

A RESOLUTION

23-95

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To declare the existence of an emergency with respect to the need to amend 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.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Fair Elections Emergency Declaration Resolution of 2019”.

Sec. 2. (a) On February 6, 2018, the Council passed the Fair Elections Amendment Act of 2018, effective May 5, 2018 (D.C. Law 22-94; 65 DCR 2847), which created the Fair Elections Program (“Program”) to provide for publicly-financed elections in the District of Columbia.

(b) The Mayor and Council fully funded the new law in the Fiscal Year 2019 budget.

(c) This emergency legislation is necessary to fully operationalize the Program in anticipation of the 2020 primary and general elections.

(d) The emergency legislation amends 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.*), to:

(1) In consideration of the time and effort involved in verifying and auditing nominal contributions, set a minimum value of \$5 for qualified small-dollar contributions that can be matched under the Program;

(2) Clarify the definition of “uncontested election” to provide that an election for a seat is “uncontested” when one participating candidate is certified and no other candidate – participating in the Program or not – is running;

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(3) Provide an additional reporting date on October 10, 2019, to prevent a lapse in matching payments for participating candidates between the July 31, 2019, and December 10, 2019, reporting dates;

(4) Allow candidates seeking certification under the Program to file, at any time, for certification and receive any base amount and initial disbursement of matching payments to which they are entitled, rather than only on the reporting dates under existing law and the Office of Campaign Finance's rulemaking;

(5) Clarify the requirements for the form of the receipt provided by a candidate seeking certification or a participating candidate to a contributor;

(6) Clarify the information that contributors must provide to candidates when contributing;

(7) Extend the periods of time for:

(A) The Office of Campaign Finance to process filings from candidates seeking certification under the Program;

(B) Candidates to appeal determinations that the Program's certification requirements were not met or that their certification should be revoked; and

(C) The disbursement process for base amounts and matching payments;

(8) Allow non-participating candidates who have qualified for ballot access to participate in Program debates; and

(9) Clarify the process for donating campaign equipment to ensure that it is not donated to a non-profit organization affiliated with the candidate, their immediate family, their campaign staff, or their campaign staff's immediate family.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fair Elections Emergency Amendment Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.