

ENROLLED ORIGINAL

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

2001 Edition

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To establish the independent District of Columbia Board of Ethics and Government Accountability (“Ethics Board”) to administer and enforce the Code of Conduct, to establish the composition of the board, terms of appointment, qualifications of board members, procedures for removal of board members, meetings procedures, and investigations procedures, to authorize the Ethics Board to issue advisory opinions and to provide safe harbor for good-faith reliance on these opinions, to empower a Director to conduct the day-to-day duties of the Ethics Board, including investigations of allegations of violations of the Code of Conduct, to establish procedures for preliminary and formal investigations and hearings, to prohibit public officials from participating in matters in which they have a conflict of interest, to adopt rules clearly detailing recusal procedures, to reduce the number of employees who must file public and confidential financial disclosures, to require greater disclosure of financial information from those filers, to require public officials to certify compliance with the Code of Conduct, to establish penalties for violations of the Code of Conduct, to provide for local prosecutorial authority for certain violations of the Code of Conduct, to establish registration and reporting requirements for lobbyists, to prohibit the provision of discounted legal and other services to elected officials by lobbyists, to set forth the duties and powers of the Director of the Office of Campaign Finance within the District of Columbia Board of Elections, to establish filing and reporting requirements for political, exploratory, transitional, and inaugural committees, to prescribe organizational and reporting requirements for legal defense funds, to establish contribution limitations, to establish penalties and enforcement procedures for violations of campaign finance-related violations, to redefine the constituent-service program, and to restrict by amount and use constituent services funds, including requiring that each expenditure accrues to the primary benefit of residents of the District; to amend the District of Columbia Home Rule Act to make ineligible to serve any Councilmember or Mayor convicted of a felony while in office, and to provide that the Council may, by a 5/6 vote of its members, adopt a resolution to expel a Councilmember;

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to amend the Open Government Office Act to establish the District of Columbia Open Government Office as an independent office within the Ethics Board, and to provide that the Ethics Board shall appoint the director of the Open Government Office; to amend the Rules of Organization and Procedure for the Council of the District of Columbia to establish an *ad hoc* committee of the Council to consider evidence of a violation of the Code of Conduct and to recommend penalties, including reprimand, censure, or expulsion, and to provide a hearing process for a member who is the subject of an *ad hoc* committee's report and recommendations to the Council; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to amend the definitions of "public official," "District of Columbia Board of Elections and Ethics," "employee," and to provide that persons required to file under this act shall complete ethics training and certify that they have done so; to repeal Titles I through VIII of the Campaign Finance Reform Act, section 4 of the Initiative, Referendum and Recall Procedures Act of 1979, the District of Columbia Campaign Contribution Limitation Initiative of 1992, and the Exploratory Committee Regulation Amendment Act of 2007; to amend the District of Columbia Election Code of 1955 to strike references to the Board of Elections and Ethics and the District of Columbia Campaign Finance Reform and Conflict of Interest Act of 1974 ("Campaign Finance Reform Act"); to amend the Official Correspondence Regulations Act of 1977 by striking a reference to the Campaign Finance Reform Act; to amend the Volunteer Services Act of 1977 by striking a reference to the Campaign Finance Reform Act; to amend the Prevention of Child Abuse and Neglect Act of 1977 by striking reference to An Act to regulate certain political campaign finance practices in the District of Columbia; to amend the District of Columbia Statehood Constitutional Convention Initiative of 1979 by striking references to the District of Columbia Board of Elections and Ethics and the Campaign Finance Reform Act; to amend the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia by striking a reference to the Campaign Finance Reform Act; to amend the Statehood Convention Procedural Amendments Act of 1982 by striking a reference to the Campaign Finance Reform Act; to amend sections 47-391.08 and 47-2808 of the District of Columbia Official Code to make conforming amendments; to amend the School Modernization Financing Act of 2006 by striking a reference to the Campaign Finance Reform Act; and to amend provisions related to conflicts of interest in the Council of the District of Columbia Code of Official Conduct.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011".

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TITLE I. DEFINITIONS.

Sec. 101. Definitions.

For the purposes of this act, the term:

(1) "Administrative decision" means any activity directly related to action by an executive agency to issue a Mayor's order, to cause to be undertaken a rulemaking proceeding (which does not include a formal public hearing) under the Administrative Procedure Act, or to propose legislation or make nominations to the Council, the President, or Congress.

(2) "Administrative Procedure Act" means the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).

(3) "Affiliated organization" means:

(A) An organization or entity:

(i) In which the employee serves as officer, director, trustee, general partner, or employee;

(ii) In which the employee or member of the employee's household is a director, officer, owner, employee, or holder of stock worth \$1,000 or more at fair market value; or

(iii) That is a client of the employee or a member of the employee's household; or

(B) A person with whom the employee is negotiating for or has an arrangement concerning prospective employment.

(4) "Business" means any corporation, partnership, sole proprietorship, firm, nonprofit corporation, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock, trust, and any legal entity through which business is conducted, whether for profit or not.

(5) "Business with which he or she is associated" means any business of which the person or member of his or her household is a director, officer, owner, employee, or holder of stock worth \$1,000 or more at fair market value, and any business that is a client of that person.

(6) "Candidate" means an individual who seeks nomination for election, or election, to office, whether or not the individual is nominated or elected. For the purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if the individual:

(A) Obtained or authorized any other person to obtain nominating petitions to qualify himself or herself for nomination for election, or election, to office;

(B) Received contributions or made expenditures, or has given consent to any other person to receive contributions or make expenditures, with a view to bringing about his or her nomination for election, or election, to office; or

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(C) Knows, or has reason to know, that any other person has received contributions or made expenditures for that purpose, and has not notified that person in writing to cease receiving contributions or making expenditures for that purpose; provided, that an individual shall not be deemed a candidate if the individual notifies each person who has received contributions or made expenditures that the individual is only testing the waters, has not yet made any decision whether to seek nomination or election to public office, and is not a candidate. An individual deemed to be a candidate for the purposes of this act shall not be deemed, solely by reason of that status, to be a candidate for the purposes of any other law.

(7) "Code of Conduct" means those provisions contained in the following:

(A) The Code of Official Conduct of the Council of the District of Columbia, as adopted by the Council;

(B) Sections 1801 through 1802 of the Merit Personnel Act;

(C) Section 2 of the Official Correspondence Regulations, effective April 7, 1977 (D. C. Law 1-118; D.C. Official Code § 2-701 *et seq.*);

(D) Section 416 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-354.16);

(E) Chapter 18 of Title 6B of the District of Columbia Municipal Regulations;

(F) Subtitles C, D, and E of Title II, and subtitle F of Title III for the purpose of enforcement by the Elections Board of violations of section 338 that are subject to the penalty provisions of section 221.

(8) "Commodity" means commodity as defined in section 1a of the Commodity Exchange Act, approved September 21, 1922 (42 Stat. 998; 7 U.S.C. § 1a).

(9) "Compensation" means any money or an exchange of value received, regardless of its form, by a person acting as a lobbyist.

(10)(A) "Contribution" means

(i) A gift, subscription (including any assessment, fee, or membership dues), loan (except a loan made in the regular course of business by a business engaged in the business of making loans), advance, or deposit of money or anything of value, made for the purpose of financing, directly or indirectly,:

(I) The election campaign of a candidate;

(II) Any operations of a political, exploratory, inaugural, transition, or legal defense committee; or

(III) The campaign to obtain signatures on any initiative, referendum, or recall measure, or to bring about the ratification or defeat of any initiative, referendum, or recall measure, or any operations of a political committee involved in such a campaign;

(ii) A contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

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(iii) A transfer of funds between political committees or between an exploratory committee and a political committee; or

(iv) The payment, by any person other than a candidate or a political, exploratory, inaugural, transition, or legal defense committee, of compensation for the personal services of another person that are rendered to such candidate or committee without charge, or for less than reasonable value, for any such purpose or the furnishing of goods, advertising, or services to a candidate's campaign without charge, or at a rate which is less than the rate normally charged for such services.

(B) Notwithstanding subparagraph (A) of this paragraph, the term "contribution" shall not be construed to include:

(i) Services provided without compensation by a person (including an accountant or an attorney) volunteering a portion or all of the person's time on behalf of a candidate or a political, exploratory, inaugural, transition, or legal defense committee;

(ii) Personal services provided without compensation by a person volunteering a portion or all of the person's time to a candidate or a political, exploratory, inaugural, or legal defense committee;

(iii) Communications by an organization, other than a political party, solely to its members and their families on any subject;

(iv) Communications (including advertisements) to any person on any subject by any organization that is organized solely as an issue-oriented organization, which communications neither endorse nor oppose any candidate for office;

(v) Normal billing credit for a period not exceeding 30 days;

(vi) Services of an informational or polling nature, and related thereto, designed to seek the opinion(s) of voters concerning the possible candidacy of a qualified elector for public office, before such qualified elector's becoming a candidate;

(vii) The use of real or personal property, and the costs of invitations, food, and beverages voluntarily provided by a person to a candidate in rendering voluntary personal services on the person's residential premises for related activities; provided, that expenses do not exceed \$500 with respect to the candidate's election; and

(viii) The sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if the charge for use in a candidate's campaign is at least equal to the cost of such food or beverage to the vendor; provided, that expenses do not exceed \$500 with respect to the candidate's election.

(11) "Direct and predictable effect" means there is:

(A) A close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the financial interest;

(B) A real, as opposed to a speculative possibility, that the matter will affect the financial interest; and

(C) The effect is more than *de minimis*.

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(12) "Director of Campaign Finance" means the Director of Campaign Finance of the Elections Board created by section 302.

(13) "Director of Government Ethics" means the Director of Government Ethics created by section 206.

(14) "Domestic partner" shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).

(15) "Election" means a primary, general, or special election held in the District of Columbia for the purpose of nominating an individual to be a candidate for election to office, or for the purpose of electing a candidate to office, or for the purpose of deciding an initiative, referendum, or recall measure, and includes a convention or caucus of a political party held for the purpose of nominating such a candidate.

(16) "Election Code" means the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*).

(17) "Elections Board" means the District of Columbia Board of Elections established under the Election Code, and redesignated by section 305.

(18) "Employee" means, unless otherwise apparent from the context, a person who performs a function of the District government and who receives compensation for the performance of such services, or a member of a District government board or commission, whether or not for compensation.

(19) "Ethics Board" means the District of Columbia Board of Ethics and Government Accountability established by section 202.

(20) "Executive agency" means:

(A) A department, agency, or office in the executive branch of the District government under the direct administrative control of the Mayor;

(B) The State Board of Education or any of its constituent elements;

(C) The University of the District of Columbia or any of its constituent elements;

(D) The Elections Board; and

(E) Any District professional licensing and examining board under the administrative control of the executive branch.

(21)(A) "Expenditure" means:

(i) A purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of financing, directly or indirectly,:

(I) The election campaign of a candidate;

(II) Any operations of a political, exploratory, inaugural, transition, or legal defense committee; or

(III) The election campaign to obtain signatures on any initiative, referendum, or recall petition, or to bring about the ratification or defeat of any initiative,

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referendum, or recall measure, or any operations of a political committee involved in such a campaign;

(ii) A contract, promise, or agreement, whether or not legally enforceable, to make an expenditure;

(iii) A transfer of funds between political committees or between an exploratory committee and a political committee; and

(B) Notwithstanding subparagraph (A) of this paragraph, the term “expenditure” shall not be construed to include the incidental expenses (as defined by the Elections Board or Ethics Board) made by or on behalf of a person in the course of volunteering that person's time on behalf of a candidate or a political, exploratory, inaugural, transition, or legal defense committee or the use of real or personal property and the cost of invitations, food, or beverages voluntarily provided by a person to a candidate in rendering voluntary personal services on the person's residential premises for candidate-related activity if the aggregate value of such activities by such person on behalf of any candidate does not exceed \$500 with respect to any election.

(22) “Exploratory committee” means any person, or group of persons, organized for the purpose of examining or exploring the feasibility of becoming a candidate for an elective office in the District.

(23) “Gift” means a payment, subscription, advance, forbearance, rendering, or deposit of money, services, or anything of value, unless consideration of equal or greater value is received. The term “gift” shall not include:

(A) A political contribution otherwise reported as required by law;

(B) A commercially reasonable loan made in the ordinary course of business; or

(C) A gift received from a member of the person's immediate family.

(24) “Home Rule Act” means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 *et seq.*).

(25) “Household” means a public official or employee and any member of his or her immediate family with whom the public official or employee resides.

(26) “Immediate family” means the spouse or domestic partner of a public official or employee and any parent, grandparent, brother, sister, or child of the public official or employee, and the spouse or domestic partner of any such parent, grandparent, brother, sister, or child.

(27) “Inaugural committee” means a person, or group of persons, organized for the purpose of soliciting, accepting, and spending funds and coordinating activities to celebrate the election of a new Mayor.

(28) “Income” means gross income as defined in section 61 of the Internal Revenue Code (26 U.S.C. § 61).

(29) “Internal Revenue Code” means the Internal Revenue Code of 1954, approved

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August 16, 1954 (68A Stat. 3; 26 U.S.C. § 1 *et seq.*), and the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 1 *et seq.*), as amended from time to time.

(30) "Legal defense committee" means a person or group of persons, organized for the purpose of soliciting, accepting, and expending funds to defray the professional fees and costs for a public official's legal defense to one or more civil, criminal, or administrative proceedings.

(31) "Legislative action" includes any activity conducted by an official in the legislative branch in the course of carrying out his or her duties as such an official, and relating to the introduction, passage, or defeat of any legislation in the Council.

(32)(A) "Lobbying" means communicating directly with any official in the legislative or executive branch of the District government with the purpose of influencing any legislative action or an administrative decision.

(B) The term "lobbying" shall not include:

(i) The appearance or presentation of written testimony by a person on his or her own behalf, or representation by an attorney on behalf of any such person in a rulemaking (which includes a formal public hearing), rate-making, or adjudicatory hearing before an executive agency or the Tax Assessor;

(ii) Information supplied in response to written inquiries by an executive agency, the Council, or any public official;

(iii) Inquiries concerning only the status of specific actions by an executive agency or the Council;

(iv) Testimony given before the Council or a committee of the Council, during which a public record is made of such proceedings or testimony submitted for inclusion in such a public record;

(v) A communication made through the instrumentality of a newspaper, television, or radio of general circulation, or a publication whose primary audience is the organization's membership; and

(vi) Communications by a bona fide political party.

(33)(A) "Lobbyist" means any person who engages in lobbying.

(B) Public officials communicating directly or soliciting others to communicate with other public officials shall not be deemed lobbyists for the purposes of this act; provided, that a public official does not receive compensation in addition to his or her salary for such communication or solicitation and makes such communication and solicitation in his or her official capacity.

(34) "Merit Personnel Act" means the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*).

(35) "Office" means the office of Mayor, Attorney General, Chairman of the Council, member of the Council, member of the State Board of Education, or an official of a

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political party.

(36) "Official in the executive branch" means:

(A) The Mayor;

(B) Any officer or employee in the Executive Service;

(C) Persons employed under the authority of sections 901 through 903 (except 903(a)(3)) of the Merit Personnel Act paid at a rate of DS-13 or above in the General Schedule or equivalent compensation under the provisions of Title XI of the Merit Personnel Act designated in section 908 of the Merit Personnel Act (except paragraphs (9) and (10) of that section or

(D) Members of boards and commissions designated in section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)).

(37) "Official in the legislative branch" means any candidate for Chairman or member of the Council in a primary, special, or general election, the Chairman or Chairman-elect or any member or member-elect of the Council, officers, and employees of the Council appointed under the authority of sections 901 through 903 or designated in section 908 of the Merit Personnel Act.

(38) "Official of a political party" means:

(A) National committeemen and national committeewomen;

(B) Delegates to conventions of political parties nominating candidates for the Presidency and Vice Presidency of the United States;

(C) Alternates to the officials referred to in subparagraphs (A) and (B) of this paragraph, where permitted by political party rules; and

(D) Such members and officials of local committees of political parties as may be designated by the duly authorized local committees of such parties for election, by public ballot, at large or by ward in the District.

(39) "Open Government Office" means the District of Columbia Open Government Office established by section 502 of the Administrative Procedure Act.

