

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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 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.

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.

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

38 (b) Section 309(b-1) (D.C. Official Code § 1-1163.09(b-1)) is amended by adding a new
39 paragraph (3) to read as follows:

40 “(3) Candidates seeking certification may file for certification pursuant to section
41 332c(a)(2), and receive the base amount and initial disbursement of matching payments to which
42 they are eligible pursuant to sections 332d and 332e, respectively, on a rolling basis.”.

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

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

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

52 (3) Paragraph (2) is amended by striking the phrase “A written and signed oath or
53 affirmation declaring” and inserting the phrase “An indication that the contributor has sworn or
54 affirmed” in its place.

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

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

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

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

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

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

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

66 “(a)(1)(A) Within 5 days after a participating candidate is certified under section
67 332c(b), the Director of Campaign Finance shall direct the Office of the Chief Financial Officer
68 to disburse to the participating candidate half of the base amount described in paragraph (2) of
69 this subsection. The Office of the Chief Financial Officer shall disburse the funds within 5
70 business days after receiving direction to do so from the Director of Campaign Finance.

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

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

77 “(2) If an uncontested election becomes a contested election after a participating
78 candidate is certified under section 332c(b), the Director of Campaign Finance shall direct, no
79 later than 5 days after the uncontested election becomes a contested election, the Office of the
80 Chief Financial Officer to disburse to the participating candidate the funds described in
81 subparagraphs (A) or (B) of this paragraph, and the Office of the Chief Financial Officer shall

82 disburse the funds within 5 business days after receiving direction to do so from the Director of
83 Campaign Finance.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

126 (4) Subsection (d) is repealed.

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

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

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

132 Sec. 3. Fiscal impact statement.

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

136 Sec. 4. Effective date.

137 This act shall take effect following approval by the Mayor (or in the event of veto by the
138 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
139 90 days, as provided for emergency acts of the Council of the District of Columbia in section
140 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
141 D.C. Official Code § 1-204.12(a)).