

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to establish a Fair Elections Program 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 Amendment Act of 2018".

Sec. 2. The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 1-1161.01) is amended as follows:

(1) Paragraph (3A) is redesignated as paragraph (3B).

(2) A new paragraph (3A) is added to read as follows:

“(3A) “Base amount” means the amounts a participating candidate is eligible to receive as lump-sum payments under section 332d.”.

(3) A new paragraph (6A) is added to read as follows:

“(6A) “Candidate seeking certification” means a candidate for a covered office who:

“(A) Has complied with section 312; and

“(B) Indicated on the registration statement that the candidate will seek certification as a participating candidate under section 332c.”.

(4) A new paragraph (9A) is added to read as follows:

“(9A) “Contested election” means an election for a seat for a covered office for which there are at least 2 candidates, at least one of whom is a participating candidate.”.

(5) New paragraphs (10C) and (10D) are added to read as follows:

“(10C) “Covered office” means the office of Mayor, Attorney General, Chairman of the Council, member of the Council, and member of the State Board of Education.

“(10D) “Debate” means the public, moderated, reciprocal discussion of issues conducted by the Director of Campaign Finance pursuant to section 332g.”.

(6) A new paragraph (16A) is added to read as follows:

“(16A) “Election cycle” means:

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“(A) The period beginning on the day after the date of the most recent general election for a seat for a covered office and ending on the date of the next general election for that seat for the covered office; or

“(B) In the case of a special election for a seat for a covered office, the period beginning on the day the special election is called and ending on the date of the special election for that seat for the covered office.”.

(7) New paragraphs (22A), (22B), and (22C) are added to read as follows:

“(22A) “Fair elections committee” means a political committee that only accepts contributions from:

“(A) Individuals who are District residents, which shall not exceed \$250 per individual per calendar year; or

“(B) A membership organization, if the contributions consist of membership dues paid by individuals who are District residents that do not exceed:

“(i) The amount of membership dues actually paid per member per calendar year; and

“(ii) \$250 per member per calendar year.

“(22B) “Fair Elections Fund” means the fund established by section 332i.

“(22C) “Fair Elections Program” means the program to provide for publicly funded campaigns, established by section 332a.”.

(8) A new paragraph (28C) is added to read as follows:

“(28C) “Individual” means a natural person.”.

(9) Paragraph (33A) is redesignated as paragraph (33B).

(10) A new paragraph (33A) is added to read as follows:

“(33A) “Matching payments” means payments provided to a participating candidate for qualified small-dollar contributions under section 332e.”.

(11) A new paragraph (33C) is added to read as follows:

“(33C) “Membership organization” means an organization that:

“(A) Is tax-exempt under section 501(c) of the Internal Revenue Code;

“(B) Is comprised of members who are individuals, whether or not the organization also has affiliated organizations; provided, that all of the members are required as a condition of membership to pay dues at least annually in amounts predetermined by the membership organization;

“(C) Expressly solicits individuals to become members and expressly acknowledges acceptance of membership; and

“(D) Is neither a political committee nor otherwise organized for the principal purpose of promoting or opposing the nomination or election of a person to local, state, or federal public office.”.

(12) A new paragraph (40A) is added to read as follows:

“(40A) “Participating candidate” means a candidate for a seat for a covered office who is certified under section 332c.”.

(13) New paragraphs (47A) and (47B) are added to read as follows:

“(47A) “Qualified small-dollar contribution” means a deposit of money that:

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“(A) Is made for the purpose of financing the nomination or election of a candidate or any operations of a political committee;

“(B) Meets the requirements of section 332b; and

“(C) Is contributed by a small-dollar contributor to a candidate seeking certification or a participating candidate.

“(47B) “Qualifying period” means:

“(A) For a candidate running in a primary election, the period beginning on the day after the most recent general election for the seat for the covered office that the candidate is seeking and ending on the last day to file nominating petitions for the primary election for the seat for the covered office sought;

“(B) For a candidate not running in a primary election, the period beginning on the day after the most recent general election for the seat for the covered office that the candidate is seeking and ending on the last day to file nominating petitions for the general election for the seat for the covered office sought; or

“(C) For a candidate running in a special election, the period beginning on the day the special election is called and ending on the last day to file nominating petitions for the covered office sought.”.

(14) A new paragraph (49A) is added to read as follows:

“(49A) “Small-dollar contributor” means an individual who:

“(A) Is a District resident; and

“(B) Contributes a qualified small-dollar contribution to a candidate seeking certification or a participating candidate.”.

(15) A new paragraph (53) is added to read as follows:

“(53) “Uncontested election” means an election for a seat for a covered office for which there is only one participating candidate.”.

(b) Title III is amended as follows:

(1) Section 304 (D.C. Official Code § 1-1163.04) is amended as follows:

(A) Paragraph (8) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(B) A new paragraph (8A) is added to read as follows:

“(8A) Administer the Fair Elections Program established by section 332a; and”.

(2) Section 309 (D.C. Official Code § 1-1163.09) is amended as follows:

(A) A new subsection (b-1) is added to read as follows:

“(b-1)(1) In addition to the reports required by subsection (a) of this section, the Director of Campaign Finance shall, by rulemaking, establish a schedule for candidates seeking certification and participating candidates to submit reports of qualified small-dollar contributions and contributions from non-District resident individuals that include the information required by section 332b(b).

“(2) The schedule established under paragraph (1) of this subsection shall include, at a minimum, 3 dates within the 60-day period immediately preceding a primary, special, or general election, as applicable to the participating candidate.”.

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(B) Subsection (c) is amended by striking the phrase “Each report” and inserting the phrase “The reports to be filed under subsection (a) of this section” in its place.

(C) Subsection (d) is amended by striking the phrase “subsection (a) of this section” and inserting the phrase “subsections (a) and (b-1) of this section” in its place.

(3) Section 310a (D.C. Official Code § 1-1163.10a) is amended by striking the word “Within” and inserting the phrase “Except as provided in section 332h, within” in its place.

(4) Section 312(a) (D.C. Official Code § 1-1163.12(a)) is amended by striking the period and inserting the phrase “. The registration statement shall indicate whether the individual intends to seek certification as a participating candidate.” in its place.

(5) A new subtitle C-i is added to read as follows:

“SUBTITLE C-i. FAIR ELECTIONS PROGRAM.

“Sec. 332a. Establishment of the Fair Elections Program.

“There is established within the Office of Campaign Finance a Fair Elections Program to provide for publicly funded political campaigns.

“Sec. 332b. Fair Elections Program contribution limitations and requirements.

“(a) Neither a candidate seeking certification nor a participating candidate may accept a qualified small-dollar contribution or a contribution from a non-District resident individual, that, when aggregated with all other qualified small-dollar contributions received from that small-dollar contributor or contributions received from that non-District resident individual, exceeds, per election cycle:

“(1) In the case of a qualified small-dollar contribution or contribution from a non-District resident individual in support of a candidate for Mayor, \$200;

“(2) In the case of a qualified small-dollar contribution or contribution from a non-District resident individual in support of a candidate for Chairman of the Council or Attorney General, \$200;

“(3) In the case of a qualified small-dollar contribution or contribution from a non-District resident individual in support of a candidate for member of the Council elected at-large, \$100;

“(4) In the case of a qualified small-dollar contribution or contribution from a non-District resident individual in support of a candidate for member of the Council elected from a ward or for member of the State Board of Education elected at-large, \$50; and

“(5) In the case of a qualified small-dollar contribution or contribution from a non-District resident individual in support of a candidate for member of the State Board of Education elected from a ward, \$20.