(40) "Open Meetings Act" means the Open Meetings Amendment Act of 2010, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*).

(41) "Particular matter" is limited to meaning a deliberation, decision, or action that is focused upon the interests of specific persons, or a discrete and identifiable class of persons.

(42) "Person" means an individual, partnership, committee, corporation, labor organization, and any other organization.

(43) "Person closely affiliated with the employee" means a spouse, dependent child, general partner, a member of the employee's household, or an affiliated organization.

(44) "Political committee" means any proposer, individual, committee (including a principal campaign committee), club, association, organization, or other group of individuals organized for the purpose of, or engaged in promoting or opposing:

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- (A) A political party;
- (B) The nomination or election of a person to office; or
- (C) Any initiative, referendum, or recall.

(45) "Political party" means an association, committee, or organization that nominates a candidate for election to any office and qualifies under Title I of the Election Code to have the names of its nominees appear on the election ballot as the candidate of that association, committee, or organization.

(46) "Prohibited source" means any person that:

- (A) Has or is seeking to obtain contractual or other business or financial relations with the District government;
- (B) Conducts operations or activities that are subject to regulation by the District government; or
- (C) Has an interest that may be favorably affected by the performance or non-performance of the employee's official responsibilities.

(47) "Public official" means:

- (A) A candidate for nomination for election, or election, to public office;
- (B) The Mayor, Chairman, and each member of the Council of the District of Columbia holding office under the Home Rule Act;
- (C) The Attorney General;
- (D) A Representative or Senator elected pursuant to section 4 of the District of Columbia Statehood Constitutional Convention Initiative of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Official Code §1-123);
- (E) An Advisory Neighborhood Commissioner;
- (F) A member of the State Board of Education;
- (G) A person serving as a subordinate agency head in a position designated as within the Executive Service;
- (H) A member of a board or commission listed in section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)); and

(I) A District of Columbia Excepted Service employee paid at a rate of Excepted Service 9 or above, or its equivalent, who makes decisions or participates substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, regulating, or auditing, or acts in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest; and any additional employees designated by rule by the Ethics Board who make decisions or participate substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, regulating, or auditing, or act in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest.

(48) "Registrant" means a person who is required to register as a lobbyist under

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the provisions of section 227.

(49) "Security" means a security as defined in section 2(1) of the Securities Act of 1933, approved May 27, 1933 (48 Stat. 74; 15 U.S.C. § 77b(1)).

(50) "Tax" means the taxes imposed under Chapter 1 of the Internal Revenue Code, under Chapter 18 of Title 47 of the District of Columbia Official Code, and under the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; D.C. Official Code § 34-2101 *passim*); and any other provision of law relating to the taxation of property within the District.

(51) "Transactions in securities or commodities" means any acquisition, holding, withholding, use, transfer, or other disposition involving any security or commodity.

(52) "Transition committee" means any person, or group of persons, organized for the purpose of soliciting, accepting, or expending funds for office and personnel transition on behalf of the Chairman of the Council or the Mayor.

TITLE II. ETHICS ACT.

Sec. 201. Short title.

This title may be cited as the "Government Ethics Act of 2011".

SUBTITLE A. DISTRICT OF COLUMBIA BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY ESTABLISHMENT.

Sec. 202. Establishment of the District of Columbia Board of Ethics and Government Accountability.

(a) There is established a District of Columbia Board of Ethics and Government Accountability, whose purpose shall be to:

- (1) Administer and enforce the Code of Conduct;
- (2) Appoint a Director of the Open Government Office;
- (3) Appoint a Director of the Ethics Board;
- (4) Receive, investigate, and adjudicate violations of the Code of Conduct;
- (5) Conduct mandatory training on the Code of Conduct;
- (6) Produce ethics training materials, including summary guidelines for all applicable laws and regulations;
- (7) Produce a plain-language ethics guide;
- (8) Issue rules and regulations governing the ethical conduct of employees and public officials; and
- (9) Establish an anonymous and confidential telephone hotline for the purpose of receiving information related to violations of the Code of Conduct or other information with

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regard to the administration or enforcement of the Code of Conduct.

(b) The Ethics Board shall conduct a detailed assessment of ethical guidelines and requirements for employees and public officials to include a review of national best practices of government ethics law, and produce, within 240 days of the effective date of this act, recommendations for amending the Code of Conduct. Thereafter, the Ethics Board shall submit recommendations on December 31 of each year. The recommendations shall include:

- (1) Whether to adopt local laws that are similar in nature to federal ethics laws;
- (2) Whether to adopt post-employment restrictions;
- (3) Whether to adopt ethics laws pertaining to contracting and procurement;
- (4) Whether to adopt nepotism and cronyism prohibitions;
- (5) Whether to criminalize violations of ethics laws;
- (6) Whether to expel a member of the Council for certain violations of the Code of Conduct;
- (7) Whether to regulate campaign contributions from affiliated or subsidiary corporations; and
- (8) Any other matter as determined by the Ethics Board.

Sec. 203. Composition; term; qualifications; removal.

(a) The Ethics Board shall consist of 3 members, no more than 2 of whom shall be of the same political party, appointed by the Mayor, with the advice and consent of the Council. Members shall be appointed to serve for terms of 6 years, except the members first appointed. Of the members first appointed, one member shall be appointed to serve for a 2-year term, one member shall be appointed to serve for a 4-year term, and one member shall be appointed to serve for a 6-year term, as designated by the Mayor.

(b)(1) The Mayor shall submit a nomination for membership on the Ethics Board to the Council for a 45-day period of review, excluding days of Council recess. If the Council does not approve or disapprove the nomination, by resolution, within the 45-day review period, the nomination shall be deemed disapproved.

(2) Within 45 days of the effective date of this act, the Mayor shall submit to the Council for its review pursuant to paragraph (1) of this subsection the nominations for initial appointment to the Ethics Board.

(c) The Mayor shall designate the Chairman of the Ethics Board.

(d) Any person appointed to fill a vacancy on the Ethics Board shall be appointed only for the unexpired term of the member whose vacancy he or she is filling.

(e) A vacancy shall be noticed in the District of Columbia Register.

(f) A member may be reappointed, and, if not reappointed, the member may serve until the member's successor has been appointed and approved.

(g) When appointing and approving a member of the Ethics Board, the Mayor and Council shall consider whether the individual possesses demonstrated integrity, independence,

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and public credibility, and whether the individual has particular knowledge, training, or experience in government ethics or in public transparency.

(h) A person shall not be a member of the Ethics Board unless he or she:

- (1) Is a duly registered voter;
- (2) Has resided in the District continuously since the beginning of the one-year period ending on the day he or she is appointed; and
- (3) Holds no other office or employment in the District government.

(i) An Ethics Board member shall not:

- (1) Act as a leader or hold any office in a District political organization;
- (2) Make speeches for a District political organization or candidate, or publicly endorse or oppose a District of Columbia candidate for public office;
- (3) Solicit funds for, pay an assessment to, or make a contribution to a District political organization or candidate, or attend or purchase a ticket for a dinner or other event sponsored by a District of Columbia political organization or candidate;

(4) Be a lobbyist;

(5) Use his or her status as a member to directly or indirectly attempt to influence any decision of the District government relating to any action that is not within the Ethics Board's purview; or

(6) During the member's tenure on the Ethics Board, be convicted of having committed a felony in the District of Columbia, or if the crime is committed elsewhere, convicted of an offense that would have been a felony if it had been committed in the District of Columbia.

(j) A member of the Ethics Board may be removed for good cause, including engaging in any activity prohibited by subsections (h) or (i) of this section, in accordance with the following procedure:

(1) When the Mayor believes that there is good cause to remove a member, the Mayor shall notify the member in writing by personal service or by certified or registered mail, setting out the alleged cause and advising the member that he or she has 7 days in which to request a hearing before the Council.

(2) If the member fails to request a hearing within 7 days after receiving the notice, the Mayor may remove the member and appoint a new member to serve until the expiration of the term of the member removed.

(3) If within 7 days of receiving notice from the Mayor, the member requests a hearing, the Mayor shall promptly notify the Council, and the Council shall convene the hearing within 30 calendar days after receiving notice from the Mayor that a member has requested a hearing.

(4) At the conclusion of the hearing, the Council shall vote on whether to remove the member. If 2/3rds of the Council votes to remove a member, the member shall be removed and the Mayor shall appoint a new member to serve until the expiration of the term of the member

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removed.

(5) If less than 2/3rds of the Council votes to remove a member, the member shall not be removed.

Sec. 204. Meetings.

(a) The Ethics Board shall hold regular monthly meetings in accordance with a schedule to be established by the Ethics Board. Additional meetings may be called as needed by the Ethics Board.

(b) The Ethics Board shall provide notice of meetings and shall conduct its meetings in compliance with the Open Meetings Act.

Sec. 205. Compensation.

(a) Each member of the Ethics Board, excluding the Chairman, shall receive compensation, as provided in section 1108 of the Merit Personnel Act, while actually in the service of the Ethics Board, for a sum not to exceed \$12,500 per annum.

(b) The Chairman of the Ethics Board shall receive compensation, as provided in section 1108 of the Merit Personnel Act, while actually in the service of the Ethics Board, for a sum not to exceed \$26,500 per annum.

Sec. 206. Professional staff.

(a) The Ethics Board shall select, employ, and fix the compensation for a Director of Government Ethics and such staff as the Ethics Board considers necessary, subject to the pay limitations of section 117 of the Merit Personnel Act. The Director of Government Ethics shall serve at the pleasure of the Ethics Board. The Ethics Board shall provide to the Director of Government Ethics employees to carry out the powers and duties of the Director of Government Ethics. Employees assigned to the Director of Government Ethics, while so assigned, shall be under the direction and control of the Director of Government Ethics and may not be reassigned without the concurrence of the Director of Government Ethics.

(b) The Director of Government Ethics shall be a District resident and failure to maintain District residency shall result in forfeiture of the position.

(c) The staff of the Ethics Board shall be subject to the Code of Conduct, and the Ethics Board shall promulgate such regulations as may be necessary to ensure that all persons responsible for the proper administration of this title maintain a position of strict impartiality and refrain from any activity that would imply support or opposition to an Ethics Board investigation.

Sec. 207. Budget.

(a) The Director of Government Ethics, with approval by the Ethics Board, shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia under part D of Title IV of the Home Rule Act for the year, annual estimates of the expenditures and

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appropriations necessary for the operation of the Ethics Board for the year. All such estimates shall be forwarded by the Mayor to the Council for its action pursuant to sections 446 and 603(c) of the Home Rule Act, in addition to the Mayor's recommendations.

(b) Before Fiscal Year 2013, upon the request of any member of the Ethics Board, the Mayor shall provide the Ethics Board with suitable office space in a publicly owned or leased building for the administration and enforcement of this title. Furnishings, information technology services and equipment, and supplies to this office space shall also be provided upon request.

Sec. 208. Quorum; delegation.

(a) Two members of the Ethics Board shall constitute a quorum for the transaction of business.

(b) The Ethics Board may delegate to an individual member or to the Director of Government Ethics its power to investigate or hold a hearing.

Sec. 209. Rules.

The Ethics Board, pursuant to Title I of the Administrative Procedure Act, shall issue rules to implement the provisions of this title, including rules for the administration of preliminary investigations, formal investigations, and hearings related to violations of the Code of Conduct or other provisions of this title.

Sec. 210. Board of Ethics and Government Accountability Fund.

(a) There is established as a nonlapsing fund the Board of Ethics and Government Accountability Fund ("Accountability Fund"), which shall be administered by the Ethics Board. The funds in the Accountability Fund shall be used exclusively by the Ethics Board. All fines collected under section 221 and Subtitle E of Title II shall be deposited into the Accountability Fund.

(b) All funds deposited into the Accountability Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in this title without regard to fiscal year limitation, subject to authorization by Congress.

SUBTITLE B. DIRECTOR OF GOVERNMENT ETHICS.

Sec. 211. Powers of the Director of Government Ethics.

The Director of Government Ethics, approved by the Ethics Board, shall have the power to:

(1) Require any person to submit, within a reasonable period and under oath or otherwise as the Director of Government Ethics may determine, written reports and answers to questions that the Director of Government Ethics may propound relating to the administration and

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enforcement of this title;

(2) Administer oaths;

(3) Require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of the Ethics Board's duties; provided, that subpoenas issued under this paragraph shall be issued by the Director of Government Ethics only upon approval of a majority of the Ethics Board and served either personally or by certified or registered mail;

(4) Order testimony to be taken by deposition in a proceeding or investigation before any person who is designated by the Director of Government Ethics and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under this section;

(5) Pay witnesses the same fees and mileage as are paid in like circumstances in the Superior Court of the District of Columbia;

(6) Institute or conduct, on the Director of Government Ethics' own motion, a preliminary investigation into alleged violations of the Code of Conduct or other violations of this title;

(7) Retain, on a temporary basis, consultants, including attorneys or others, on a pro bono basis, as necessary to administer and enforce this title; and

(8) Require any person to submit through an electronic format or medium a report required pursuant to this title.

Sec. 212. Preliminary investigations.

(a) The Director of Government Ethics shall conduct a preliminary investigation of a possible violation the Code of Conduct or of this title brought to the attention of the Director of Government Ethics or the Ethics Board through the following sources:

(1) The media;

(2) A tip received through the hotline; or

(3) Documents filed with the Ethics Board.

(b) If during or after the preliminary investigation, the Director of Government Ethics has reason to believe that a violation of the Code of Conduct or of this title may have occurred, the Director of Government Ethics shall present evidence of the violation to the Ethics Board. Upon presentation of evidence, the Ethics Board may authorize a formal investigation and the issuance of subpoenas if it finds reason to believe a violation has occurred.

(c) A preliminary investigation may be dismissed by the Director of Government Ethics or the Ethics Board if insufficient evidence exists to support a reasonable belief that a violation has occurred.

(d) The identity of an individual who is the subject of the preliminary investigation shall not be disclosed without the individual's consent unless or until the Ethics Board has found reason to believe that the individual has committed a violation and the Ethics Board finds that disclosure

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would not harm the investigation.

Sec. 213. Formal investigation.

- (a) A formal investigation shall be initiated upon:
 - (1) Receipt of a written complaint transmitted to the Ethics Board;
 - (2) A finding by the Office of the Inspector General or District of Columbia Auditor of waste, fraud, abuse of government resources, or a violation of the Code of Conduct; or
 - (3) A finding by a court of competent jurisdiction of liability in a civil proceeding, indictment, or information in a criminal proceeding with respect to acts or offenses that may constitute violations of the Code of Conduct or of this title.
- (b) A written complaint shall include:
 - (1) The full name and address of the complainant and the respondent;
 - (2) A clear and concise statement of facts that are alleged to constitute a violation of the Code of Conduct or of this title;
 - (3) The complainant's signature;
 - (4) A verification of the complaint under oath; and
 - (5) Supporting documentation, if any.
- (c) No complaint may be made under this title later than 5 years after the discovery of the alleged violation.
- (d) An individual making a complaint shall be afforded all available protections from adverse employment action or retaliation in accordance with the Merit Personnel Act and the Title II of the Whistleblower Reinforcement Act of 1998, effective October 7, 1998 (D.C. Law 12-160; D.C. Official Code § 2-223.01 *et seq.*).
- (e) Within 14 days of the initiation of a formal investigation, the Director of Government Ethics shall cause evidence concerning the complaint to be presented to the Ethics Board. If the Ethics Board decides that there is reasonable belief that a violation has occurred, the Ethics Board may authorize the issuance of subpoenas.

Sec. 214. Hearings.

- (a)(1) After determining that there is reason to believe a violation has occurred based upon the presentation of evidence by the Director of Government Ethics pursuant to section 212(b) or section 213(e), the Ethics Board shall conduct an open and adversarial hearing at which the Director of Government Ethics shall present evidence of the violation. A hearing need not be conducted if a matter is dismissed pursuant to section 216(a).
- (2) If the Director of Government Ethics fails to present a matter, or advises the Ethics Board that insufficient evidence exists to present a matter or that an additional period of time is needed to investigate a matter further, the Ethics Board may order the Director of Government Ethics to present the matter as provided in paragraph (1) of this subsection.
- (b) Any hearing under this section shall be of record and shall be held in accordance with

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the Administrative Procedure Act.

