

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend, on an emergency basis, the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to set a minimum value for a qualified small-dollar contribution that can be matched under the Fair Elections Program, to clarify the definition of “uncontested election”, to provide an additional reporting date on which an election is held for the office sought, to allow candidates seeking certification to file, at any time, for certification and receive any base amount and initial disbursement of matching payments to which the candidate is entitled, to clarify the requirements for information provided by contributors when contributing and the form for receipts or confirmations provided to contributors, to clarify the disbursement process, to provide guidance as to which non-participating candidates may participate in Fair Elections Program debates, and to clarify the process for donating campaign equipment to unaffiliated non-profit organizations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fair Elections Emergency Amendment Act of 2019”.

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 (47A) is amended by striking the phrase “a deposit of money” and inserting the phrase “a deposit of money, including in cash or in kind, with a value of \$5 or more” in its place.

(2) Paragraph (53) is amended by striking the phrase “candidate.” and inserting the phrase “candidate and no other candidate.” in its place.

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

(1) Paragraph (1) is amended to read as follows:

“(1) In addition to the reports required by subsection (a) of this section, candidates seeking certification and participating candidates shall submit reports of qualified small-dollar contributions and contributions from non-District resident individuals that include the

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information required by section 332b(b) on the 10th day of the October preceding the date on which an election is held for the office sought and on such other dates as the Director of Campaign Finance shall establish by rulemaking.”.

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

“(3) Candidates seeking certification may file for certification pursuant to section 332c(a)(2) and receive the base amount and initial disbursement of matching payments to which they are eligible pursuant to sections 332d and 332e, respectively, at any time.”.

(c) Section 332b (D.C. Official Code § 1-1163.32b) is amended as follows:

(1) Subsection (b) is amended as follows:

(A) The lead-in language is amended by striking the phrase “physical or digital receipt to the contributor, with a copy to be retained by the candidate. The receipt” and inserting the phrase “physical or electronic confirmation or receipt, as the candidate prefers. The candidate shall retain the information in paragraphs (1) and (2) of this subsection. The confirmation or receipt to the candidate” in its place.

(B) Paragraph (1) is amended by striking the phrase “digital or physical signature, printed name, home address, telephone number,” and inserting the phrase “physical or electronic signature or other indicia of identity (such as an affirmation checkbox), printed or typed name, address,” in its place.

(C) Paragraph (2) is amended by striking the phrase “A written and signed oath or affirmation declaring” and inserting the phrase “An indication, including by clicking a checkbox or button, that the contributor has sworn or affirmed” in its place.

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

“(b-1) Notwithstanding subsection (b)(2) of this section:

“(1) If a contributor agrees to make contributions to a candidate that recur automatically on a periodic basis, the contributor’s initial indication made pursuant to subsection (b)(2) of this section or paragraph (2) of this subsection is sufficient to indicate continuous assent, and the contributor need not provide an indication pursuant to subsection (b)(2) of this section or paragraph (2) of this subsection for each recurring contribution.

“(2) If a contributor makes a contribution to a candidate over the phone, the indication required by subsection (b)(2) of this section may be provided by the contributor orally.”.

(d) Section 332c (D.C Official Code § 1-1163.32c) is amended as follows:

(1) Subsection (b) is amended as follows:

(A) The lead-in language is amended by striking the phrase “5 days” and inserting the phrase “10 business days” in its place.

(B) Paragraph (2)(B) is amended by striking the phrase “5 business days” and inserting the phrase “10 business days after the candidate receives the determination” in its place.

(2) Subsection (d) is amended by striking the phrase “5 business days” and inserting the phrase “10 business days” in its place.

(e) Section 332d (D.C. Official Code § 1-1163.32d) is amended as follows:

(1) Subsection (a)(1) is amended to read as follows:

“(a)(1)(A) Within 5 days after a participating candidate is certified under section 332c(b), the Director of Campaign Finance shall direct the Office of the Chief Financial Officer to disburse to the participating candidate half of the base amount described in paragraph (2) of this subsection. The Office of the Chief Financial Officer shall disburse the funds within 5 business days after receiving direction to do so from the Director of Campaign Finance.

