

A BILL

23-283

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA



To amend, on a temporary 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 October 10 of the year preceding an election, to allow candidates seeking certification to file, on a rolling basis, 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 Temporary 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.

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

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

36 (1) Paragraph (1) is amended as follows:

37 “(1) In addition to the reports required by subsection (a) of this section, candidates
38 seeking certification and participating candidates shall submit reports of qualified small-dollar
39 contributions and contributions from non-District resident individuals that include the
40 information required by section 332b(b) on the 10th day of the October preceding the date on
41 which an election is held for the office sought and on such other dates as the Director of
42 Campaign Finance shall establish by rulemaking.”.

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

44 “(3) Candidates seeking certification may file for certification pursuant to section
45 332c(a)(2) and receive the base amount and initial disbursement of matching payments to which
46 they are eligible pursuant to sections 332d and 332e, respectively, on a rolling basis.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

82 “(a)(1)(A) Within 5 days after a participating candidate is certified under section
83 332c(b), the Director of Campaign Finance shall direct the Office of the Chief Financial Officer
84 to disburse to the participating candidate half of the base amount described in paragraph (2) of
85 this subsection. The Office of the Chief Financial Officer shall disburse the funds within 5
86 business days after receiving direction to do so from the Director of Campaign Finance.

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

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

93 “(2) If an uncontested election becomes a contested election after a participating
94 candidate is certified under section 332c(b), the Director of Campaign Finance shall direct, no
95 later than 5 days after the uncontested election becomes a contested election, the Office of the
96 Chief Financial Officer to disburse to the participating candidate, and the Office of the Chief

97 Financial Officer shall disburse, within 5 business days after receiving direction to do so from
98 the Director of Campaign Finance.”.

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

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

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

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

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

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

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

113 (1) The existing text is designated as paragraph (1).

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

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

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

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

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

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

141 candidate, the candidate’s immediately family, or the principal campaign committee chair or
142 treasurer, sits.” in its place.

143 (4) Subsection (d) is repealed.

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

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

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

149 Sec. 3. Fiscal impact statement.

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

153 Sec. 4. Effective date.

154 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
155 the Mayor, action by the Council to override the veto), a 30-day period of congressional review
156 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
157 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
158 Columbia Register.

159 (b) This act shall expire after 225 days of its having taken effect.