(c) Any witness has a right to refuse to answer a question that might tend to incriminate the witness by claiming his or her Fifth Amendment privilege against self-incrimination.

Sec. 215. Disposition.

(a) Following the presentation of evidence to the Ethics Board by the Director of Government Ethics in an adversary proceeding and an open hearing, the Ethics Board may:

- (1) Levy a penalty in accordance with section 221;
- (2) Refer the matter to the United States Attorney for the District of Columbia for enforcement or prosecution;
- (3) Refer the matter to the Attorney General of the District of Columbia for enforcement or prosecution; or.
- (4) Dismiss the action.

(b) The Ethics Board may not refer information concerning an alleged violation of the Code of Conduct or of this title to the United States Attorney for the District of Columbia or the Attorney General of the District of Columbia without the presentation of evidence by the Director of Government Ethics as provided in section 214(a).

Sec. 216. Dismissal of meritless claim, complaint, or request for investigation.

(a) The Ethics Board may dismiss, at any stage of the proceedings, any claim, complaint, request for investigation, investigation, or portion of an investigation that the Ethics Board finds to be without merit.

(b) The Ethics Board may require a person who made or caused to be made a claim, complaint, or request for investigation in bad faith and without merit to pay reasonable fees for time spent reviewing or investigating the claim, complaint, or requests for investigation.

Sec. 217. Appeals.

Appeals of any order or fine made by the Ethics Board in accordance with this title shall be made to the Superior Court of the District of Columbia.

Sec. 218. Enforcement of subpoena.

The Superior Court of the District of Columbia may, upon petition by the Ethics Board, in case of refusal to obey a subpoena or order of the Ethics Board issued under section 211(3), issue an order requiring compliance; and any failure to obey the order of the court may be treated by the court as contempt.

Sec. 219. Advisory opinions.

(a) Upon application made by an employee or public official subject to the Code of Conduct, the Ethics Board or the Director of Government Ethics shall, within a reasonable period

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of time, provide an advisory opinion as to whether a specific transaction or activity inquired of would constitute a violation of a provision of the Code of Conduct over which the Ethics Board has primary jurisdiction.

(b) An advisory opinion shall be published in the District of Columbia Register within 30 days of its issuance; provided, that the identity of a person requesting an advisory opinion shall not be disclosed in the District of Columbia Register without the person's prior consent in writing.

(c) If issued by the Director of Government Ethics, an advisory opinion may be appealed for consideration by the Ethics Board.

(d) There shall be no enforcement of a violation of the Code of Conduct taken against an employee or public official who relied in good faith upon an advisory opinion requested by that employee or public official; provided, that the employee or public official, in seeking the advisory opinion, made full and accurate disclosure of all relevant circumstances and information.

Sec. 220. Reports.

(a) The Director of Government Ethics shall produce a quarterly report detailing:

(1) The posture of each complaint it received, including whether an investigation was initiated, is ongoing, or has concluded;

(2) The referrals made to and from the Ethics Board;

(3) Fines and penalties imposed by the Ethics Board;

(4) Allegations dismissed by the Ethics Board; and

(5) Other action taken with regard to an allegation of a violation of the Code of Conduct.

(b) The quarterly report shall be posted online.

Sec. 221. Penalties.

(a)(1) In accordance with paragraph (2) of this subsection and except as provided in subsection (b) of this section, the Ethics Board may assess a civil penalty for a violation of the Code of Conduct of not more than \$5,000 per violation, or 3 times the amount of an unlawful contribution, expenditure, gift, honorarium, or receipt of outside income for each violation. Each occurrence of a violation of this title and each day of noncompliance with a requirement of this title or an order of the Ethics Board shall constitute a separate offense.

(2) A civil penalty shall be assessed by the Ethics Board by order only after the person charged with a violation has been given an opportunity for a hearing, and after the Ethics Board has determined, by a decision incorporating its findings of facts, that a violation occurred.

(3) Notwithstanding the provisions of paragraph (2) of this subsection, the Ethics Board may issue a schedule of fines for violations of this title, which may be imposed ministerially by the Director of Government Ethics. A civil penalty imposed under the authority of this paragraph may be appealed to the Ethics Board in accordance with the provisions of

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paragraph (2) of this subsection. The aggregate set of penalties imposed against each person under the authority of this paragraph may not exceed \$5,000.

(4) In addition to any civil penalty imposed under this title, a violation of the Code of Conduct may result in remedial action in accordance with the Merit Personnel Act.

(5)(A) If the person against whom a civil penalty is assessed fails to pay the penalty, the Ethics Board may file a petition for enforcement of its order assessing the penalty in the Superior Court of the District of Columbia. The petition shall designate the person against whom the order is sought to be enforced as the respondent. A copy of the petition shall be sent by registered or certified mail to the respondent and the respondent's attorney of record, if any, and the Ethics Board shall certify and file with the court the record upon which the order sought to be enforced was issued.

(B) The court shall have jurisdiction to enter a judgment enforcing, modifying, and enforcing as so modified, or setting aside, in whole or in part, the order and the decision of the Ethics Board or it may remand the proceedings to the Ethics Board for such further action as it may direct. The court may determine *de novo* all issues of law, but the Ethics Board's findings of fact, if supported by substantial evidence, shall be conclusive.

(b)(1) Any person who commits a violation of the Code of Conduct that substantially threatens the public trust shall be fined not more than \$25,000, or shall be imprisoned for not longer than one year, but not both.

(2)(A) Prosecutions of violations of this subsection shall be brought by the Attorney General of the District of Columbia; provided, that if the conduct also violates criminal provisions that could be prosecuted by the United States Attorney for the District of Columbia, the United States Attorney for the District of Columbia consents to the prosecution by the Attorney General of the District of Columbia.

(B) Notwithstanding subparagraph (A) of this paragraph, no prosecution for a violation of paragraph (1) of this subsection shall be made until the Ethics Board has conducted its study pursuant to section 202(b) and the Council has, by law, specified violations of the Code of Conduct that substantially threaten the public trust.

(c) The provisions of this title shall in no manner limit the authority of the United States Attorney for the District of Columbia.

(d) All actions of the Ethics Board, the Attorney General of the District of Columbia, or of the United States Attorney for the District of Columbia to enforce the provisions of this title must be initiated within 5 years of the discovery of the alleged violation.

(e) Notwithstanding any other provision in this title, all equitable remedies at law shall be available for violations of the Code of Conduct, which may be in addition to any civil penalty prescribed in this title.

(f) The penalties set forth in this section shall not apply to Subtitle E of Title II.

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Sec. 222. Additional penalties for public officials.

(a) In addition to the penalties set forth in section 221, the Ethics Board may censure a public official for a violation of the Code of Conduct that the Ethics Board finds to substantially threaten the public trust.

(b) The Ethics Board may recommend in such censure that the Council suspend or remove a Councilmember's committee chairmanship, if any, committee membership, if any, or vote in any committee.

SUBTITLE C. CONFLICTS OF INTEREST

Sec. 223. Conflicts of interest.

(a) No employee shall use his or her official position or title, or personally and substantially participate, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter, or attempt to influence the outcome of a particular matter, in a manner that the employee knows is likely to have a direct and predictable effect on the employee's financial interests or the financial interests of a person closely affiliated with the employee.

(b) An employee other than an elected official may seek a waiver, and the prohibition in subsection (a) of this section shall not apply, if the employee:

- (1) Advises the employee's supervisor and the Ethics Board of the nature and circumstances of the particular matter;
- (2) Makes full disclosure of the financial interest; and
- (3) Receives in advance a written determination made by both the supervisor and the Ethics Board that:

(A) The interest is not so substantial as to be deemed likely to affect the integrity of the services that the government may expect from the employee; or

(B) Another legally cognizable basis for waiver exists.

(c)(1) Any elected official who, in the discharge of the elected official's official duties, would be required to act in any matter prohibited under subsection (a) of this section shall make full disclosure of the financial interest, prepare a written statement describing the matter and the nature of the potential conflict of interest, and deliver the statement to:

(A) In the case of a member of the Council, the Council Chairman; or

(B) In the case of an elected official other than a member of the Council, the Ethics Board.

(2) Any employee other than an elected official who, in the discharge of the employee's official duties, would be required to act in any matter prohibited under subsection (a) of this section shall:

(A) Make full disclosure of the financial interest:

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(B) Prepare a written statement describing the matter and the nature of the potential conflict of interest; and

(C) Deliver the statement to the employee's supervisor and to the Ethics Board.

(3) During a proceeding in which an elected official would be required to take action in any matter that is prohibited under subsection (a) of this section, the Chairman shall:

(A) Read the statement provided in paragraph (1) of this subsection into the record of proceedings; and

(B) Excuse the elected official from votes, deliberations, and other actions on the matter.

(4) No Councilmember excused from votes, deliberations, or other actions on a matter shall in any way participate in or attempt to influence the outcome of the particular matter, in a manner that is likely to have a direct and predictable effect on the employee's financial interests or the financial interests of a person closely affiliated with the employee.

(5) Upon receipt of the statement provided in paragraph (2) of this subsection, the employee's supervisor shall assign the matter to another employee who does not have a potential conflict of interest.

(d)(1) An employee shall not receive any compensation, salary, or contribution to salary, gratuity, or any other thing of value from a source other than the District government for the employee's performance of official duties.

(2) No employee or member of the employee's household may knowingly acquire:

(A) Stocks, bonds, commodities, real estate, or other property, whether held individually or jointly, the acquisition of which could unduly influence or give the appearance of unduly influencing the employee in the conduct of his or her official duties and responsibilities; or

(B) An interest in a business or commercial enterprise that is related directly to the employee's official duties, or which might otherwise be involved in an official action taken or recommended by the employee, or which is related to matters over which the employee could wield any influence, official or otherwise.

SUBTITLE D. FINANCIAL DISCLOSURES AND HONORARIA.

Sec. 224. Public reporting.

(a)(1) Public officials, except Advisory Neighborhood Commissioners, shall file annually with the Ethics Board a public report containing a full and complete statement of:

(A) The name of each business entity, including sole proprietorships, partnerships, trusts, nonprofit organizations, and corporations, whether or not transacting any business with the District of Columbia government, in or from which the public official or his or

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her spouse, domestic partner, or dependent children:

(i) Has a beneficial interest, including, whether held in such person's own name, in trust, or in the name of a nominee, securities, stocks, stock options, bonds, or trusts, exceeding in the aggregate \$1,000, or that produced income of \$200;

(ii) Receives honoraria and income earned for services rendered in excess of \$200 during a calendar year, as well as the identity of any client for whom the official performed a service in connection with the official's outside income if the client has a contract with the government of the District of Columbia or the client stands to gain a direct financial benefit from legislation that was pending before the Council during the calendar year. The report required by this subtitle shall include a narrative description of the nature of the service performed in connection with the official's outside income;

(iii) Serves as an officer, director, partner, employee, consultant, contractor, volunteer, or in any other formal capacity or affiliation; or

(iv) Has an agreement or arrangement for a leave of absence, future employment, including date of agreement, or continuation of payment by a former employer;

(B) Any outstanding individual liability in excess of \$1,000 for borrowing by the public official or his or her spouse, domestic partner, or dependent children from anyone other than a federal or state insured or regulated financial institution, including any revolving credit and installment accounts from any business enterprise regularly engaged in the business of providing revolving credit or installment accounts, or a member of the person's immediate family;

(C) All real property located in the District (and its actual location) in which the public official or his or her spouse, domestic partner, or dependent children, has an interest with a fair market value in excess of \$1,000, or that produced income of \$200; provided, that this provision shall not apply to personal residences occupied by the public official, his or her spouse, or domestic partner;

(D) All professional or occupational licenses issued by the District of Columbia government held by a public official or his or her spouse, domestic partner, or dependent children;

(E) All gifts received year by a public official from a prohibited source in an aggregate value of \$100 in a calendar;

(F) An affidavit stating that the public official has not caused title to property to be placed in another person or entity for the purposes of avoiding the disclosure requirements of this subsection; and

(G) A certification that the public official has:

(i) Filed and paid his or her income and property taxes;

(ii) Diligently safeguarded the assets of the taxpayers and the

District;

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- (iii) Reported known illegal activity, including attempted bribes, to the appropriate authorities;
- (iv) Not been offered or accepted any bribes;
- (v) Not directly or indirectly received government funds through illegal or improper means;
- (vi) Not raised or received funds in violation of federal or District law; and
- (vii) Not received or been given anything of value, including a gift, favor, service, loan gratuity, discount, hospitality, political contribution, or promise of future employment, based on any understanding that the public official's official actions or judgment or vote would be influenced.

(2) The Ethics Board may, on a case-by-case basis, exempt a public official from this requirement or some portion of this requirement for good cause shown.

(b) Except as otherwise provided by this section, all papers filed under this section shall be kept by the Ethics Board in the custody of the Director of Government Ethics for no less than 6 years. The Ethics Board shall publicly disclose before the 2nd day of June each year the names of the candidates, officers, and employees who have filed a report. The Director of Government Ethics shall dispose of papers filed pursuant to this section in accordance with the District of Columbia Public Records Management Act of 1985, effective September 5, 1985 (D.C. Law 6-19; D.C. Official Code § 2-1701 *et seq.*).

(c) Reports required by this section shall be filed before October 2nd of each year. If a public official ceases before October 1st to hold the office or position, the occupancy of which imposes upon him or her the reporting requirements set forth in subsection (a) of this section, the public official shall file the report within 3 months after leaving the office or position. The Ethics Board shall publish, in the District of Columbia Register, before November 2nd each year, the name of each public official who has:

- (1) Filed a report under this section;
- (2) Sought and received an extension of the deadline filing requirement and the reason for the extension; and
- (3) Not filed a report and the reason for not filing, if known.

(d) Reports required by this section shall be in a form prescribed by the Ethics Board. The Ethics Board may provide for the grouping of items of income, sources of income, assets, liabilities, dealings in securities or commodities, and purchases and sales of real property, when separate itemization is not feasible or is not necessary for an accurate disclosure of the income, net worth, dealing in securities and commodities, or purchases and sales of rental property of any individual.

(e) All reports filed under this section shall be maintained by the Ethics Board as public records.

(f) For the purposes of a report required by this section, a person shall be considered to

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have been a public official if he or she has served as a public official for more than 30 days during any calendar year in a position for which reports are required under this section.

(g) The Ethics Board shall provide for the annual auditing of all reports filed pursuant to this section.

(h) The Mayor shall develop a list of each business entity transacting any business with the District government, or providing a service to the District for consideration, to include the business name, address, principals, and brief summary of the business transacted within the immediately preceding 6 months. The list shall be available online and published on January 1st and July 1st annually.

Sec. 225. Confidential disclosure of financial interest.

(a) Any employee, other than a public official, who advises, makes decisions or participates substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, policy-making, regulating, or auditing, or acts in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest, as determined by the appropriate agency head, shall file, before October 2nd of each year, with that agency head a report containing a full and complete statement of the information required by section 224. Advisory Neighborhood Commissioners shall file the report required by this section.

(b) Upon review of the confidential report, any violation of the Code of Conduct found by the agency head shall be forwarded immediately to the Ethics Board for review.

(c) On or before September 1st of each year, each agency head shall designate the persons in the agency required to submit a confidential report by name, position, and grade level, and shall supply this list to the Ethics Board and the D.C. Ethics Counselor on or before September 15th of each year.

Sec. 226. Limitations on honoraria and royalties.

(a) Except as provided in subsections (b) and (c) of this section, neither the Mayor, the Attorney General, the Chairman of the Council, nor any member of the Council or of the State Board of Education, nor any member of his or her immediate family, shall receive honoraria exceeding \$10,000 in the aggregate during any calendar year. For the purposes of this subsection, the term "honorarium" means payment of money or anything of value for an appearance, speech, or article; provided, that a reimbursement for or payment of actual and necessary travel expenses incurred shall not be considered honoraria. For the purposes of computing the \$10,000 limit on honoraria established under this subsection, an honorarium shall be considered received in the year in which the right to receive the honorarium accrues.

(b) Except as provided in subsection (c) of this section, neither the Mayor, the Chairman of the Council, nor any member of the Mayor's or of the Chairman of the Council's immediate family shall accept royalties for works of the Mayor or of the Chairman of the Council that exceed

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\$10,000 in the aggregate during any calendar year. For the purposes of computing the limit on royalties established under this subsection, a royalty shall be considered received during the calendar year in which the right to receive the royalty accrues.

(c) For the purposes of this section, any royalty or part of a royalty, or any honorarium or part of an honorarium paid to a charitable organization by or on behalf of a public official shall not be calculated as part of an aggregate total.

SUBTITLE E. LOBBYISTS.

Sec. 227. Persons required to register.

(a) Except as provided in section 228, a person shall register with the Director of Government Ethics pursuant to section 229 and pay the required registration fee if the person receives compensation or expends funds in an amount of \$250 or more in any 3-consecutive-calendar-month period for lobbying. A person who receives compensation from more than one source shall register under this section if the person receives an aggregate amount of \$250 or more in any 3-consecutive-calendar-month period for lobbying. Failure to register as required by this section shall result in a civil penalty.

(b)(1) Except as provided in paragraph (2) of this subsection, the registration fee for lobbyists shall be \$250.

(2) The registration fee for lobbyists who lobby solely for nonprofit organizations shall be \$50.

(c)(1) There is established as a nonlapsing fund the Lobbyist Administration and Enforcement Fund ("Lobbyist Fund"), which shall be administered by the Ethics Board. The funds in the Lobbyist Fund shall be used by the Ethics Board solely for the purpose of administering and enforcing this title.

(2) All fees collected under subsection (b) of this section by the Ethics Board shall be deposited into the Lobbyist Fund. All funds deposited into the Lobbyist Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in paragraph (1) of this subsection without regard to fiscal year limitation, subject to authorization by Congress.

Sec. 228. Exceptions.

(a) A person need not register with the Director pursuant to section 229 if the person is:

(1) A public official, or an employee of the United States acting in his or her official capacity;

(2) A publisher or working member of the press, radio, or television who, in the ordinary course of business, disseminates news or editorial comment to the general public;

(3) A candidate, member, or member-elect of an Advisory Neighborhood

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Commission; or

(4) An entity specified in D.C. Official Code § 47-1802.01(4), whose activities do not consist of lobbying, the result of which shall inure to the financial gain or benefit of the entity.

(b) Any person who is exempt from registration under any provision of this section, except a person exempt from registration under the provisions of subsection (a)(1) of this section, may be a registrant for other purposes under this subtitle; provided, that no activity engaged in by the person shall constitute a conflict of interest under the provisions of section 223. Registrants have no obligation to report activities in furtherance of exempt activities under this section in activity reports required under section 230.

Sec. 229. Registration form.

(a) Each registrant shall file a registration form with the Director of Government Ethics, signed under oath, on or before January 15th of each year, or no later than 15 days after becoming a lobbyist (and on or before January 15th of each year thereafter). If the registrant is not an individual, an authorized officer or agent of the registrant shall sign the form. A registrant shall file a separate registration form for each person from whom he or she receives compensation.

(b)(1) The registration shall be on a form prescribed by the Director of Government Ethics and shall include:

(A) The registrant's name, permanent address, and temporary address while lobbying;

(B) The name and address of each person who will lobby on the registrant's behalf;

(C) The name, address, and nature of the business of any person who compensates the registrant and the terms of the compensation; and

(D) The identification, by formal designation, if known, of matters on which the registrant expects to lobby.

(2) The Director of Government Ethics shall publish in the District of Columbia Register on or before February 15th and on or before August 15th of each year a summary of all information required to be submitted under this subsection.

(c) No later than 10 days after a registrant files a registration form with the Director of Government Ethics, the Director of Government Ethics shall publish on the Ethics Board's website a summary of all information required to be submitted under this section.

Sec. 230. Activity reports.

(a) Each registrant shall file with the Director of Government Ethics between the 1st and 10th day of July and January of each year a report signed under oath concerning the registrant's lobbying activities during the previous 6-month period. If the registrant is not an individual, an authorized officer or agent of the registrant shall sign the form. A registrant shall file a separate

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activity report for each person from whom he or she receives compensation. The reports shall be public documents and shall be on a form prescribed by the Director of Government Ethics and shall include the following:

(1) A complete and current statement of the information required to be supplied pursuant to section 229;

(2)(A) Total expenditures on lobbying broken down into the following categories:

- (i) Office expenses;
- (ii) Advertising and publications;
- (iii) Compensation to others;
- (iv) Personal sustenance, lodging, and travel, if compensated;
- (v) Other expenses;

(B) Each expenditure of \$50 or more shall also be itemized by the date, name, and address of the recipient, and the amount and purpose of the expenditure;

(3) Each political expenditure, loan, gift, honorarium, or contribution of \$50 or more made by the registrant or anyone acting on behalf of the registrant to benefit an official in the legislative or executive branch, a member of his or her staff or household, or a campaign or testimonial committee established for the benefit of the official, be itemized by date, beneficiary, amount, and circumstances of the transaction; including the aggregate of all expenditures that are less than \$50;

(4) Each official in the executive or legislative branch and any member of the official's staff, including personal and committee staff, who has a business relationship or a professional services relationship with the registrant shall be identified by name and the nature of the business relationship with the registrant;

(5) Each official in the executive or legislative branch with whom the registrant has had written or oral communications during the reporting periods related to lobbying activities conducted by the registrant shall also be included in the report, identifying the official with whom the communication was made; and

(6) Each person whom the registrant has given compensation to lobby on his or her behalf shall also be listed in the report.

(b) Each registrant shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the activity reports required to be made pursuant to this section for 5 years from the date of filing of the report containing these items. These materials shall be made available for inspection upon requests by the Director of Government Ethics after reasonable notice.

(c) Each registrant who does not file a report required by this section for a given period is presumed not to be receiving or expending funds that are required to be reported under this subtitle.

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Sec. 231. Prohibited activities.

(a) No registrant or anyone acting on behalf of a registrant shall offer, give, or cause to be given a gift or service to an official in the legislative or executive branch or a member of his or her staff that exceeds \$100 in value in the aggregate in any calendar year. This section shall not be construed to restrict in any manner contributions authorized in sections 333, 334, and 338.

(b) No official in the legislative or executive branch or a member of his or her staff shall solicit or accept anything of value in violation of subsection (a) of this section.

(c) No person shall knowingly or willfully make or cause to be made any false or misleading statement or misrepresentation of the facts relating to pending administrative decisions or legislative actions to any official in the legislative or executive branch;

(d) No person shall, knowing a document to contain a false statement relating to pending administrative decisions or legislative actions, cause a copy of the document to be transmitted to an official in the legislative or executive branch without notifying the official in writing of the truth.

(e) No information copied from registration forms and activity reports required by this title or from lists compiled from such forms and reports shall be sold or utilized by any person for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fundraising affair or for any commercial purpose.

(f) No public official shall be employed as a lobbyist while acting as a public official, except as provided in section 228.

(g)(1) No lobbyist or registrant or person acting on behalf of the lobbyist or registrant, shall provide legal representation, or other professional services, to an official in the legislative or executive branch, or to a member of his or her staff, at no cost or at a rate that is less than the lobbyist or registrant would routinely bill for the representation or service in the marketplace.

(2) Notwithstanding paragraph (1) of this section, a nonprofit organization that routinely provides legal representation or other services to clients at no cost may provide such representation or services to such client when doing so serves the purposes for which such services are routinely provided, and the representation and services are not provided by a lobbyist or registrant.

Sec. 232. Penalties; prohibition from serving as lobbyist; citizen suits.

(a) Notwithstanding section 221 and except as provided in subsection (c) of this section, any person who willfully and knowingly violates any of the provisions of this subtitle shall be fined not more than \$5,000, or imprisoned for not more than 12 months, or both.

(b) In addition to the penalties provided for in subsection (a) of this section, any person convicted of the misdemeanor specified in that section may be prohibited from serving as a lobbyist for a period of 3 years from the date of the conviction.

(c) Any person who files a report or registration form required under this subtitle in an untimely manner shall be assessed a civil penalty of \$10 per day up to 30 days (excluding

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Saturdays, Sundays, and holidays) that the report or registration form is late. The Ethics Board may waive the penalty imposed under this subsection for good cause shown.

(d) Should any provision of this title not be enforced by the Ethics Board, a citizen of the District of Columbia may bring suit in the nature of mandamus in the Superior Court of the District of Columbia, directing the Ethics Board to enforce the provisions of this subtitle. Reasonable attorneys fees may be awarded to the citizen against the District should he or she prevail in this action, or if it is settled in substantial conformity with the relief sought in the petition prior to order by the court.

TITLE III. CAMPAIGN FINANCE.

Sec. 301. Short title.

This title may be cited as the "Campaign Finance Act of 2011".

SUBTITLE A. OFFICE OF CAMPAIGN FINANCE.

Sec. 302. Office of Director of Campaign Finance established; enforcement of title.

(a) There is established within the Elections Board the Office of Campaign Finance, which shall be headed by the Director of Campaign Finance. The Elections Board shall appoint the Director of Campaign Finance, who shall serve at the pleasure of the Elections Board. The Director of Campaign Finance shall be entitled to receive compensation at the maximum rate for Grade 16 of the District Schedule, pursuant to Title XI of the Merit Personnel Act. The Director of Campaign Finance shall be responsible for the administrative operations of the Elections Board pertaining to this title and shall perform other duties as may be delegated or assigned by regulation or by order of the Elections Board; provided, that the Elections Board shall not delegate to the Director of Campaign Finance the making of regulations regarding elections.

(b)(1) The Elections Board may issue, amend, and rescind rules and regulations related to the operation of the Director of Campaign Finance, absent recommendation of the Director of Campaign Finance.

(2) The Elections Board shall prepare an annual report of the Director of Campaign Finance's performance pursuant to his or her functions as prescribed section 304, in addition to those duties the Elections Board may by law assign.

(c) Where the Elections Board, following the presentation by the Director of Campaign Finance of evidence constituting an apparent violation of this title, makes a finding of an apparent violation of this title, it shall refer the case to the United States Attorney for the District of Columbia for prosecution, and shall make public the fact of such referral and the basis for the finding. In addition, the Elections Board, through its General Counsel, shall initiate, maintain, defend, or appeal any civil action (in the name of the Elections Board) relating to the

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enforcement of the provisions of this title. The Elections Board may, through its General Counsel, petition the courts of the District of Columbia for declaratory or injunctive relief concerning any action covered by the provisions of this title. The Director of Campaign Finance shall have no authority concerning the enforcement of provisions of Title I of the Election Code, and recommendations of criminal or civil, or both, violations under Title I of the Election Code shall be presented by the General Counsel to the Elections Board in accordance with the rules and regulations of general application adopted by the Elections Board in accordance with the provisions of the Administrative Procedure Act. Upon the direction of the Elections Board, the Director of Campaign Finance may be called upon to investigate allegations of violations of the elections laws in accord with the provisions of this subsection.

Sec. 303. Powers of Director of Campaign Finance.

(a)(1) The Director of Campaign Finance, under regulations of general applicability approved by the Elections Board, shall have the power:

(A) To require any person to submit in writing reports and answers to questions as the Director of Campaign Finance may prescribe relating to the administration and enforcement of this title; and the submission shall be made within such reasonable period and under oath or otherwise as the Director of Campaign Finance may determine;

(B) To require any person to submit through an electronic format or medium the reports required in this title. The Elections Board shall issue regulations governing the submission of reports, pursuant to this subparagraph, through a standardized electronic format or medium;

(C) To administer oaths;

(D) To require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(E) In any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Director of Campaign Finance and has the power to administer oaths and, in these instances, to compel testimony and the production of evidence in the same manner as authorized under subparagraph (D) of this paragraph;

(F) To pay witnesses the same fees and mileage as are paid in like circumstances in the Superior Court of the District of Columbia;

(G) To accept gifts; and

(H) To institute or conduct, on his or her own motion, an informal hearing on alleged violations of the reporting requirements contained in this title. Where the Director of Campaign Finance, in his or her discretion, determines that a violation has occurred, the Director of Campaign Finance may issue an order to the offending party or parties to cease and desist the violations within the 5-day period immediately following the issuance of the order. Should the offending party or parties fail to comply with the order, the Director of Campaign Finance shall present evidence of the failure to the Elections Board. Following the presentation

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of evidence to the Elections Board by the Director of Campaign Finance, in an adversary proceeding and an open hearing, the Elections Board may refer the matter to the United States Attorney for the District of Columbia in accordance with the provisions in section 302(c) or may dismiss the action.

(2) Subpoenas issued under this section shall be issued by the Director of Campaign Finance upon the approval of the Elections Board.

(b) The Superior Court of the District of Columbia may, upon petition by the Elections Board, in case of refusal to obey a subpoena or order of the Elections Board issued under subsection (a) of this section, issue an order requiring compliance; and any failure to obey the order of the court may be punished by the court as contempt.

(c) All investigations of alleged violations of this title shall be made by the Director of Campaign Finance in his or her discretion, in accordance with procedures of general applicability issued by the Director of Campaign Finance in accordance with the Administrative Procedure Act. All allegations of violations of this title, which shall be presented to the Elections Board, in writing, shall be transmitted to the Director of Campaign Finance without action by the Elections Board. In a reasonable time, the Director of Campaign Finance shall cause evidence concerning the alleged violation to be presented to the Elections Board, if he or she believes that sufficient evidence exists constituting an apparent violation. Following the presentation of evidence to the Elections Board by the Director of Campaign Finance, in an adversary proceeding and an open hearing, the Elections Board may refer the matter to the United States Attorney for the District of Columbia in accordance with the provisions of section 302(c), or may dismiss the action. In no case may the Elections Board refer information concerning an alleged violation of this title to the United States Attorney for the District of Columbia without the presentation of evidence herein provided by the Director of Campaign Finance. Should the Director of Campaign Finance fail to present a matter or advise the Elections Board that insufficient evidence exists to present a matter, or that an additional period of time is needed to investigate the matter further, within 90 days of its receipt by the Elections Board or the Director of Campaign Finance, the Elections Board may order the Director of Campaign Finance to present the matter as herein provided. The provisions of this subsection shall in no manner limit the authority of the United States Attorney for the District of Columbia.

Sec. 304. Duties of Director of Campaign Finance.

The Director of Campaign Finance shall:

(1) Develop and furnish prescribed forms, materials, and electronic formats or mediums, including electronic or digital signatures, for the making of the reports and statements required to be filed with him or her pursuant to this title;

(2) Develop a filing, coding, and cross-indexing system consonant with the purposes of this title;

(3) Make the reports and statements filed with him or her available for public

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inspection and copying, commencing as soon as practicable, but not later than the end of the 2nd day following the day during which it was received, and to permit and facilitate copying of any report or statement by hand and by duplicating machine, as requested by any person, at reasonable cost to the person, except any information copied from the reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;

(4) Preserve reports and statements for a period of 10 years from date of receipt;

(5) Compile and maintain a current list of all statements or parts of statements on file pertaining to each candidate;

(6) Prepare and publish other reports as he or she may consider appropriate;

(7) Assure dissemination of statistics, summaries, and reports prepared under this title, including a biennial report summarizing the receipts and expenditures of candidates for public office in the prior 2-year period, and the receipts and expenditures of political, exploratory, inaugural, transition, and legal defense committees during the prior 2-year period. The Director of Campaign Finance shall make available to the Mayor, Council, and the general public the first report by January 31, 2013, and shall present the summary report on the same date every 2 years thereafter. The report shall describe the receipts and expenditures of candidates for Mayor, the Chairman and members of the Council, the President and members of the State Board of Education, shadow Senator, and shadow Representative, but shall exclude candidates for Advisory Neighborhood Commissioner. The report shall provide, at a minimum, the following data, as well as other information that the Director of Campaign Finance considers appropriate:

(A) A summary of each candidate's receipts, in dollar amount and percentage terms, by donor categories that the Director of Campaign Finance considers appropriate, such as the candidate himself or herself, individuals, political party committees, other political committees, corporations, partnerships, and labor organizations;

(B) A summary of each candidate's receipts, in dollar amount and percentage terms, by the size of the donation, including donations of \$500 or more; donations of \$250 or more but less than \$500; donations of \$100 or more but less than \$250; and donations of less than \$100;

(C) The total amount of a candidate's receipts and expenditures for primary and general elections, respectively, when applicable;

(D) A summary of each candidate's expenditures, in dollar amount and percentage terms, by operating expenditures, transfers to other authorized committees, loan repayments, and refunds of contributions; and

(E) A summary of the receipts and expenditures of political, exploratory, inaugural, transition, and legal defense committees, using categories considered appropriate by the Director of Campaign Finance;

(8) Make audits and field investigations with respect to reports and statements

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filed under this title, and with respect to alleged failures to file any report or statement required under the provisions of this title; and

- (9) Perform such other duties as the Elections Board may require.

Sec. 305. District of Columbia Board of Elections created.

On or after the effective date of this act, the District of Columbia Board of Elections and Ethics established under Title I of the Election Code shall be known as the District of Columbia Board of Elections and shall have the powers, duties, and functions as provided in that title, in any other law in effect on the date immediately preceding the effective date of this act, and in this title. Any reference in any law or regulation to the District of Columbia Board of Elections and Ethics shall, on and after the effective date of this act, be deemed to refer to the District of Columbia Board of Elections.

Sec. 306. Advisory opinions.

(a) Upon application made by any individual holding public office, any candidate, any person who may be a potential registrant under this title, or any political, exploratory, inaugural, transition, or legal defense committee, the Elections Board shall provide within a reasonable period of time an advisory opinion with respect to any specific transaction or activity inquired of, as to whether such transaction or activity would constitute a violation of any provision of this title or of any provision of Title I of the Election Code over which the Elections Board has primary jurisdiction. The Elections Board shall publish a concise statement of each request for an advisory opinion, without identifying the person seeking the opinion, in the District of Columbia Register within 20 days of its receipt by the Elections Board. Comments upon the requested opinions shall be received by the Elections Board for a period of at least 15 days following publication in the District of Columbia Register. The Elections Board may waive the advance notice and public comment provisions, following a finding that the issuance of the advisory opinion constitutes an emergency necessary for the immediate preservation of the public peace, health, safety, welfare, or morals.

(b) Advisory opinions shall be published in the District of Columbia Register within 30 days of their issuance; provided, that the identity of any person requesting an advisory opinion shall not be disclosed in the District of Columbia Register without his or her prior consent in writing. When issued according to rules of the Elections Board, an advisory opinion shall be deemed to be an order of the Elections Board.

SUBTITLE B. CAMPAIGN FINANCE COMMITTEES.

Sec. 307. Organization of committees.

Political, exploratory, transition, and inaugural committees, which are established pursuant to this subtitle, shall be subject to the following requirements:

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(1) Each committee shall file with the Director of Campaign Finance a statement of organization within 10 days after its organization. The statement of organization shall include:

- (A) The name and address of the committee;
- (B) The name, address, and position of the custodian of books and accounts;
- (C) The name, address, and position of other principal officers, including officers and members of the finance committee, if any;
- (D) The name and address of the bank or banks designated by the committee as the committee's depository or depositories, together with the title and number of each account and safety deposit box used by that committee at the depository or depositories, and the identification of each individual authorized to make withdrawals or payments out of each account or box; and
- (E) Other information as shall be required by the Director of Campaign Finance.

(2) Any change in information previously submitted in a statement of organization shall be reported to the Director of Campaign Finance within the 10-day period following the change.

(3) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year shall so notify the Director of Campaign Finance.

(4) Every committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a committee at a time when there is a vacancy in the office of treasurer for the committee and no other person has been designated and has agreed to perform the functions of treasurer. No expenditure shall be made for or on behalf of a committee without the authorization of its chairman or treasurer, or their designated agents.

(5)(A) For every contribution and expenditure of \$50 or more for or on behalf of a committee, a detailed account shall be submitted to the treasurer of a committee on demand, or within 5 days after receipt of the contribution or expenditure, of the amount, the name and address (including the occupation and the principal place of business, if any) of the contributor or the individual to whom the expenditure was made, and the date of the contribution or expenditure. For an expenditure, the account should also include the office sought by the candidate on whose behalf the expenditure was made.

(B) The treasurer or candidate shall obtain and preserve receipted bills and records as may be required by the Elections Board.

(6) All funds of a committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of the committee.

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Sec. 308. Designation of campaign depositories; petty cash fund.

(a) Each committee and each candidate accepting contributions or making expenditures, shall designate in the registration statement required under section 307 or 312, one or more national banks located in the District of Columbia as the depository or depositories of that committee or candidate. Each committee or candidate shall maintain a checking account or accounts at such depository or depositories and shall deposit any contributions received by the committee or candidate into that account or accounts. No expenditures may be made by a committee or candidate except by check drawn payable to the person to whom the expenditure is being made on that account or accounts, other than petty cash expenditures as provided in subsection (b) of this section.

(b) A committee or candidate may maintain a petty cash fund out of which may be made expenditures not in excess of \$50 to any person in connection with a single purchase or transaction. A record of petty cash receipts and disbursements shall be kept in accordance with requirements established by the Elections Board, and statements and reports of expenditures shall be furnished to the Director of Campaign Finance as it may require.

Sec. 309. Reporting.

(a) The following individuals shall file with the Director of Campaign Finance, and with the principal campaign committee, if applicable, reports of receipts and expenditures on forms to be prescribed or approved by the Director of Campaign Finance:

- (1) The treasurer of each political committee supporting a candidate;
- (2) The treasurer of each political committee engaged in obtaining signatures on any initiative, referendum, or recall petition, or engaged in promoting or opposing the ratification of any initiative, referendum, or recall measure placed before the electors of the District of Columbia, and each candidate required to register under this title; and
- (3) The treasurer of each exploratory, inaugural, and transition committee.

(b) The reports shall be filed on the 10th day of March, June, August, October, and December in the 7 months preceding the date on which, and in each year during which, an election is held for the office sought, and on the 8th day next preceding the date on which the election is held, and also by the 31st day of January of each year. In addition, the reports shall be filed on the 31st day of July of each year in which there is no election. The reports shall be complete as of the date prescribed by the Director of Campaign Finance, which shall not be more than 5 days before the date of filing, except that any contribution of \$200 or more received after the closing date prescribed by the Director of Campaign Finance for the last report required to be filed before the election shall be reported within 24 hours after its receipt.

(c) Each report under this section shall disclose:

- (1) The amount of cash on hand at the beginning of the reporting period;
- (2) The full name and mailing address, including the occupation and the principal place of business, if any, of each person who has made one or more contributions to or for a

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committee or candidate, including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events, within the calendar year in an aggregate amount or value in excess of \$50 or more, together with the amount and date of the contributions;

(3) The total sum of individual contributions made to or for a committee or candidate during the reporting period and not reported under paragraph (2) of this subsection;

(4) Each loan to or from any person within the calendar year in an aggregate amount or values of \$50 or more, together with the full names and mailing addresses (including the occupation and the principal place of business, if any) of the lender and endorsers, if any, and the date and amount of the loans; and

(5) The net amount of proceeds from:

(A) The sale of tickets to each dinner, luncheon, rally, and other fundraising events organized by a committee;

(B) Mass collections made at the events; and

(C) Sales by a committee of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(6) Each contribution, rebate, refund, or other receipt of \$50 or more not otherwise listed under paragraphs (2) through (5) of this subsection;

(7) The total sum of all receipts by or for a committee or candidate during the reporting period;

(8) The full name and mailing address (including the occupation and the principal place of business, if any) of each person to whom expenditures have been made by a committee or on behalf of a committee or candidate within the calendar year in an aggregate amount or value of \$10 or more, the amount, date, and purpose of each expenditure, and the name and address of, and office sought by, each candidate on whose behalf the expenditure was made;

(9) The total sum of expenditures made by a committee or candidate during the calendar year;

(10) The amount and nature of debts and obligations owed by or to the committee, in a form as the Director of Campaign Finance may prescribe, and a continuous reporting of its debts and obligations after the election when the Director of Campaign Finance may require until the debts and obligations are extinguished; and

(11) Other information as may be required by the Director of Campaign Finance.

(d) The reports to be filed under subsection (a) of this section shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during the year, only the unchanged amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the committee or candidate shall file a statement to that effect.

(e)(1) A report or statement required by this subtitle to be filed by a treasurer of a

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committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing the report or statement.

(2) A copy of a report or statement shall be preserved by the person filing it for a period to be designated by the Elections Board in a published regulation.

(3) The Elections Board shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. The regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as provided in the regulations shall not be considered until actual payment is made.

Sec. 310. Principal campaign committee.

(a) Each candidate for office shall designate in writing one political committee as his or her principal campaign committee. The principal campaign committee shall receive all reports made by any other political committee accepting contributions or making expenditures for the purpose of influencing the nomination for election, or election, of the candidate who designated it as his or her principal campaign committee. The principal campaign committee may require additional reports to be made to it by any political committee and may designate the time and number of all reports. No political committee may be designated as the principal campaign committee of more than one candidate, except a principal campaign committee supporting the nomination or election of a candidate as an official of a political party may support the nomination or election of more than one candidate, but may not support the nomination or election of a candidate for any public office.

(b) Each statement (including the statement of organization required under section 307) or report that a political committee is required to file with or furnish to the Director of Campaign Finance under the provisions of this subtitle shall also be furnished, if that political committee is not a principal campaign committee, to the principal campaign committee for the candidate on whose behalf that political committee is accepting or making, or intends to accept or make, contributions or expenditures.

(c) The treasurer of each political committee which is a principal campaign committee, and each candidate, shall receive all reports and statements filed with or furnished to it or him or her by other political committees, consolidate, and furnish the reports and statements to the Director of Campaign Finance, together with the reports and statements of the principal campaign committee of which he or she is treasurer or which was designated by him or her, in accordance with the provisions of this subtitle and regulations prescribed by the Elections Board.

Sec. 311. Specific requirements for statements of organization filed by political committees.

In addition to the statement of organization set forth in section 307, each political

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committee shall also file the following information with the Director of Campaign Finance within 10 days after the political committee's organization:

- (1) The names, addresses, and relationships of affiliated or connected organizations;
- (2) The area, scope, or jurisdiction of the political committee;
- (3) The name, address, office sought, and party affiliation of:
 - (A) Each candidate whom the committee is supporting; and
 - (B) Any other individual, if any, whom the committee is supporting for nomination for election or election, to any public office whatever; or, if the committee is supporting the entire ticket of any party, the name of the party; or, if the committee is supporting or opposing any initiative or referendum, the summary statement and short title of the initiative or referendum, prepared in accordance with section 16 of the Election Code; or, if the committee is supporting or opposing any recall measure, the name and office of the public official whose recall is sought or opposed in accordance with section 17 of the Election Code;
- (4) A statement whether the political committee is a continuing one; and
- (5) The disposition of residual funds which will be made in the event of dissolution.

Sec. 312. Registration statement of candidate; depository information.

(a) Each individual shall, within 5 days of becoming a candidate, or within 5 days of the day on which he or she, or any person authorized by him or her to do so, has received a contribution or made an expenditure in connection with his or her campaign or for the purposes of preparing to undertake his or her campaign, file with the Director of Campaign Finance a registration statement in a form prescribed by the Director of Campaign Finance.

(b) In addition, candidates shall provide the Director of Campaign Finance the name and address of the campaign depository or depositories designated by that candidate, together with the title and number of each account and safety deposit box used by that candidate at the depository or depositories, and the identification of each individual authorized to make withdrawals or payments out of the account or box, and other information as shall be required by the Director of Campaign Finance.

Sec. 313. Reports by others than committees and candidates.

Every person (other than a committee or candidate) who makes contributions or expenditures, other than by contribution to a committee or candidate, in an aggregate amount of \$50 or more within a calendar year shall file with the Director of Campaign Finance a statement containing the information required by section 309. Statements required by this section shall be filed on the dates on which reports by committees are filed, but need not be cumulative.

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Sec. 314. Exemption for total expenses under \$500.

Except for the provisions of section 312(a), the provisions of this subtitle shall not apply to any candidate who anticipates spending or spends less than \$500 in any one election and who has not designated a principal campaign committee. On the 15th day before the date of the election in which the candidate is entered, and on the 30th day after the date of the election, the candidate shall certify to the Director of Campaign Finance that he or she has not spent more than \$500 in the election.

Sec. 315. Identification of campaign literature.

(a) All newspaper or magazine advertising, posters, circulars, billboards, handbills, bumper stickers, sample ballots, initiative, referendum, or recall petitions, and other printed matter with reference to or intended for the support or defeat of a candidate or group of candidates for nomination or election to any public office, or for the support or defeat of any initiative, referendum, or recall measure, shall be identified by the words "paid for by" followed by the name and address of the payer or the committee or other person and its treasurer on whose behalf the material appears.

(b) Each committee and candidate shall include on the face or front page of all literature and advertisement soliciting funds the following notice: "A copy of our report is filed with the Director of Campaign Finance of the District of Columbia Board of Elections."

Sec. 316. Candidate's liability for financial obligation incurred by a committee.

No provision of this subtitle shall be construed as creating liability on the part of any candidate for any financial obligation incurred by a committee. For the purposes of this subtitle, and Title I of the Election Code, actions of an agent acting for a candidate shall be imputed to the candidate; provided, that the actions of the agent may not be imputed to the candidate in the presence of a provision of law requiring a willful and knowing violation of this subtitle or Title I of the Election Code unless the agency relationship to engage in the act is shown by clear and convincing evidence.

Sec. 317. Specific requirements for reports of receipts and expenditures by political committees.

(a) Each report submitted to the Director of Campaign Finance pursuant to the requirements set forth in section 309 shall also disclose the name and address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers.

(b) In the case of reports filed by a political committee on behalf of initiative, referendum, or recall measures under this section, the reports shall be filed on the dates as the Elections Board may by rule prescribe, but in no event shall more than 4 separate reports be

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required during the consideration of a particular initiative, referendum, or recall measure by any political committee or committees collecting signatures, or supporting or opposing the measures.

Sec. 318. Fund balance requirements of exploratory committees.

(a) Any balance in the exploratory committee fund shall be transferred only to an established principal campaign committee, political committee, or charitable organization in accordance with D.C. Official Code § 47-1803.03(a)(8).

(b) Exploratory committee fund balances shall not be deemed the personal funds of any individual, including the individual seeking elective office.

Sec. 319. Aggregate and individual contribution limits of exploratory committees.

(a) Exploratory committees shall not receive aggregate contributions in excess of:

- (1) \$200,000 for a Mayoral exploratory committee;
- (2) \$150,000 for a Chairman of the Council exploratory committee;
- (3) \$100,000 for an at-large member of the Council exploratory committee;
- (4) \$50,000 for a Ward Councilmember or President of the State Board of Education exploratory committee; and
- (5) \$20,000 for a member of the State Board of Education exploratory committee.

(b) Exploratory committees shall not receive individual contributions in excess of:

- (1) \$2,000 for a Mayoral exploratory committee;
- (2) \$1,500 for a Chairman of the Council exploratory committee;
- (3) \$1,000 for an at-large member of the Council exploratory committee;
- (4) \$500 for a Ward Councilmember or President of the State Board of Education exploratory committee; and
- (5) \$200 for a member of the State Board of Education exploratory committee.

Sec. 320. Contributions to exploratory committees.

When an individual decides to run for office and becomes a candidate, contributions received during the exploratory period shall apply to the campaign contribution limits for the candidate as provided under section 333.

Sec. 321. Duration of an exploratory committee.

The duration of an exploratory committee shall not exceed 18 months for any one office. Once a candidate's exploratory committee reaches the maximum duration of 18 months, the candidate shall file a declaration of candidacy and form a principal political campaign committee or terminate the exploratory committee.

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Sec. 322. Contributions to inaugural committees.

No person shall make any contribution to or for an inaugural committee which, and the Mayor shall not receive any contribution to or for an inaugural committee from any person which, when aggregated with all other contributions to or for the inaugural committee received from such person, exceeds \$10,000 in an aggregate amount; provided, that the \$10,000 limitation shall not apply to contributions made by the Mayor for the purpose of funding his or her own inaugural committee within the District of Columbia.

Sec. 323. Fund balance requirements for inaugural committees.

Any balance in the inaugural committee fund shall be transferred only to a nonprofit organization, within the meaning of section 501(c) of the Internal Revenue Code, operating in good standing in the District of Columbia for a minimum of one calendar year before the date of any transfer, or to a constituent-service program pursuant to section 338.

Sec. 324. Duration of an inaugural committee.

An inaugural committee shall terminate no later than 45 days from the beginning of the term of the new Mayor or Chairman, except that the inaugural committee may continue to accept contributions necessary to retire the debts of the committee.

Sec. 325. Fund balance requirements for transition committees.

Any balance in the transition committee fund shall be transferred only to a nonprofit organization within the meaning of section 501(c) of the Internal Revenue Code, operating in good standing in the District of Columbia for a minimum of one calendar year before the date of any transfer, or to a constituent-service program pursuant to section 338.

Sec. 326. Contributions to transition committees.

(a) No person shall make any contribution to or for a transition committee which, and the Mayor shall not receive any contribution to or for a transition committee from any person which, when aggregated with all other contributions to or for the transition committee received from the person, exceed \$2,000 in an aggregate amount; provided, that the \$2,000 limitation shall not apply to contributions made by the Mayor for the purpose of funding his or her own transition committee within the District of Columbia.

(b) No person shall make any contribution to a transition committee which, and the Chairman of the Council shall not receive any contribution to a transition committee from any person which, when aggregated with all other contributions to the transition committee received from the person, exceeds \$1,000 in an aggregate amount; provided, that the \$1,000 limitation shall not apply to contributions made by the Chairman of the Council for the purpose of funding his or her own transition committee within the District of Columbia.

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Sec. 327. Duration of a transition committee; restriction on formation.

(a) A transition committee shall terminate no later than 45 days from the beginning of the term of the new Mayor or Chairman, except that the transition committee may continue to accept contributions necessary to retire the debts of the committee.

(b) Notwithstanding this subtitle, no transition committee may be organized if an appropriation pursuant to section 446 of the Home Rule Act has been approved.

SUBTITLE C. LEGAL DEFENSE FUNDS.

Sec. 328. Legal defense committees -- organization.

(a)(1) One legal defense committee and one legal defense checking account shall be established and maintained for the purpose of soliciting, accepting, and spending legal defense funds, which funds may be spent to defray attorney's fees and other related costs for a public official's legal defense to one or more civil, criminal, or administrative proceedings. No committee, fund, entity, or trust may be established to defray professional fees and costs except pursuant to this section.

(2) Attorney's fees and other related legal costs shall not include, for example, expenses for fundraising, media or political consulting fees, mass mailing or other advertising, or a payment or reimbursement for a fine, penalty, judgment or settlement, or a payment to return or disgorge contributions made to any other committee controlled by the candidate or officer.

(b) Each legal defense committee shall file with the Director of Campaign Finance a statement of organization within 10 days after its organization, which shall include:

- (1) The name and address of the legal defense committee;
- (2) The name, address, and position of the custodian of books and accounts;
- (3) The name, address, and position of other principal officers;
- (4) The beneficiary of the legal defense committee and checking account;
- (5) The name and address of the bank designated by the committee as the legal defense committee depository, together with the title and number of the checking account and safety deposit box used by that committee at the depository, and the identification of each individual authorized to make withdrawals or payments out of each such account or box; and

- (6) Other information as shall be required by the Director of Campaign Finance.

(c) Any change in information previously submitted in a statement of organization shall be reported to the Director of Campaign Finance within the 10-day period following the change.

(d) Any legal defense committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year shall so notify the Director of Campaign Finance.

(e) Any balance in the legal defense committee fund shall be transferred only to a nonprofit organization, within the meaning of section 501(c) of the Internal Revenue Code,

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operating in good standing in the District of Columbia for a minimum of one calendar year before the date of any transfer, or to a constituent-service program pursuant to section 338.

Sec. 329. Legal defense committees – contributions and expenditures.

(a) Each legal defense committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a legal defense committee at a time when there is a vacancy in the office of treasurer for the committee and no other person has been designated and has agreed to perform the functions of treasurer. No expenditure shall be made for or on behalf of a legal defense committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution of \$50 or more for or on behalf of a legal defense committee shall, on demand of the treasurer, and in any event within 5 days after receipt of the contribution, submit to the treasurer of the committee a detailed account thereof, including the amount, the name and address (including the occupation and the principal place of business, if any) of the person making the contribution, and the date on which the contribution was received. All funds of a legal defense committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

(c) The treasurer of a legal defense committee, and each beneficiary, shall keep a detailed and exact account of:

- (1) All contributions made to or for the legal defense committee;
- (2) The full name and mailing address (including the occupation and the principal place of business, if any) of every person making a contribution of \$50 or more, and the date and amount of the contribution;
- (3) All expenditures made by or on behalf of the legal defense committee; and
- (4) The full name and mailing address (including the occupation and the principal place of business, if any) of every person to whom any expenditure is made, the date and amount thereof, and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.

(d) The treasurer or beneficiary shall obtain and preserve such receipted bills and records as may be required by the Elections Board.

(e)(1) No person shall make any contribution to or for a legal defense committee which, when aggregated with all other contributions to or for the legal defense committee received from the person, exceeds \$10,000 in an aggregate amount; provided, that the \$10,000 limitation shall not apply to contributions made by a public official for the purpose of funding his or her own legal defense committee within the District of Columbia.

(2) No contributions to a legal defense committee shall be made by a lobbyist or registrant or by a person acting on behalf of the lobbyist or registrant.

(3) A legal defense committee shall not accept a contribution from a lobbyist or registrant or by a person acting on behalf of the lobbyist or registrant.

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Sec. 330. Designation of legal defense depositories.

Each legal defense committee accepting contributions or making expenditures shall designate in the registration statement required under section 328, one or more banks located in the District of Columbia as the legal defense depository or depositories of that legal defense committee. Each committee shall maintain a checking account or accounts at the depository or depositories and shall deposit any contributions received by the committee into that account or accounts. No expenditures may be made by a committee except by check drawn payable to the person to whom the expenditure is being made on that account.

Sec. 331. Reports of receipts and expenditures by legal defense committees.

(a) The treasurer of each legal defense committee shall file with the Director of Campaign Finance, and with the applicable principal campaign committee, reports of receipts and expenditures on forms to be prescribed or approved by the Director of Campaign Finance. The reports shall be filed within 30 days after the committee's organization and every 30 days thereafter in each year. The reports shall be complete as of a date as prescribed by the Director of Campaign Finance, which shall not be more than 5 days before the date of filing, except that any contribution of \$200 or more received after the closing date prescribed by the Director of Campaign Finance for the last report required to be filed before the election shall be reported within 24 hours after its receipt.

(b) Each report under this section shall disclose:

- (1) The amount of cash on hand at the beginning of the reporting period;
- (2) The full name and mailing address (including the occupation and the principal place of business, if any) of each person who has made one or more contributions to or for a committee within the calendar year in an aggregate amount or value in excess of \$50 or more, together with the amount and date of the contributions;
- (3) The total sum of individual contributions made to or for a committee or candidate during the reporting period and not reported under paragraph (2) of this subsection;
- (4) Each loan to or from any person within the calendar year in an aggregate amount or values of \$50 or more, together with the full names and mailing addresses (including the occupation and the principal place of business, if any) of the lender and endorsers, if any, and the date and amount of the loans;
- (5) The total sum of all receipts by or for a committee during the reporting period;
- (6) The full name and mailing address (including the occupation and the principal place of business, if any) of each person to whom expenditures have been made by a committee or on behalf of a committee within the calendar year in an aggregate amount or value of \$10 or more;
- (7) The total sum of expenditures made by a committee during the calendar year;
- (8) The amount and nature of debts and obligations owed by or to the committee, in a form as prescribed by the Director of Campaign Finance; and

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(9) Other information as may be required by the Director of Campaign Finance.

(c) The reports to be filed under subsection (a) of this section shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the unchanged amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the legal defense committee shall file a statement to that effect.

Sec. 332. Formal requirements for reports and statements.

(a) A report or statement required by this subtitle to be filed by a treasurer of a legal defense committee shall be verified by the oath or affirmation of the person filing the report or statement and by the individual to be benefitted by the committee.

(b) A copy of a report or statement shall be preserved by the person filing and by the individual to be benefitted by the committee for a period to be designated by the Elections Board in a published regulation.

(c) The Elections Board shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. The regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as provided in the regulations shall not be considered until actual payment is made.

(d) Any legal defense committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year shall so notify the Director.

(e) All actions of the Elections Board or of the United States Attorney for the District of Columbia to enforce the provisions of this subtitle must be initiated within 5 years of the discovery of the alleged violation of this subtitle.

SUBTITLE D. CONTRIBUTION LIMITATIONS.

Sec. 333. Contribution limitations.

(a) No person shall make any contribution which, and no person shall receive any contribution from any person which, when aggregated with all other contributions received from that person relating to a campaign for nomination as a candidate or election to public office, including both the primary and general election or special elections, exceeds:

(1) In the case of a contribution in support of a candidate for Mayor or for the recall of the Mayor, \$2,000;

(2) In the case of a contribution in support of a candidate for Chairman of the Council or for the recall of the Chairman of the Council, \$1,500;

(3) In the case of a contribution in support of a candidate for member of the

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Council elected at-large or for the recall of a member of the Council elected at-large, \$1,000;

(4) In the case of a contribution in support of a candidate for member of the State Board of Education elected at-large or for member of the Council elected from a ward or for the recall of a member of the State Board of Education elected at-large or for the recall of a member of the Council elected from a ward, \$500;

(5) In the case of a contribution in support of a candidate for member of the State Board of Education elected from an election ward or for the recall of a member of the State Board of Education elected from an election ward or for an official of a political party, \$200; and

(6) In the case of a contribution in support of a candidate for a member of an Advisory Neighborhood Commission, \$25.

(b)(1) No person shall make any contribution in any one election for Mayor, Chairman of the Council, each member of the Council, and each member of the State Board of Education (including primary and general elections, but excluding special elections), which when combined with all other contributions made by that person in that election to candidates and political committees exceeds \$8,500.

(2) All contributions to a candidate's principal political committee shall be treated as contributions to the candidate and shall be subject to the contribution limitations contained in this section.

(c) In no case shall any person receive or make any contribution in legal tender in an amount of \$25 or more.

(d)(1) No person shall make contributions to any one political committee in any one election, including primary and general elections, but excluding special elections, which, in the aggregate, exceeds \$5,000.

(2) For the purposes of this subsection, the term "political committee" does not include an individual.

(e) No person shall make a contribution or cause a contribution to be made in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

(f) Any expenditure made by any person advocating the election or defeat of any candidate for office which is not made at the request or suggestion of the candidate, any agent of the candidate, or any political committee authorized by the candidate to make expenditures or receive contributions for the candidate is not considered a contribution to or an expenditure by or on behalf of the candidate for the purposes of the limitations specified in this section.

(g) All contributions made by any person directly or indirectly to or for the benefit of a particular candidate or that candidate's political committee, which are in any way earmarked, encumbered, or otherwise directed through an intermediary or conduit to that candidate or political committee, shall be treated as contributions from that person to that candidate or political committee and shall be subject to the limitations established by this section.

(h)(1) No candidate or member of the immediate family of a candidate may make a

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loan or advance from his or her personal funds for use in connection with a campaign of that candidate for nomination for election, or for election, to a public office unless that loan or advance is evidenced by a written instrument fully disclosing the terms, conditions, and parts to the loan or advance. The amount of any loan or advance shall be included in computing and applying the limitations contained in this section only to the extent of the balance of the loan or advance that is unpaid at the time of determination.

(2) For the purposes of this subsection, the term “immediate family” means the candidate’s spouse, parent, brother, sister, or child, and the spouse of a candidate’s parent, brother, sister, or child.

(i) No contributions made to support or oppose initiative or referendum measures shall be affected by the provisions of this section.

Sec. 334. Partnership contributions.

(a) A contribution by a partnership shall be attributed to each partner:

(1) In direct proportion to his or her share of the partnership profits, according to instructions that shall be provided by the partnership to the political committee or candidate; or

(2) By agreement of the partners, as long as:

(A) Only the profits of the partners to whom the contribution is attributed are reduced (or losses increased); and

(B) These partners’ profits are reduced (or losses increased) in proportion to the contribution attributed to each of them.

(b) A contribution by a partnership shall not exceed the limitations on contributions pursuant to this subtitle. No portion of such contribution may be made from the profits of a corporation that is a partner.

SUBTITLE E. PROHIBITED ACTIVITIES AND ENFORCEMENT.

Sec. 335. Penalties.

(a)(1) Any person who violates any provision of subtitles A through E of this title or of Title I of the Election Code may be assessed a civil penalty by the Elections Board under paragraph (2) of this subsection of not more than \$200, or 3 times the amount of an unlawful contribution, expenditure, gift, honorarium, or receipt of outside income, whichever is greater, for each such violation. Each occurrence of a violation of subtitles A through E of this title and each day of noncompliance with a disclosure requirement of subtitles A through E of this title or an order of the Elections Board shall constitute a separate offense.

(2) A civil penalty shall be assessed by the Elections Board by order only after the person charged with a violation has been given an opportunity for a hearing, and the Elections Board has determined, by decision incorporating its findings of facts, that a violation did occur,

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and the amount of the penalty. Any hearing under this section shall be of record and shall be held in accordance with the Administrative Procedure Act.

(3) Notwithstanding the provisions of paragraph (2) of this subsection, the Elections Board may issue a schedule of fines for violations of subtitles A through E of this title, which may be imposed ministerially by the Director of Campaign Finance. A civil penalty imposed under the authority of this paragraph may be reviewed by the Elections Board in accordance with the provisions of paragraph (2) of this subsection. The aggregate set of penalties imposed under the authority of this paragraph may not exceed \$2,000.

(4) If the person against whom a civil penalty is assessed fails to pay the penalty, the Elections Board shall file a petition for enforcement of its order assessing the penalty in the Superior Court of the District of Columbia. The petition shall designate the person against whom the order is sought to be enforced as the respondent. A copy of the petition shall be forthwith sent by registered or certified mail to the respondent and his attorney of record, and if the respondent is a political, exploratory, inaugural, transition, or legal defense committee, to the chairman of the committee, and then the Elections Board shall certify and file in court the record upon which the order sought to be enforced was issued. The court shall have jurisdiction to enter a judgment enforcing, modifying, and enforcing as so modified, or setting aside, in whole or in part, the order and the decision of the Elections Board or it may remand the proceedings to the Elections Board for further action as it may direct. The court may determine *de novo* all issues of law, but the Election Board's findings of fact, if supported by substantial evidence, shall be conclusive.

(b) Except as provided in subsection (c) of this section, any person who violates any of the provisions of subtitles A through E of this title shall be fined not more than \$5,000, or shall be imprisoned for not longer than 6 months, or both.

(c) Any person who knowingly files or causes to be filed any false or misleading statement, report, voucher, or other paper, or makes any false or misleading statement to the Elections Board, shall be fined not more than \$10,000, or shall be imprisoned for not longer than 5 years, or both.

(d) Prosecutions of violations of subtitles A through E of this title shall be brought by the United States Attorney for the District of Columbia in the name of the United States.

(e) All actions of the Elections Board or of the United States Attorney for the District of Columbia to enforce the provisions of subtitles A, B, D, and E of this title must be initiated within 6 years of the actual occurrence of the alleged violation.

Sec. 336. Prohibition on the use of District government resources for campaign-related activities.

(a) No resources of the District of Columbia government, including the expenditure of funds, the personal services of employees during their hours of work, and nonpersonal services, including supplies, materials, equipment, office space, facilities, and telephones and other utilities, shall be used to support or oppose any candidate for elected office, whether partisan or

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nonpartisan, or to support or oppose any initiative, referendum, or recall measure, including a charter amendment referendum conducted in accordance with section 303 of the Home Rule Act.

(b)(1) This section shall not prohibit the Mayor, the Chairman and members of the Council, or the President and members of the State Board of Education from expressing their views on a District of Columbia election as part of their official duties.

(2) This subsection shall not be construed to authorize any member of the staff of the Mayor, the Chairman and members of the Council, or the President and members of the State Board of Education, or any other employee of the executive or legislative branch to engage in any activity to support or oppose any candidate for elected office, whether partisan or nonpartisan, an initiative, referendum, or recall measure during their hours of work, or the use of any nonpersonal services, including supplies, materials, equipment, office space, facilities, telephones and other utilities, to support or oppose an initiative, referendum, or recall matter.