“(B) Within 5 days after the participating candidate qualifies for the ballot, the Director of Campaign Finance shall direct the Office of the Chief Financial Officer to disburse to the participating candidate the other half of the base amount described in paragraph (2) of this subsection. The Office of the Chief Financial Officer shall disburse the funds within 5 business days after receiving direction to do so from the Director of Campaign Finance.”.

(2) The lead-in language of subsection (b)(2) is amended to read as follows:

“(2) If an uncontested election becomes a contested election after a participating candidate is certified under section 332c(b), the Director of Campaign Finance shall direct, no later than 5 days after the uncontested election becomes a contested election, the Office of the Chief Financial Officer to disburse to the participating candidate, and the Office of the Chief Financial Officer shall disburse, within 5 business days after receiving direction to do so from the Director of Campaign Finance:”.

(f) Section 332e (D.C. Official Code § 1-1163.32e) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “Qualified-small-dollar” and inserting the phrase “Qualified small-dollar” in its place.

(2) Subsection (e) is amended to read as follows:

“(e) Within 5 days after the receipt of a report made under section 309(a) and (b-1), the Director of Campaign Finance shall direct the Office of the Chief Financial Officer to disburse payments under this section. The Office of the Chief Financial Officer shall disburse the payments within 5 business days after receiving direction to do so from the Director of Campaign Finance.”.

(3) Subsection (f) is amended by striking the phrase “5 business days” and inserting the phrase “10 business days” in its place.

(g) Section 332f(d)(7) (D.C. Official Code § 1-1163.32f(d)(7)) is amended by striking the phrase “section 332k” and inserting the phrase “section 332l” in its place.

(h) Section 332g(b) (D.C. Official Code § 1-1163.32g(b)) is amended by adding a new paragraph (4) to read as follows:

“(4) Any candidate who has qualified for ballot access for a covered office listed in paragraph (1) of this subsection, in accordance with the procedures required by the Elections Board pursuant to section 8 of the Election Code, and who is not a participating candidate, may participate in a debate for that covered office held pursuant to this section.”.

(i) Section 332h (D.C. Official Code § 1-1163.32h) is amended as follows:

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(1) The section heading is amended by striking the phrase “turning over equipment to the Office of Campaign Finance” and inserting the phrase “donating equipment” in its place.

(2) Subsection (a) is amended by striking the phrase “turn over any equipment purchased by the campaign to the Office of Campaign Finance.” both times it appears and inserting the phrase “donate any equipment purchased by the campaign to a non-profit organization, within the meaning of section 501(c)(3) of the Internal Revenue Code and operating in good standing in the District for a minimum of one calendar year before the date of any donation, that is unaffiliated with the candidate, the candidate’s immediate family, the principal campaign committee, the principal campaign committee chair and treasurer, the immediate family of the principal campaign committee chair and treasurer, and any board of directors or similar governing body on which sits the candidate, the candidate’s immediately family, or the principal campaign committee chair or treasurer.” in its place.

(3) Subsection (b)(1) is amended by striking the phrase “turn over any equipment purchased by the campaign to the Office of Campaign Finance.” and inserting the phrase “donate any equipment purchased by the campaign to a non-profit organization, within the meaning of section 501(c)(3) of the Internal Revenue Code and operating in good standing in the District for a minimum of one calendar year before the date of any donation, that is unaffiliated with the candidate, the candidate’s immediate family, the principal campaign committee, the principal campaign committee chair and treasurer, the immediate family of the principal campaign committee chair and treasurer, and any board of directors or similar governing body on which sits the candidate, the candidate’s immediately family, or the principal campaign committee chair or treasurer.” in its place.

(4) Subsection (d) is repealed.

(j) Section 332j(a)(1)(H) (D.C. Official Code § 1-1163.32j(a)(1)(H)) is amended by striking the phrase “funds of the” and inserting the phrase “funds that the” in its place.

(k) Section 332l(a)(2) (D.C. Official Code § 1-1163.32l(a)(2)) is amended to read as follows:

“(2) Rules relating to the donation of equipment.”.

**Sec. 3. Fiscal impact statement.**

The Council adopts the fiscal impact statement of the Budget Director 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. 4. 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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia