

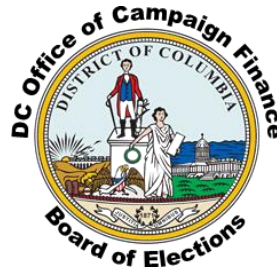
OVERVIEW OF THE FAIR ELECTIONS PROGRAM
AS ESTABLISHED BY DC LAW 22-94



**“THE FAIR ELECTIONS
AMENDMENT ACT
OF 2018”**

**Effective MAY 5, 2018 and applicable
NOVEMBER 7, 2018**

(As codified in the D.C. Official Code, 2001 Edition, as amended)



INTRODUCTION

ABOUT THE OFFICE OF CAMPAIGN FINANCE

The Office Of Campaign Finance (OCF) is established within the District of Columbia Board of Elections (The Board). The Office is responsible for the operations of the Board pertaining to the Administration, Interpretation, and Enforcement of the Campaign Finance Act of 2011, as amended.

THE FAIR ELECTIONS AMENDMENT ACT OF 2018

The Fair Elections Amendment Act of 2018 will provide public funding for the financing of campaign operations in the District of Columbia through the combination of matching funds and lump sum base amounts.

The Fair Elections Program is established within the Office of Campaign Finance, and the Agency is responsible for the administration of the Program.

The Fair Elections Program is voluntary, and prescribes distinct contribution limits, expenditure prohibitions, and reporting requirements for its participants. The regulation of the financial operations of those who do not elect to participate in the program, will remain subject to the existing reporting requirements of the Campaign Finance Act.

IT IS ANTICIPATED THE PROGRAM WILL

- Provide an incentive for more candidates to compete in the electoral process and engage with average everyday citizens and their neighbors to seek financial support instead of relying on large contributions from special interests.
- Amplify the voices of residents by matching qualified small dollar contributions at a 5:1 ratio.
- Encourage greater civic participation in the electoral process by the small donor.
- Free candidates from the rigors of fundraising to communicate more with their constituents.

HIGHLIGHTS OF THE PROGRAM

- Participation in the Fair Elections Program is available to Candidates running for the “Covered Office” of:
 - Mayor
 - Attorney General
 - Chairman and Members of the Council
 - At-Large and Ward Members of the State Board of Education
- Participation in the Program is voluntary, and participating Candidates must pledge to adhere to:
 - Lower contribution limits for individuals than those that apply to non-participating candidates;
 - A total ban on corporate and traditional PAC contributions;
 - Restrictions on the amounts candidates and members of their immediate families may contribute to their campaigns; and
 - Participate in candidate debates.

HIGHLIGHTS OF THE PROGRAM (CONT'D)

- Participation in the Program, requires a candidate seeking certification to demonstrate a base of support for his or her candidacy from those they seek to represent by collecting a minimum number and aggregated dollar amount of Qualified Small Dollar Contributions (QSDCs).
- This amount varies by Covered Office, for example: A candidate for the Office of Mayor must collect a total of \$40,000.00 from 1000 small dollar contributors.
- Qualified small dollar contributions are subject to contribution limits, contributed only from individual District residents, and eligible for matching public funds at a 5:1 rate after certification of the candidate to the Program by the Office of Campaign Finance.
- The candidate seeking certification must also file an affidavit signed by the candidate and the treasurer of his or her principal campaign committee agreeing to comply with the requirements of the Program.

**SIGNIFICANT PROVISIONS
OF THE
FAIR ELECTION AMENDMENT ACT
OF 2018**

CERTIFICATION TO THE PROGRAM

(D.C. OFFICIAL CODE § 1-1163.32 c)

The Office of Campaign Finance must determine whether the candidate meets the requirements for certification as a participating candidate, which includes qualification for ballot access through the filing of the Declaration of Candidacy and a Nominating petition containing the appropriate number of the signatures of registered qualified electors for the Office sought.

BASE AMOUNT PAYMENTS

(D.C. OFFICIAL CODE § 1-1163.32 d)

Within 5 business days of the certification of a Participating Candidate, the OCF may authorize the payment of half of the Base Amount and authorize the payment of the other half when the candidate qualifies for the ballot.

- Base amount payments are meant to provide candidates with start up funds for their campaigns while they continue to collect QSDCs.
- Base Amount payments are paid only in contested elections, and the amount of the payment varies dependent upon the Covered Office.

MATCHING PAYMENTS

(D.C. OFFICIAL CODE § 1-1163.32 e)

QSDCs are eligible for matching funds at a 5:1 rate after the candidate is certified for the Program – Example, a \$200 QSD contribution would be matched with \$1,000, for an effective donation of \$1,200. Contributions from non-District resident individuals are not matched.

- The maximum matching payments a candidate can receive is set at 110% of the average of past expenditures of winning candidates for a certain stated number of election cycles dependent upon the covered office sought
- The Council of the District of Columbia determined that a healthy matching rate encourages candidates to participate in the system and ensures that they can remain competitive, even when running against traditional financed candidates. In addition, matching Funds transform seemingly insignificant small contributions into significant ones, which in turn empowers constituents to participate in the electoral process by contributing to candidates, and making their voices heard.
- The Matching Funds cap does not prevent participating candidates from collecting QSDCs without matching payments when and if the cap is exceeded.

CONTRIBUTION REQUIREMENTS

(D.C. OFFICIAL CODE § 1-1163.32 b (b)(1) and (2))

Each QSDC and contribution from a non-District individual must be accompanied by:

- A digital or physical receipt to the contributor, with a copy to the candidate which includes the contributor's digital or physical signature, resident address, telephone number, occupation and private place of business, the candidates name; and
- A written signed oath or affirmation subject to penalties of perjury attesting to certain required statements.

LIMITS ON THE SOURCES OF CONTRIBUTIONS

(D.C. OFFICIAL CODE § 1-1163.32 f (a)(1) – (6))

Participating candidates are restricted from receiving or expending any funds in an election cycle other than:

- QSDCs;
- Contributions from non-District resident individuals that comply with the contribution limits;
- Contributions from Fair Elections Committees; base amount payments; matching payments; and
- Personal loans from a candidate or immediate family member which do not exceed the limits described in paragraph (a) (6) of this Section.

RESTRICTIONS ON EXPENDITURES

(D.C. OFFICIAL CODE § 1-1163.32 f (d))

Certain expenditures are prohibited under the Program, including those related to:

1. Clothing and other items or services related to the candidate's personal appearance;
2. Compensation to the candidate or a member of their immediate family;
3. Payment of any fine or penalty imposed pursuant to District or Federal law; or for legal expenses not directly related to acts taken under the Fair Elections Act or the Elections Code; and
4. Contributions, loans, or transfers to another Candidate's political committee or to a political action committee.

DEBATE REQUIREMENT

(D.C. OFFICIAL CODE § 1-1163.32 g)

Candidates participating in the Fair Elections Program in contested elections in city-wide races for covered offices must participate in at least one (1) debate for each election, unless waived where there is no other participating candidate or non-participating candidate willing to debate.

TIMEFRAME FOR THE REMISSION OF FUNDS AND EQUIPMENT

(D.C. OFFICIAL CODE § 1-1163.32 h)

The Program requires the remission of remaining funds in a participating candidate's campaign accounts within 60 days of the Primary Election, if the participating candidate was on the ballot and lost, and within 60 days of the General or Special Election for which a participating candidate appeared on the ballot.

The period maybe extended by 180 days for the participating candidate to withhold funds to repay authorized expenditures, to retire proper debts, or to repay personal funds to the candidate or their immediate family member.

THE FAIR ELECTIONS FUND

(D.C. OFFICIAL CODE § 1-1163.32 i)

Annual appropriations for the Fair Elections Program will be deposited in the Fair Elections Fund, and used to provide for the public financing for the political campaign of participating candidates and administering the Fair Elections Program.

REPORTING REQUIREMENTS OF THE OFFICE OF CAMPAIGN FINANCE

(D.C. OFFICIAL CODE § 1-1163.32 j)

The Office of Campaign Finance must report to the Mayor, the Council, and the public on the Program, and make recommendations for any adjustments no later than nine (9) months after the end of each election cycle.