“(b) Each qualified small-dollar contribution and contribution from a non-District resident individual shall be acknowledged by a physical or digital receipt to the contributor, with a copy to be retained by the candidate. The receipt shall include:

“(1) The contributor’s digital or physical signature, printed name, home address, telephone number, occupation and principal place of business, if any, and the name of the candidate to whom the contribution is made; and

“(2) A written and signed oath or affirmation declaring that the contributor:

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“(A) Is making the contribution in the contributor’s own name and from the contributor’s own funds;

“(B) Is making the contribution voluntarily and has not received anything of value in return for the contribution;

“(C) In the case of a small-dollar contributor, is a District resident;

“(D) In the case of a contribution from a non-District resident individual, is a non-District resident individual; and

“(E) Understands that a false statement is a violation of law.

“(c) A candidate seeking certification and a participating candidate may accept qualified small-dollar contributions and contributions from non-District resident individuals made by means of personal check, credit card, cash, or electronic payment account; provided, that contributions in the form of cash cannot, in the aggregate, exceed \$100 per small-dollar contributor or non-District resident individual per seat per covered office per election cycle.

“Sec. 332c. Certification as a participating candidate.

“(a) To be certified by the Director of Campaign Finance as a participating candidate for a seat for a covered office in an election cycle, a candidate shall, during the qualifying period:

“(1) Obtain the following:

“(A) For a candidate for Mayor, qualified small-dollar contributions from at least 1,000 small-dollar contributors, which, in the aggregate, total \$40,000 or more;

“(B) For a candidate for Attorney General, qualified small-dollar contributions from at least 500 small-dollar contributors, which, in the aggregate, total \$20,000 or more;

“(C) For a candidate for Chairman of the Council, qualified small-dollar contributions from at least 300 small-dollar contributors, which, in the aggregate, total \$15,000 or more;

“(D) For a candidate for member of the Council elected at-large, qualified small-dollar contributions from at least 250 small-dollar contributors, which, in the aggregate, total \$12,000 or more;

“(E) For a candidate for member of the Council elected from a ward or member of the State Board of Education elected at-large, qualified small-dollar contributions from at least 150 small-dollar contributors, which, in the aggregate, total \$5,000 or more; or

“(F) For a candidate for member of the State Board of Education elected from a ward, qualified small-dollar contributions from at least 50 small-dollar contributors, which, in the aggregate, total \$1,000 or more; and

“(2) File, with the Director of Campaign Finance, an affidavit signed by the candidate and the treasurer of the candidate’s principal campaign committee declaring that the candidate:

“(A) Has complied with and, if certified, will continue to comply with the Fair Elections Program’s requirements;

“(B) If certified, will only run in that election cycle as a participating candidate;

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“(C) If certified, will only run during that election cycle for the seat for the covered office for which the candidate is seeking certification, including in both the primary and general elections, as applicable;

“(D) Has otherwise qualified, or will take steps to qualify, for ballot access in accordance with the procedures required by the Elections Board pursuant to section 8 of the Election Code, such as by filing a declaration of candidacy under 3 DCMR § 601 and a nominating petition containing the required number of valid signatures under 3 DCMR § 1605;

“(E) Is current with respect to any fines or penalties owed for a violation of this act; and

“(F) Has responded and will respond to all inquiries of the Elections Board and the Director of Campaign Finance in a timely manner.

“(b) No later than 5 days after a candidate complies with subsection (a) of this section, the Director of Campaign Finance shall determine whether the candidate meets the requirements for certification described in subsection (a) of this section as a participating candidate, and:

“(1) If the requirements are met, certify the candidate as a participating candidate;

or

“(2) If the requirements are not met, provide an opportunity to:

“(A) Cure any deficiencies in the filing; and

“(B) Appeal the determination within 5 business days.

“(c) The Director of Campaign Finance shall revoke a certification made under subsection (b) of this section if a participating candidate:

“(1) Fails to qualify for ballot access pursuant to section 8 of the Election Code;

“(2) Does not continue to run as a participating candidate in that election cycle;

“(3) Does not run for the seat for the covered office for which the candidate was certified during that election cycle, including in both the primary and general elections, as applicable;

“(4) Terminates his or her candidacy; or

“(5) Fails to comply with the Fair Elections Program’s requirements.

