

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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 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.

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.

37 (d) The emergency legislation amends the Board of Ethics and Government  
38 Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011,  
39 effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.*), to:

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

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

46 (3) Allow candidates seeking certification under the Program to file for  
47 certification and receive any base amount and initial disbursement of matching payments to  
48 which they are entitled on a rolling basis, rather than only on the reporting dates under existing  
49 law and the Office of Campaign Finance’s rulemaking;

50 (4) Clarify the requirements for the form of the receipt provided by a participating  
51 candidate to a contributor, in addition to the information provided by contributors when  
52 contributing;

53 (5) Extend the periods of time for the Office of Campaign Finance to process  
54 filings from candidates seeking certification under the Program, for those candidates to appeal  
55 determinations that the Program’s certification requirements were not met or that their  
56 certification should be revoked, and for the disbursement process for base amounts and matching  
57 payments;

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

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

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

66 Sec. 4. This resolution shall take effect immediately.

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