Sec. 337. Document under oath.

(a) Notwithstanding any other provisions of this title, neither the Elections Board, or any of its officers or employees, nor the Director of Campaign Finance, or any of his or her officers or employees, may require that a document be sworn under oath unless the Elections Board and Director of Campaign Finance maintain at the place of receipt of such documents and during regular business days and hours, a notary public to administer such oaths.

(b) If no such notary public is available, persons wishing to file documents for which an oath is requested may, in lieu thereof, affirm by their signature that their statements are true under penalty of section 335.

SUBTITLE F. CONSTITUENT SERVICES.

Sec. 338. Constituent services.

(a) The Mayor, the Chairman of the Council, and each member of the Council may establish constituent-service programs within the District. The Mayor, the Chairman of the Council, and each member of the Council may finance the operation of these programs with contributions from persons; provided, that contributions received by the Mayor, the Chairman of the Council, and each member of the Council do not exceed an aggregate amount of \$40,000 in any one calendar year. The Mayor, the Chairman of the Council, and each member of the Council may expend a maximum of \$40,000 in any one calendar year for constituent service programs. No person shall make any contribution which, and neither the Mayor, the Chairman of the Council, nor any member of the Council shall receive any contribution from any person which, when aggregated with all other contributions received from such person, exceed \$500 per calendar year; provided, that such \$500 limitation shall not apply to contributions made by the Mayor, the Chairman of the Council, or any member of the Council for the purpose of funding his or her own constituent-service program. The Mayor, the Chairman of the Council, and each

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member of the Council shall file a quarterly report of all contributions received and monies expended in accordance with this subsection with the Director of Campaign Finance.

(b)(1) Funds raised pursuant to this section shall be expended only for an activity, service, or program which provides emergency, informational, charitable, scientific, educational, medical, or recreational services to the residents of the District of Columbia and which expenditure accrues to the primary benefit of residents of the District of Columbia.

(2) Allowable expenditures include:

- (A) Funeral arrangements;
- (B) Emergency housing and other necessities of life;
- (C) Past due utility payments;
- (D) Food and refreshments or an in-kind equivalent on infrequent occasions;

(E) Community events sponsored by the constituent-service program or an entity other than the District government; and

(F) Community-wide events.

(3) Disallowable expenditures include:

- (A) Promoting or opposing, as a primary purpose, a political party, committee, candidate, or issue;
- (B) Fines and penalties inuring to the District;
- (C) Any expenditure of cash;
- (E) Sponsorships for political organizations; and
- (F) Any mass mailing within the 90-day period immediately preceding a primary, special, or general election by a member of the Council, or the Mayor, who is a candidate for office.

(c) Upon the request of any member of the Council, the Mayor shall provide the member with suitable office space in a publicly owned building for the operation of a constituent-service program office located in the ward represented by the member. Each at-large member of the Council shall be offered constituent-service office space located in a ward of the member's choice. Members shall be provided with space of approximately equivalent square footage, and in similar proximity to commercial corridors and public transportation, where practicable. The space provided shall also be easily accessible by persons with disabilities or persons who are elderly. Any space provided shall not be counted as an in-kind contribution. Furnishings, equipment, telephone service, and supplies to this office space shall be provided from funds other than appropriated funds of the District government.

(d) Every constituent-service program shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a constituent-service program at a time when there is a vacancy in the office of its treasurer and no other person has been designated and has agreed to perform the functions of treasurer. No expenditure shall be made for or on behalf of a constituent-service program without the

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authorization of its chairman or treasurer or their designated agents.

(e) Contributions of personal property from persons to the Mayor or to any members of the Council or contributions of the use of personal property shall be valued, for purposes of this section, at the fair market value of the property, not to exceed \$1,000 per calendar year at the time of the contribution. Contributions made or received pursuant to this section shall not be applied against the limitation on political contributions established by section 333.

(f) All contributions and expenditures made by persons to the Mayor, Chairman of the Council, and each member of the Council as provided by subsection (a) of this section, and all expenditures made by the Mayor, Chairman of the Council, and each member of the Council as provided by subsection (a) of this section, shall be reported to the Director of Campaign Finance quarterly on forms that the Director of Campaign Finance shall prescribe. The forms must prescribe itemized reporting of expenditures. All of the record-keeping requirements of this title shall apply to contributions and expenditures made under this section. At the time of termination, any excess funds shall either be used to retire the debts of the program or donated to a nonprofit organization, within the meaning of the Internal Revenue Code, and operating in good standing in the District of Columbia for a minimum of one calendar year prior to the date of donation.

(g) Activities authorized by this section may be carried on at any location in the District; provided, that employees do not engage in constituent-service fundraising activities while on duty.

(h) Violations of this subtitle shall be subject to the penalties set forth in section 221

TITLE IV. AMENDMENTS TO THE HOME RULE ACT.

Sec. 401. The District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 *et seq.*), is amended as follows:

(a) Section 401 (D.C. Official Code § 1-204.01) is amended by adding a new subsection (e) to read as follows: Note,
§ 1-204.01

“(e)(1) By a 5/6 vote of its members, the Council may adopt a resolution of expulsion if it finds, based on substantial evidence, that a member of the Council took an action that amounts to a gross failure to meet the highest standards of personal and professional conduct. Expulsion is the most severe punitive action, serving as a penalty imposed for egregious wrongdoing. Expulsion results in the removal of the member. Expulsion should be used in cases in which the Council determines that the violation of law committed by a member is of the most serious nature, including those violations that substantially threaten the public trust. To protect the exercise of official member duties and the overriding principle of freedom of speech, the Council shall not impose expulsion on any member for the exercise of his or her First Amendment right, no matter how distasteful the expression of that right was to the Council and the District, or in the official exercise of his or her office.

“(2) The Council shall include in its Rules of Organization procedures for

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investigation, and consideration of, the expulsion of a member.”.

(b) Section 402 (D.C. Official Code § 1-204.02) is amended by striking the phrase “to be held; and (d) holds” and inserting the phrase “to be held; (d) has not been convicted of a felony while holding the office; and (e) holds” in its place. Note,
§ 1-204.02

(c) Section 421(c)(1) (D.C. Official Code § 1-204.21(c)(1)) is amended by striking the phrase “to be held; and (C) is” and inserting the phrase “to be held; (C) has not been convicted of a felony while holding the office; and (D) is” in its place. Note,
§ 1-204.21

TITLE V. CONFORMING AMENDMENTS AND REPEALERS.

Sec. 501. Conforming amendments and repealers.

(a) The Open Government Office Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-591 *et seq.*), is amended as follows:

(1) Section 502 (D.C. Official Code § 2-592) is amended to read as follows:

“Sec. 502. Establishment of the District of Columbia Open Government Office. Amend
§ 2-592

“The District of Columbia Open Government Office (“Open Government Office”) is established as an independent office within the Board of Ethics and Government Accountability to promote open governance in the District of Columbia. All assets, staff, and unexpended appropriations of the Open Government Office shall be transferred to the Board of Ethics and Government Accountability.”.

(2) Section 504(a) (D.C. Official Code § 2-594(a)) is amended to read as follows: Amend
§ 2-594

“(a) The Open Government Office shall be headed by a Director appointed by the Board of Ethics and Government Accountability to serve a 5-year term.”.

(b) Title D of Article VI of the Rules for the Council of the District of Columbia, Council Period 19 Resolution of 2011, effective January 3, 2011 (Res. 19-1; 58 DCR 211), is amended to read as follows: Note,
§ 1-204.04

“D. CENSURE, REPRIMAND, AND EXPULSION PROCEDUES.

“651. AD HOC COMMITTEES.

“(a) An ad hoc committee shall be established for the purposes of considering evidence of a violation of the Code of Conduct, policy, or law and making recommendations for further action. An ad hoc committee shall be established by request of any 5 members of the Council, or if a member is censured by the Ethics Board.

“(b) The ad hoc committee shall be composed of 5 members appointed by the Chairman or, if the Chairman is the subject of the request or Ethics Board sanction, by the Chairman Pro Tempore. The committee shall not include the member making the request or the member who is the subject of the request. The committee’s proceedings may be conducted in executive session in accordance with Council Rule 504, except that its recommendation for further action shall be made public.

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“(c) No penalty pursuant to Rules 655 and 656, shall be imposed unless first recommended by an ad hoc committee of the Council.

“652. AD HOC COMMITTEE INITIATED BY AN ETHICS BOARD CENSURE

“(a) An ad hoc committee shall be established by the Council within 72 hours of a censure of one of its members by the Ethics Board, or as soon as practicable. An ad hoc committee shall consider the findings of the Ethics Board, conduct an investigation if warranted, and report its findings and penalty recommendations, if any, to the Council within 45 days of being convened. The penalty recommendations may include:

- “(A) Reprimand;
- “(B) Censure; or
- “(C) Expulsion.

“(b) The Council shall meet to consider the recommendation within 7 days of receiving the recommendations from the committee.

“653. AD HOC COMMITTEE BY REQUEST.

“(a) A request for censure or expulsion of a member of the Council may be submitted to the Secretary by any 5 members of the Council. The request shall contain the specific charges on which the proposed sanction is based.

“(b) The Secretary shall deliver a copy of the request for an ad hoc committee and the charges to each member of the Council at least 48 hours prior to the first meeting of the committee at which the request will be first considered.

“(c) The committee’s proceedings may be conducted in executive session in accordance with Council Rule 504. The committee shall permit testimony from both the member making the request and the member subject to the request and shall determine whether:

- “(1) Further investigation of the charges is required to determine if a hearing is warranted;
- “(2) The matter is to be set for a hearing; or
- “(3) No further action should be taken with respect to the request.

“(d) If the committee determines no further action should be taken with respect to the request, the committee shall report that to the Council at its earliest opportunity. If the committee determines that further investigation is required, the committee shall conduct an investigation and report a summary of its proceedings and its findings, along with penalty recommendations, if any, to the Council at its earliest opportunity. The penalty recommendations, if any, may include:

- “(A) Reprimand;
- “(B) Censure; or
- “(C) Expulsion.

“(e) If the committee does not report its recommendation and findings to the Council within 90 calendar days of the receipt of the request to convene the committee, the matter shall be sent to the Council for its consideration.

“(f) Upon receipt of the report of the committee, or at the expiration of the time for the

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committee to report to the Council, the Chairman shall place the matter on the Council's agenda to determine whether or not a hearing is warranted. If the Chairman decides to set the matter for a hearing, it shall be scheduled for no sooner than one week after the determination to hear the matter. Written notice of the hearing shall be delivered in person to the member of the Council who is the subject to the request or to the member's Council office at least 48 hours in advance of the scheduled hearing.

“(g)(1) The hearing shall be conducted by the Chairman or, if the Chairman is the subject of the hearing, by the Chairman Pro Tempore. At the hearing, the member of the Council who is the subject of the request shall be given the opportunity to make an opening and a closing statement, to call witnesses on his or her behalf, and to question his or her accusers. The member who is the subject of the request may be represented by a persons of the member's choice whether or not the person is an attorney at law and may have that representatives speak or question witnesses on the member's behalf.

“(2) The questioning or cross-examining of witnesses may be reasonably limited by the chair of the hearing.

“(3) Testimony shall be taken only from witnesses having direct knowledge of facts or circumstances relevant to the specific charges under consideration.

“(4) The rules of evidence and judicial procedure applicable in courts of law shall not be applicable to this hearing, and the procedures shall be generally informal.

“(h) Notwithstanding any other provision of this rule, the Chairman, pursuant to an authorizing resolution, may appoint any person or a standing or special committee to perform any investigation required by the rule.

“654. REPRIMAND.

“(a) A reprimand is a formal statement of the Council officially disapproving the conduct of one of its members. A reprimand shall be directed to a particular member of the Council based on a particular action or set of actions that is determined to be in violation of the Council's Rules, law, or policy, but is considered to be not sufficiently serious to require censure. A reprimand is distinguished from censure in that it is not punishment or discipline and, therefore, does not require an investigation or hearing.

“(b) The Council may adopt a resolution of reprimand in the same manner as provided for the adoption of any resolution; provided, that the Councilmember who is the subject of the resolution is permitted to speak in his or her defense prior to action on the motion for adoption of the resolution. The fact that the Councilmember who is the subject of a reprimand does not choose to respond to the resolution or does not attend the meeting at which the resolution is to be adopted shall not prevent the Council from adopting the resolution; provided, that the Councilmember had actual notice of the inclusion of the resolution on the agenda and had a reasonable opportunity to attend the meeting.

“655. CENSURE.

“(a) Censure is a formal statement of the Council officially disciplining one of its

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members. It is a punitive action, which serves as a penalty imposed for wrongdoing, but it carries no fine or suspension of the rights of the member as an elected official. Censure should be used for cases in which the Council determines that the violation of law or policy is a serious offense. To protect the overriding principle of freedom of speech, the Council shall not impose censure on any member for the exercise of his or her First Amendment right, no matter how distasteful the expression of that right was to the Council and the District. Nothing in this rule shall be construed to prohibit the Council, as a body, from condemning and expressing its strong disapprobation.

“(b)(1) The Council, by a 2/3rd vote, of its members present and voting, may adopt a resolution of censure if it finds, based on substantial evidence, that a Councilmember took an action that amounts to a gross failure to meet the highest standards of personal and professional conduct.

“(2) Substantial evidence is proof that a reasonable person would accept as adequate to support a conclusion or decision in favor of censure.

“656. EXPULSION.

“(a) Expulsion is the most severe punitive action, serving as a penalty imposed for egregious wrongdoing. Expulsion results in the removal of the member. Expulsion should be used for cases in which the Council determines that the violation of law is of the most serious nature, including those violations that substantially threaten the public trust. To protect the exercise of official councilmember duties and the overriding principle of freedom of speech, the Council shall not impose expulsion on any member for the exercise of his or her First Amendment right, no matter how distasteful the expression of that right was to the Council and the District, or in the official exercise of his or her office.

“(b)(1) The Council, by a 5/6 vote of its members, may adopt a resolution of expulsion if it finds, based on substantial evidence, that a Councilmember took an action that amounts to a gross failure to meet the highest standards of personal and professional conduct.

“(2) Substantial evidence is proof that a reasonable person would accept as adequate to support a conclusion or decision in favor of expulsion.”.

(c) The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(1) Section 301 (D.C. Official Code § 1-603.01) is amended by adding a new paragraph (14A) to read as follows:

Amend
§ 1-603.01

“(14A) “Public official” means:

“(A) A candidate for nomination for election, or election, to public office;

“(B) The Mayor, Chairman, and each member of the Council of the District of Columbia holding office under the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 *et seq.*);

“(C) The Attorney General;

“(D) A Representative or Senator elected pursuant to section 4 of the

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District of Columbia Statehood Constitutional Convention Initiative of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Official Code §1-123);

"(E) An Advisory Neighborhood Commissioner;

"(F) A member of the State Board of Education;

"(G) A person serving as a subordinate agency head in a position designated as within the Executive Service;

"(H) A member of a board or commission listed in section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)); and

"(I) A District of Columbia Excepted Service employee paid at a rate of Excepted Service 9 or above, or its equivalent, who makes decisions or participates substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, regulating, or auditing, or acts in areas of responsibility that may create a conflict of interest or the appearance of a conflict of interest; and any additional employees designated by rule by the Ethics Board who make decisions or participate substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, regulating, or auditing, or act in areas of responsibility that may create a conflict of interest or the appearance of a conflict of interest.”

(2) Section 406(b)(4) (D.C. Official Code § 1-604.06(b)(4)) is amended as follows:

**Amend
§ 1-604.06**

(A) Strike the phrase “District of Columbia Board of Elections and Ethics” both times it appears and insert the phrase “Board of Elections” in its place.

(B) Strike the phrase “D.C. Code, sec. 1-1151” and insert the phrase “section 302 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, passed on 2nd reading on December 20, 2011 (Enrolled version of Bill 19-511)” in its place.

(3) Section 1801 (D.C. Official Code § 1-618.01) is amended as follows:

**Amend
§ 1-618.01**

(A) Subsection (a) is amended by striking the word "employee" and inserting the phrase “employee, member of a board or commission, or a public official” in its place.

(B) Subsection (a-1) is amended by striking the word "employee" and inserting the phrase “employee, member of a board or commission, or a public official” in its place.

(C) New subsections (a-2) and (a-3) are added to read as follows:

“(a-2)(1) Upon commencement of employment, any person required to file pursuant to sections 224 and 225 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, passed on 2nd reading on December 20, 2011 (Enrolled version of Bill 19-511) (“Filers”), shall be provided with an ethics manual and information about the Code of Conduct.

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“(2) No later than 90 days after commencement of employment, Filers shall certify that they have undergone ethics training developed by the District of Columbia Board of Ethics and Government Accountability. The required training may be provided electronically, in person, or both as considered appropriate by the District of Columbia Board of Ethics and Government Accountability.

“(3) Filers shall certify on an annual basis that they have completed at least one ethics training program within the previous year.

“(a-3) Notwithstanding the penalty provisions of this act, any public official who knowingly violates any provision of subsection (a-2) of this section may be subject to an adverse performance action but not termination.”

(4) Section 1802 (D.C. Official Code § 1-618.02) is amended by striking the word "employee" and inserting the phrase "employee, member of a board or commission, or a public official" in its place. Amend
§ 1-618.02

(5) Section 1803 (D.C. Official Code § 1-618.03) is repealed. Repeal
§ 1-618.03

(d) The District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 447; D.C. Official Code § 1-1101.01 *et seq.*), is repealed. Repeal
§ 1-1101.01 –
1-1108.01

(e) The District of Columbia Campaign Contribution Limitation Initiative of 1992, effective March 17, 1993 (D.C. Law 9-204; D.C. Official Code § 1-1131.01 *et seq.*), is repealed. Repeal
§ 1-1131.01 –
1-1131.03

(f) The Exploratory Committee Regulation Amendment Act of 2007, effective February 2, 2008 (D.C. Law 17-104; D.C. Official Code § 1-1151.01 *et seq.*), is repealed. Repeal
§ 1-1151.01 –
1-1151.06

(g) The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

(1) Section 2 (D.C. Official Code § 1-1001.02) is amended as follows: Amend
§ 1-1001.02

(A) Paragraph (3) is amended by striking the phrase “Board of Elections and Ethics” and inserting the phrase “Board of Elections” in its place.

(B) Paragraph (7) is amended by striking the phrase “sections 507 of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 464; D.C. Official Code § 1-1105.07), or section 701 of the District of Columbia Campaign and Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 470; D.C. Official Code § 1-1107.01)” and inserting the phrase “sections 232 and 335 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, passed on 2nd reading on December 20, 2011 (Enrolled version of Bill 19-511)” in its place.

(C) Paragraph (15) is amended by striking the phrase “section 102(5) of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 446; D.C. Code, sec. 1-1401(5)) for the purposes of this Act.” and inserting the phrase “section 101(44) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, passed on 2nd reading on December 20, 2011 (Enrolled version of Bill 19-511) for the purposes of this act.” in its place.

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- (2) Section 3 (D.C. Official Code § 1-1001.03) is amended as follows: Amend
§ 1-1001.03
- (A) The section heading is amended by striking the phrase “and Ethics”.
- (B) Subsection (a) is amended by striking the phrase “and Ethics”.
- (3) Section 4 (D.C. Official Code § 1-1001.04) is amended by striking the phrase “and Ethics” in the section heading. Amend
§ 1-1001.04
- (4) Section 5 (D.C. Official Code § 1-1001.05) is amended as follows: Amend
§ 1-1001.05
- (A) The section heading is amended by striking the phrase “and Ethics”.
- (B) Subsection (a)(14) is amended by striking the phrase “District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 447; D.C. Code, sec. 1-1121 et seq.)” and inserting the phrase “the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, passed on 2nd reading on December 20, 2011 (Enrolled version of Bill 19-511)” in its place.
- (C) Subsection (f)(2) is amended by striking the phrase “section 102 of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 447; D.C. Code, sec. 1-1401)” and inserting the phrase “section 101 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, passed on 2nd reading on December 20, 2011 (Enrolled version of Bill 19-611)” in its place.
- (D) Subsection (g) is amended by striking the phrase “the District of Columbia Campaign Finance Reform and Conflict of Interest Act (D.C. Code, sec. 1-1121 et seq.)” and inserting the phrase “the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, passed on 2nd reading on December 20, 2011 (Enrolled version of Bill 19-511)” in its place.
- (5) Section 10(e)(1) (D.C. Official Code § 1-1001.10(e)(1)) is amended by striking the phrase “Board of Elections and Ethics” wherever it appears and inserting the phrase “Board of Elections” in its place. Amend
§ 1-1001.10
- (6) Section 16(b)(1)(A) (D.C. Official Code § 1-1001.16(b)(1)(A)) is amended by striking the phrase “sections 204 and 206 of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 451; D.C. Code, secs. 1-1414 & -1416)” and inserting the phrase “sections 307 and 309 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, passed on 2nd reading on December 20, 2011 (Enrolled version of Bill 19-511)” in its place. Amend
§ 1-1001.16
- (7) Section 17(i)(1) (D.C. Official Code § 1001.17(i)(1)) is amended by striking the phrase “sections 204 and 206 of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 447; D.C. Code, sec. 1-1401 *et seq.*)” and inserting the phrase “sections 307 and 309 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, passed on 2nd reading on December 20, 2011 (Enrolled version of Bill 19-511)” in its place. Amend
§ 1-1001.17
- (h) Section 7(f) of the Official Correspondence Regulations, effective April 7, 1977 (D.C. Amend
§ 2-706

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Law 1-118; D.C. Official Code § 2-706(f)), is amended by striking the phrase “section 402 of the District of Columbia Finance Reform and Conflict of Interest Act, effective September 2, 1976 (D.C. Law 1-79; D.C. Code, sec. 1-1443)” and inserting the phrase “section 338 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, passed on 2nd reading on December 20, 2011 (Enrolled version of Bill 19-511)” in its place.

(i) Section 4(a) of the Volunteer Services Act of 1977, effective June 28, 1977 (D.C. Law ^{Amend} 2-12; D.C. Official Code, § 1-319.03(a)), is amended by striking the phrase “title VI of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 465; D.C. Code, sec. 1-1101 et seq.)” and inserting the phrase “subtitles C and D of Title II of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, passed on 2nd reading on December 20, 2011 (Enrolled version of Bill 19-511)” in its place. ^{§ 1-319.03}

(j) Section 355 of the Prevention of Child Abuse and Neglect Act of 1977, effective April 12, 2005 (D.C. Law 15-341; D.C. Official Code § 4-1303.55), is amended by striking the phrase “sections 601 and 602 of An Act To regulate certain political campaign finance practices in the District of Columbia, and for other purposes, approved August 14, 1974 (88 Stat. 465; D.C. Official Code §§ 1-1106.01 and 1-1106.02)” and inserting the phrase “sections 223 and 224 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, passed on 2nd reading on December 20, 2011 (Enrolled version of Bill 19-511)” in its place. ^{Amend} ^{§ 4-1303.55}

(k) The District of Columbia Statehood Constitutional Convention Initiative of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Official Code § 1-121 *et seq.*), is amended as follows:

(1) Section 3 (D.C. Official Code § 1-122) is amended by striking the phrase “District of Columbia Board of Elections and Ethics” and inserting the phrase “District of Columbia Board of Elections” in its place. ^{Amend} ^{§ 1-122}

(2) Section 4 (D.C. Official Code § 1-123) is amended as follows:

(A) Subsection (a) is amended by striking the phrase “Board of Elections and Ethics” and inserting the phrase “Board of Elections” in its place. ^{Amend} ^{§ 1-123}

(B) Subsection (d) is amended as follows:

(i) Paragraph (1) is amended by striking the phrase “Board of Elections and Ethics” and inserting the phrase “Board of Elections” in its place.

(ii) Paragraph (3) is amended as follows:

(I) The lead-in language is amended by striking the phrase “Board of Elections and Ethics” and inserting the phrase “Board of Elections” in its place.

(II) Subparagraph (B) is amended by striking the phrase “Board of Elections and Ethics” both times it appears and inserting the phrase “Board of Elections” in its place.

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(C) Subsection (e) is amended by striking the phrase “section 602(a) of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 467; D.C. Code, sec. 1-1462(a))” and inserting the phrase “section 224 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, passed on 2nd reading on December 20, 2011 (Enrolled version of Bill 19-511)” in its place.

(D) Subsection (g)(4) is amended by striking the phrase “District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 447; D.C. Code, sec. 1-1401 et seq.)” and inserting the phrase “Title III of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, passed on 2nd reading on December 20, 2011 (Enrolled version of Bill 19-511)” in its place.

(3) Section 5 (D. C. Official Code § 1-124) is amended as follows:

Amend
§ 1-124

(A) Subsection (b) is amended by striking the phrase “Board of Elections and Ethics” and inserting the phrase “Board of Elections” in its place.

(B) Subsection (c) is amended by striking the phrase “Board of Elections and Ethics” and inserting the phrase “Board of Elections” in its place.

(C) Subsection (e) is amended as follows:

(i) Paragraph (1) is amended by striking the phrase “the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 446; D.C. Code, sec. 1-1121 et seq. (1973 ed.))” and inserting the phrase “Title III of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, passed on 2nd reading on December 20, 2011 (Enrolled version of Bill 19-511)” in its place.

(ii) Paragraph (3) is amended by striking the phrase “Board of Elections and Ethics” and inserting the phrase “Board of Elections” in its place.

(D) Subsection (h) is amended by striking the phrase “Board of Elections and Ethics” and inserting the phrase “Board of Elections” in its place.

(l) Section 4(d) of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code § 3-1323), is amended by striking the phrase “section 402 of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 461; D.C. Code, sec. 1-1443)” and inserting the phrase “section 338 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, passed on 2nd reading on December 20, 2011 (Enrolled version of Bill 19-511)” in its place.

Amend
§ 3-1323

(m) Section 3 of the Statehood Convention Procedural Amendments Act of 1982, effective August 14, 1982 (D.C. Law 4-138; D.C. Official Code § 1-135), is amended by striking the phrase “District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved

Amend
§ 1-135

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August 4, 1974 (88 Stat. 447; D.C. Code, sec. 1-1401 et seq.)” and inserting the phrase “Title III of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, passed on 2nd reading on December 20, 2011 (Enrolled version of Bill 19-511)” in its place.

(n) Title 47 of the District of Columbia Official Code is amended as follows:

(1) Section 47-391.08(a)(3) is amended by striking the phrase “§ 1-1106.01” and Amend
§ 47-391.08 inserting the phrase “section 223 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, passed on 2nd reading on December 20, 2011 (Enrolled version of Bill 19-511)” in its place.

(2) Section 47-2808(b) is amended by striking the phrase “§ 1-1104.03” and Amend
§ 47-2808 inserting the phrase “section 338 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, passed on 2nd reading on December 20, 2011 (Enrolled version of Bill 19-511)” in its place.

(o) Section 201(f) of the School Modernization Financing Act of 2006, effective June 8, 2006 (D.C. Law 16-123; D.C. Official Code § 38-2973.01(f)), is amended by striking the phrase Amend
§ 38-2973.01 “section 602 of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 447; D.C. Official Code § 1-1106.02)” and inserting the phrase “section 224 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, passed on 2nd reading on December 20, 2011 (Enrolled version of Bill 19-511)” in its place.

(p) Article I of the Council of the District of Columbia Code of Official Conduct, adopted November 1, 2011 (Res. 19-281; 58 DCR 9717), is amended as follows:

(1) Subsections (a), (b), (c), and (d) are amended to read as follows:

"(a) No employee shall use his or her official position or title, or personally and substantially participate, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter, or attempt to influence the outcome of a particular matter, in a manner that the employee knows is likely to have a direct and predictable effect on the employee's financial interests or the financial interests of a person closely affiliated with the employee.

"(b) An employee other than an elected official may seek a waiver, and the prohibition in subsection (a) of this section shall not apply, if:

"(1) The employee advises the employee's supervisor and the Ethics Board of the nature and circumstances of the particular matter;

"(2) Makes full disclosure of the financial interest; and

"(3) Receives in advance a written determination made by both the supervisor and the Ethics Board that:

"(A) The interest is not so substantial as to be deemed likely to affect the integrity of the services that the government may expect from such employee; or

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“(B) Another legally cognizable basis for waiver exists.

“(c)(1) Any elected official who, in the discharge of the elected official’s official duties, would be required to act in any matter prohibited under subsection (a) of this section shall make full disclosure of the financial interest, prepare a written statement describing the matter and the nature of the potential conflict of interest, and deliver the statement to:

“(A) In the case of a member of the Council, the Council Chairman; or

“(B) In the case of an elected official other than a member of the Council, the Ethics Board.

“(2) Any employee other than an elected official who, in the discharge of the employee’s official duties, would be required to act in any matter prohibited under subsection (a) of this section shall:

“(A) Make full disclosure of the financial interest;

“(B) Prepare a written statement describing the matter and the nature of the potential conflict of interest; and

“(C) Deliver the statement to the employee’s supervisor, and to the Ethics Board.

“(3) During a proceeding in which an elected official would be required to take action in any matter that is prohibited under subsection (a) of this section, the Chairman shall:

“(A) Read the statement provided in paragraph (1) of this subsection into the record of proceedings; and

“(B) Excuse the elected official from votes, deliberations, and other actions on the matter.

“(4) No Councilmember excused from votes, deliberations, or other actions on a matter shall in any way participate in or attempt to influence the outcome of the particular matter, in a manner that is likely to have a direct and predictable effect on the employee’s financial interests or the financial interests of a person closely affiliated with the employee.

“(5) Upon receipt of the statement provided in paragraph (2) of this subsection, the employee’s supervisor shall assign the matter to another employee who does not have a potential conflict of interest.

“(d)(1) An employee shall not receive any compensation, salary, or contribution to salary, gratuity, or any other thing of value from any source other than the District government for the employee’s performance of official duties.

“(2) No employee or member of the employee’s household may knowingly acquire:

“(A) Stocks, bonds, commodities, real estate, or other property, whether held individually or jointly, the acquisition of which could unduly influence or give the appearance of unduly influencing the employee in the conduct of his or her official duties and responsibilities; or

“(B) An interest in a business or commercial enterprise that is related

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directly to the employee's official duties, or which might otherwise be involved in an official action taken or recommended by the employee, or which is in any way related to matters over which the employee could wield any influence, official or otherwise."

(2) Subsection (e)(5) is amended to read as follows:

"(e)(5) "Person closely affiliated with the employee" means a spouse, dependent child, general partner, a member of the employee's household, or an affiliated organization."

TITLE VI. TRANSITION PROVISIONS; APPLICABILITY.

Sec. 601. Transition provisions; applicability.

(a) Title II, Subtitles A and B shall apply as of the effective of this act except that neither the Ethics Board or the Director of Government Ethics shall receive, investigate, or adjudicate violations of the Code of Conduct, or issue advisory opinions, conduct ethics training, or issue ethics manuals until October 1, 2012.

(b) Title II, Subtitle C shall apply as of the effective of this act except that the delivery of statements required by section 223(c)(2)(C) shall be delivered to the Elections Board until October 1, 2012.

(c) Title II, Subtitle D shall apply as of October 1, 2012,

(d) Title II, Subtitle E shall apply as of the effective date of this act except that the enforcement of the provisions of Subtitle E shall be enforced by the Office of Campaign Finance until October 1, 2012.

(e) Title III, Subtitles A and B shall apply as of the effective date of this act.

(f) Title III, Subtitle C shall apply as of October 1, 2012.

(g) Title III, Subtitle D shall apply as of the effective date of this act.

(h) Title III, Subtitle E shall apply as of the effective date of this act.

(i) Title III, Subtitle F shall apply as of the effective date of this act.

(j) Title IV shall apply on its effective date as provided in section 303 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 784; D.C. Official Code § 1-203.03).

(k) Title V shall apply as of the effective date of this act, except that section 501(c)(5) shall apply as of October 1, 2012.

(l) This title shall apply as of the effective date of this act.

(m) This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

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TITLE VII. FISCAL IMPACT AND EFFECTIVE DATE.

Sec. 701. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 702. Effective date.

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

(b) Title IV shall take effect as provided in section 303 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 784; D.C. Official Code § 1-203.03).

Chairman
Council of the District of Columbia

Mayor
District of Columbia

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