“(d) If a certification is revoked under subsection (c) of this section, the Director of Campaign Finance shall provide the candidate with the opportunity to appeal the revocation within 5 business days.

“(e) If a certification is revoked under subsection (c) of this section, the participating candidate whose certification has been revoked shall remit to the Fair Elections Fund the remaining funds in the participating candidate’s campaign accounts pursuant to section 332h.

“Sec. 332d. Base amount payments.

“(a)(1)(A) Within 5 business days after a participating candidate is certified under section 332c(b), the participating candidate shall receive half of the base amount described in paragraph (2) of this subsection.

“(B) Within 5 business days after the participating candidate qualifies for the ballot, the participating candidate shall receive the other half of the base amount described in paragraph (2) of this subsection.

“(2) The base amount shall be:

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- “(A) \$160,000 for the office of Mayor;
- “(B) \$40,000 for the office of Attorney General;
- “(C) \$40,000 for the office of Chairman of the Council;
- “(D) \$40,000 for the office of Councilmember elected at-large and from a

ward; and

- “(E) \$10,000 for the office of State Board of Education elected at-large

and from a ward.

“(b)(1) In an uncontested election, the participating candidate shall:

“(A) Not receive the base amount described in subsection (a) of this section, except as provided in paragraph (3) of this subsection; and

“(B) Be eligible to receive matching payments for qualified small-dollar contributions pursuant to section 332e.

“(2) If an uncontested election becomes a contested election after a participating candidate is certified under section 332c(b), the participating candidate shall receive, no later than 5 business days after the uncontested election becomes a contested election:

“(A) The first half of the base amount, if the participating candidate has not qualified for the ballot; or

“(B) Both halves of the base amount, if the participating candidate has qualified for the ballot.

“(3)(A) If a contested election becomes an uncontested election after the participating candidate has received the first, but not the second, half of the base amount, the participating candidate may retain any unspent base amount funds to repay:

“(i) Any authorized expenditures or the proper debts that were incurred in connection with the participating candidate’s campaign; and

“(ii) Personal funds of the participating candidate or the participating candidate’s immediate family contributed under section 332f(a)(6).

“(B) If a contested election becomes an uncontested election, a participating candidate who has not yet qualified for the ballot shall not receive the second half of the base amount upon ballot qualification.

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

“Sec. 332e. Matching payments for qualified small-dollar contributions.

“(a) Qualified-small-dollar contributions received in an election cycle before a candidate is certified as a participating candidate pursuant to section 332c(b) shall not be matched until the candidate is certified.

“(b) After the candidate is certified, the participating candidate shall receive matching payments from the Fair Elections Fund for the qualified small-dollar contributions that the participating candidate received in that election cycle before the participating candidate was certified and those qualified small-dollar contributions received after the participating candidate was certified, in an amount equal to 500% of the amount of the qualified small-dollar contributions, subject to subsection (d) of this section.

“(c) Contributions from non-District resident individuals shall not be matched.

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“(d) The maximum amount participating candidates may receive under this section shall be:

“(1) For candidates for Mayor and Chairman of the Council, 110% of the average expenditures of the winning candidates for that covered office, respectively, in the prior 4 election cycles (not including special elections);

“(2) For candidates for Attorney General, 110% of the average expenditures of the winning candidates for that covered office in all prior election cycles, until such time as 4 election cycles for that covered office have been held, after which time, 110% of the average expenditures of the winning candidates for that covered office in the prior 4 election cycles (not including special elections); and

“(3) For candidates for member of the Council elected at-large or by ward, and for candidates for member of the State Board of Education elected at-large or by ward, 110% of the average expenditures of all winning candidates for that covered office, respectively, in the prior 2 election cycles (not including special elections).

“(e) Payments under this section shall be made no later than 5 business days after the receipt of a report made under section 309(a) and (b-1).

“(f) The Director of Campaign Finance shall provide a written explanation with respect to any denial of any payment under this section and shall provide an opportunity to appeal the denial within 5 business days.

