth in section 335 of the Ethics Act.

424 Sec. 15. Rulemaking.

425 The Board of Elections, pursuant to its rulemaking authority under section 5(a)(14) of the  
426 District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 702; D.C.  
427 Official Code § 1-1001.05(a)(14)), shall issue rules to implement the provisions of this act.

428 Sec. 16. Section 336(a) of the Board of Ethics and Government Accountability  
429 Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27,  
430 2012 (D.C. Law 19- 124; D.C. Official Code § 1-1163.36(a), is amended by striking the phrase  
431 “No resources” and inserting the phrase “Except as provided in the Fair Elections Act of 2017,  
432 no resources” in its place.

433 Sec. 16. Applicability.

434 (a) This act shall apply upon the date of inclusion of its fiscal effect in an approved  
435 budget and financial plan.

436 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in  
437 an approved budget and financial plan, and provide notice to the Budget Director of the Council  
438 of the certification.

439 (c)(1) The Budget Director shall cause the notice of the certification to be published in  
440 the District of Columbia Register.

441 (2) The date of publication of the notice of the certification shall not affect the  
442 applicability of this act.

443 Sec. 17. Fiscal impact statement.

444 The Council adopts the fiscal impact statement in the committee report as the fiscal  
445 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
446 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

447 Sec. 18. Effective date.

448 This act shall take effect following approval by the Mayor (or in the event of veto by the  
449 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
450 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
451 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
452 Columbia Register.