“(g) Funds shall be distributed to participating candidates under this section through the use of an electronic funds transfer or a debit card.

“Sec. 332f. Limitations on contributions and expenditures.

“(a) Except as provided in subsection (d)(2) of this section, a candidate seeking certification and a participating candidate shall not receive or expend any contribution in that election cycle other than:

“(1) Qualified small-dollar contributions;

“(2) Contributions from non-District resident individuals that comply with the limitations in section 332b(a);

“(3) Contributions from Fair Elections Committees that do not exceed \$1,500 per Fair Elections Committee per election cycle; provided, that Fair Elections Committees established, financed, maintained, or controlled by substantially the same group of individuals shall be treated as a single Fair Elections Committee and their contributions aggregated;

“(4) Base amount payments under section 332d;

“(5) Matching payments under section 332e; and

“(6) Personal funds of the candidate or the candidate’s immediate family in the form of a contribution or loan that does not exceed, in the aggregate:

“(A) For a candidate for Mayor, \$5,000; or

“(B) For a candidate for Attorney General, Chairman of the Council, member of the Council elected at-large or by ward, or member of the State Board of Education elected at-large or by ward, \$2,500.

“(b) The amounts described in subsection (a)(6) of this section shall be adjusted by the Director of Campaign Finance each election cycle by the percentage increase in the Consumer

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Price Index for the Washington-Baltimore Metropolitan Statistical Area for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, or any successor index, for the prior calendar year.

“(c)(1) A candidate seeking certification who accepted a contribution from sources other than those described in subsection (a) of this section before the date the candidate is certified may not participate in the Fair Elections Program, unless within 10 days after certification, the participating candidate:

“(A) Returns the unexpended contribution to the contributor;

“(B) Remits the unexpended contribution to the Fair Elections Fund; or

“(C) If the contribution has been expended, and:

“(i) The election is a contested election, subtracts the total amount of the expended contributions from the base amount to which the candidate would be eligible under section 332d; or

“(ii) The election is an uncontested election, subtracts the total amount of the expended contributions from the matching payments to which the candidate would be eligible under section 332e.

“(2) If the candidate expended contributions from sources other than those described in subsection (a) of this section in excess of the base amount to which the candidate would be eligible under section 332d, the candidate may not participate in the Fair Elections Program.

“(d) A participating candidate shall not make expenditures for the following:

“(1) Legal expenses not directly related to acts taken under this act or the Elections Code;

“(2) Payment of any penalty or fine imposed pursuant to federal or District law;

“(3) Compensation to the participating candidate or a member of the participating candidate’s immediate family, except for reimbursement of out-of-pocket expenses incurred for campaign purposes;

“(4) Clothing and other items or services related to the participating candidate’s personal appearance;

“(5) Contributions, loans, or transfers to another candidate’s political committee or a political action committee;

“(6) Gifts, which, for the purposes of this paragraph, shall not include printed campaign materials such as signs, brochures, buttons, or clothing; and

“(7) Any other purpose that the Elections Board establishes through rules issued pursuant to section 332k.

“Sec. 332g. Debate requirement.

“(a) The Director of Campaign Finance shall conduct at least one debate for each contested primary, special, and general election in an election cycle for the covered offices of Mayor, Attorney General, Chairman of the Council, member of the Council elected at-large, and member of the State Board of Education elected at-large.

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“(b)(1) For a contested primary election for a covered office listed in subsection (a) of this section, all partisan participating candidates in that primary election shall participate in the debate.

“(2) For a contested special election or general election for a covered office listed in subsection (a) of this section, all participating candidates shall participate in the debate.

“(3) If there is no other participating candidate, or other candidate who is not a participating candidate who is willing to participate in a debate under this section, for a covered office, then the requirements of subsection (a) of this section shall be waived for that covered office.

“Sec. 332h. Remitting funds and turning over equipment to the Office of Campaign Finance.

“(a)(1) No later than 60 days after a primary election in an election cycle for which a losing participating candidate was on the ballot, the losing participating candidate shall remit to the Director of Campaign Finance, for deposit in the Fair Elections Fund, the remaining funds in the participating candidate’s campaign accounts. The losing participating candidate shall also turn over any equipment purchased by the campaign to the Office of Campaign Finance.

“(2) No later than 60 days after a special or general election in an election cycle for which a participating candidate was on the ballot, the participating candidate shall remit to the Director of Campaign Finance, for deposit in the Fair Elections Fund, the remaining funds in the participating candidate’s campaign accounts. The losing participating candidate shall also turn over any equipment purchased by the campaign to the Office of Campaign Finance.

“(b)(1) No later than 60 days after a participating candidate’s certification is revoked pursuant to section 332c(c), the participating candidate shall remit to the Director of Campaign Finance, for deposit in the Fair Elections Fund, the remaining funds in the participating candidate’s campaign accounts. The participating candidate whose certification has been revoked pursuant to section 332c(c) shall also turn over any equipment purchased by the campaign to the Office of Campaign Finance.

“(2) If a participating candidate’s certification is revoked pursuant to section 332c(c)(2), (3), or, due to fraudulent activities, (5), the participating candidate shall be personally liable for any expended base amount or matching payments.

“(c) Notwithstanding subsections (a) and (b) of this section, a participating candidate may withhold funds from the amount required to be remitted for an additional 180 days after the 60-day periods in subsections (a) and (b) of this section if the participating candidate submits documentation of the funds to the Director of Campaign Finance no later than the last day of the 60-day period. The withheld funds shall only be used for the following purposes:

“(1) To repay any authorized expenditures or retire the proper debts that were incurred in connection with the participating candidate’s campaign; and

“(2) To repay personal funds of the participating candidate or the participating candidate’s immediate family contributed under section 332f(a)(6).

“(d) The Office of Campaign Finance shall accept any equipment given to it by participating candidates.

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“(e) For the purposes of this section, the term “equipment” means any furniture or electronic or battery-powered equipment purchased by a participating candidate’s campaign that costs at least \$50.

“Sec. 332i. Fair Elections Fund.

“(a) There is established as a special fund the Fair Elections Fund (“Fund”), which shall be administered by the Director of Campaign Finance in accordance with subsection (c) of this section.

“(b) Revenue from the following sources shall be deposited in the Fund:

“(1) Annual appropriations for the Fair Elections Program;

“(2) Funds remitted by a participating candidate pursuant to section 332h; and

“(3) Revenue from fines levied for violations of the Fair Elections Amendment Act of 2018, passed on 2nd reading on February 6, 2018 (Enrolled version of Bill 22-192).

“(c) Money in the Fund shall only be used for the purpose of providing public financing for political campaigns of participating candidates and administering the Fair Elections Program.

“(d)(1) The money deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

“(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.

“(e)(1) In time for inclusion in the Mayor’s budget and financial plan each year, and at other times as the Director of Campaign Finance deems necessary, the Director of Campaign Finance shall submit an estimate of the amount of public funds that will be necessary to provide for the following:

“(A) Administration of the Fair Elections Program;

“(B) Elections in the next year in which elections are scheduled;

“(C) Special elections to fill vacancies that may occur before that year;

and

“(D) A reserve for contingencies.

“(2) The estimates shall be submitted in a manner and at such times as to ensure that appropriations are allocated in full by the beginning of the fiscal year before the year in which elections are scheduled and to allow additional amounts to be appropriated if necessary.

“Sec. 332j. Reporting by the Director of Campaign Finance.

“The Director of Campaign Finance shall publish on the Office of Campaign Finance’s website and submit a report to the Mayor and the Council no later than 9 months after the end of each election cycle. The report shall include, at a minimum, the following:

“(1) For that election cycle:

“(A) The names of all candidates, including:

“(i) Whether, and if applicable, when the candidate was certified as a participating candidate; and

“(ii) Whether, and if applicable, when and why a participating candidate’s certification was revoked;

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“(B) The number of, aggregate total value of, and date on which qualified small-dollar contributions were submitted by the participating candidate for certification;

“(C) The total base amount payments and matching payments provided to each participating candidate;

“(D) Listed by participating candidate, a description of each qualified-small-dollar contribution received, including:

“(i) The amount of each qualified-small-dollar contribution;

“(ii) The small-dollar contributor’s name, home address, occupation, and principal place of business, if any; and

“(iii) The date on which the qualified small-dollar contribution was received;

“(E) Listed by non-participating candidate, the total number of qualified small-dollar contributions received by that candidate;

“(F) Listed by participating candidate, a description of each expenditure, including:

“(i) The amount of the expenditure;

“(ii) The purpose for the expenditure; and

“(iii) The date on which the expenditure was made;

“(G) Listed by participating candidate, a description of any funds remitted to the Fair Elections Fund;

“(H) Listed by participating candidate, the total amount of personal funds of the participating candidate or the participating candidate’s immediate family contributed to the participating candidate; and

“(I) A review and evaluation of the effect of the Fair Elections Program on District elections and campaigns, including the Fair Elections Program’s effect on:

“(i) The sources and amounts of non-qualified small-dollar contributions;

“(ii) Campaign expenditures; and

“(iii) Participation of candidates and small-dollar contributors in the Fair Elections Program.

“(2) A review of national best practices relating to the public financing of campaigns and recommendations for changes or enhancements to the Fair Elections Program, including proposed adjustments to:

“(A) The qualified small-dollar contribution limits;

“(B) The number of qualified small-dollar contributions required to be certified as a participating candidate;

“(C) The base amounts;

“(D) The matching payments match ratio; and

“(E) The personal funds of a participating candidate or a participating candidate’s immediate family that may be contributed to the participating candidate.

“Sec. 332k. 2020 election cycle report by the District of Columbia Auditor.

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“No later than December 31, 2021, the District of Columbia Auditor shall prepare and submit to the Mayor and Council a report on the Fair Elections Program’s performance during the 2020 election cycle. The report shall include:

“(1) An evaluation of the Fair Elections Program’s performance in meeting the requirements of the Fair Elections Amendment Act of 2018, passed on 2nd reading on February 6, 2018 (Enrolled version of Bill 22-192);

“(2) A financial audit of the Fair Elections Program’s spending during the 2020 election cycle; and

“(3) Recommendations for improving the Fair Elections Program.

“Sec. 332l. Rules.

“(a) The Elections Board, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of the Fair Elections Amendment Act of 2018, passed on 2nd reading on February 6, 2018 (Enrolled version of Bill 22-192), including procedures for verifying and auditing qualified small-dollar contributions; and

“(2) Rules relating to:

“(A) The storage, use, or disposition of equipment returned to the Office of Campaign Finance under section 332h, which may permit disposition of equipment directly to one or more unaffiliated nonprofit organizations or public schools operating in the District;

“(B) The removal or deletion of data in equipment returned to the Office of Campaign Finance; and

“(C) The discarding of unusable equipment returned to the Office of Campaign Finance.

“(2) For the purposes of this section, the term “equipment” shall have the same meaning as provided in section 332h(e).”.

(6) Section 333 (D.C. Official Code § 1-1163.33) is amended by adding a new subsection (l) to read as follows:

“(l) The provisions of subsections (a), (b), (d), (e)(2), and (j)(2) of this section shall not apply to the Fair Elections Program established by section 332a.”.

(7) Section 336(a) (D.C. Official Code § 1-1163.36(a)) is amended by striking the phrase “No resources” and inserting the phrase “Except as provided in the Fair Elections Amendment Act of 2018, passed on 2nd reading on February 6, 2018 (Enrolled version of Bill 22-192), no resources” in its place.

Sec. 3. Applicability.

(a) This act shall apply upon the latest of:

(1) The date of inclusion of its fiscal effect in an approved budget and financial plan; or

(2) November 7, 2018.

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

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

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia