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A BILL

20-76

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA



To amend the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to add and amend definitions, to require registrants to report bundled contributions, to amend the powers and the duties of the Director of Campaign Finance to require all reports filed with the Election Board be filed online, to include political action committees and independent expenditure committees in the list of entities required to file reports, to amend the reporting requirements, to require candidate and treasurer training on campaign finance laws and regulations, to prohibit contributions in excess of \$100 in the form of a money order or cash, to amend the disclosure requirements for those who make independent expenditures, to clarify that any entity may be treated as an affiliated entity for purposes of this act, and to amend the penalty provisions to increase civil penalties, provide concurrent prosecution authority for misdemeanor violations for the United States Attorney for the District of Columbia and the Attorney General for the District of Columbia, and to provide for felony prosecution of all violations committed knowingly.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Campaign Finance Reform and Transparency Amendment Act of 2013”.

Sec. 2. The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.*) is amended as follows:

(a) Section 101 (D.C. Official Code § 1-1161.01) is amended as follows:

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

(2A) ~~“Affiliated entity” means, for a business entity any other business entities related as a parent, subsidiary, or sibling, the control or ownership of one business entity by~~

1 ~~another person, or 2 or more business entities commonly controlled or owned by another~~
2 ~~person.”.~~

“Affiliated entity” means each business entity that is related to an entity by virtue
of one of the following relationships:

(A) One of the entities owns or controls the other; or

3 (B) The entities share an owner or controller, whether that owner or
4 controller is another entity or an individual.

5 (2) A new paragraph (3A) is added to read as follows:

6 “(3A) “Bundled” or “bundling” means to forward or arrange to forward two or
7 more contributions from one or more persons by a person who is not acting with actual authority
8 as an agent or principal of a committee. Hosting a fundraiser, by itself, shall not constitute
9 bundling.”.

10 (3) Paragraph (4) is amended by striking the word ““Business”” and inserting the
11 phrase ““Business or business entity”” in its place.

12 (4) A new paragraph (4A) is added to read as follows:

13 “(4A) “Business contributor” means a business entity making a contribution and
14 all of that entity’s affiliated entities.”.

15 (5) Paragraph (6) is amended as follows:

16 (A) The lead-in text is amended by inserting the sentence “An individual
17 deemed to be a candidate for the purposes of this act shall not be deemed, solely by reason of

1 that status, to be a candidate for the purposes of any other law.” after the first sentence of the
2 paragraph.

3 (B) Subparagraph (A) is amended by striking the phrase “himself or
4 herself” and inserting the phrase “the individual” in its place.

5 (C) Subparagraph (B) is amended by striking the phrase “his or her” and
6 inserting the phrase “the individual’s” in its place.

7 (D) Subparagraph (C) is amended by striking the sentence “An individual
8 deemed to be a candidate for the purposes of this act shall not be deemed, solely by reason of
9 that status, to be a candidate for the purposes of any other law.”.

10 (6) Paragraph (10) is amended to read as follows:

11 “(10)(A) “Contribution” means:

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

17 “(I) The nomination or election of a candidate;

18 “(II) Any operations of a political committee or political
19 action committee; or

1 “(III) The campaign to obtain signatures on any initiative,
2 referendum, or recall measure, or to bring about the ratification or defeat of any initiative,
3 referendum, or recall measure;

4 ~~“(ii) A contract, promise, or agreement, whether or not legally~~
5 ~~enforceable, to make a contribution for any purpose listed in sub-subparagraph (i) of this~~
6 ~~subparagraph;~~

7 “(iii) A transfer of funds between:

8 “(I) Political committees;

9 “(II) Political action committees;

10 “(III) A political committee and a political action
11 committee; or

12 “(IV) Candidates.

13 “(iv) The payment, by any person other than a candidate, a
14 political committee, political action committee, or independent expenditure committee of
15 compensation for the personal services of another person that are rendered to such candidate or
16 committee without charge or for less than reasonable value, or the furnishing of goods,
17 advertising, or services to a candidate’s campaign without charge or at a rate which is less than
18 the rate normally charged for such services.

19 “(B) Notwithstanding subparagraph (A) of this paragraph, the term
20 “contribution” does not include:

1 “(i) Personal or other services provided without compensation by
2 a person (including an accountant or an attorney) volunteering a portion or all of the person's
3 time to or on behalf of a candidate, political committee, political action committee, or
4 independent expenditure committee;

5 “(ii) Communications by an organization other than a political
6 party solely to its members and their families on any subject;

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

10 “(iv) Normal billing credit for a period not exceeding 30 days;

11 “(v) Services of an informational or polling nature, designed to
12 seek the opinion of voters concerning the possible candidacy of a qualified elector for public
13 office, before such qualified elector becomes a candidate;

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

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

1 (7) New paragraphs (10A) and (10B) are added to read as follows:

2 “(10A) “Control” or “controlling interest” means the practical ability to direct or
3 cause to be directed the financial management policies of an entity. An ownership interest of 40%
4 shall constitute a rebuttable presumption of control.

5 “(10B) “Coordinate” or “coordination” means to take an action, including
6 making an expenditure:

7 “(A) At the request or suggestion of a candidate or public official, a
8 political committee affiliated with a candidate or public official, or an agent of a candidate or
9 public official or of a political committee affiliated with the candidate or public official; or

10 “(B) With the material involvement of a candidate or public official, a
11 political committee affiliated with a candidate or public official, or an agent of a candidate or
12 public official or of a political committee affiliated with a candidate or public official.

13 (8) A new paragraph (18A) is added to read as follows:

14 “(18A) “Entity” shall have the same meaning as provided in § 29-101.02.”.

15 (9) Paragraph (21) is amended to read as follows:

16 “(21)(A) “Expenditure” means:

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

19 “(I) The nomination or election of a candidate;

20 “(II) Any operations of a political committee, political
21 action committee, or independent expenditure committee; or

1 “(III) The campaign to obtain signatures on any initiative,
2 referendum, or recall petition, or to bring about the ratification or defeat of any initiative,
3 referendum, or recall measure;

4 ~~“(ii) A contract, promise, or agreement, whether or not legally~~
5 ~~enforceable, to make an expenditure for any purpose listed in sub-subparagraph (i) of this~~
6 ~~subparagraph;~~

7 “(iii) A transfer of funds between:

8 “(I) Political committees;

9 “(II) Political action committees;

10 “(III) A political committee and a political action
11 committee; or

12 “(IV) Candidates.

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

1 (10) Paragraph (22) is amended by striking the phrase “of becoming” and
2 inserting the phrase “of an individual’s becoming” in its place.

3 (11) Paragraph (23)(A) is amended by striking the phrase “A political
4 contribution” and inserting the phrase “A contribution” in its place.

5 (12) New paragraphs (28A) and (28B) are added to read as follows:

6 “(28A) “Independent expenditure” means an expenditure that is:

7 “(A) Made for the principal purpose of promoting or opposing:

8 “(i) The nomination or election of a candidate;

9 “(ii) A political party; or

10 “(iii) Any initiative, referendum, or recall; and

11 “(B) Not controlled by or coordinated with:

12 “(i) Any public official or candidate; or

13 “(ii) Any person acting on behalf of a public official or candidate;

14

15 “(28B) “Independent expenditure committee” means any committee, club,
16 association, organization, or other group of individuals that:

17 “(A) Is organized for the principal purpose of making independent
18 expenditures;

19 “(B) Is not controlled by or coordinated with:

20 “(i) Any public official or candidate; or

1 “(ii) Any person acting on behalf of a public official or candidate;

2 and,

3 “(C) Makes no transfer of funds to:

4 “(i) Political committees;

5 “(ii) Political action committees; or

6 “(iii) Candidates.

7 (13) Paragraph (30) is amended as follows:

8 (A) Strike the comma following the word “persons”.

9 (B) Strike the word “expending” and insert the word “spending” in its

10 place.

11 (14) A new paragraph (33A) is added to read as follows:

12 “(33A) “Material involvement” means, with respect to a contribution or
13 expenditure, any communication to or from a candidate or public official, political committee
14 affiliated with a candidate or public official, or any agent of a candidate or public official or
15 political committee affiliated with a candidate or public official, related to the contribution or
16 expenditure. Material involvement includes devising or helping to devise the strategy, content,
17 means of dissemination, or timing of the expenditure, or making any express or implied
18 solicitation of the expenditure.”.

19 (15) A new paragraph (43A) is added to read as follows:

20 “(43A) “Political action committee” means any committee, club, association,
21 organization, or other group of individuals that is:

1 “(A) Organized for the principal purpose of promoting or opposing:

2 “(i) The nomination or election of a person to public office;

3 “(ii) A political party; or

4 “(iii) Any initiative, referendum, or recall; and

5 “(B) Not controlled by or coordinated with:

6 “(i) Any public official or candidate; or

7 “(ii) Any person acting on behalf of a public official or

8 candidate.”.

9 (16) Paragraph (44) is amended to read as follows:

10 “(44) “Political committee” means any committee (including any principal
11 campaign, inaugural, exploratory, transition, or legal defense committee), club, association,
12 organization, or other group of individuals that is:

13 “(A) Organized for the principal purpose of promoting or opposing:

14 “(i) The nomination or election of a person to public office;

15 “(ii) A political party;

16 “(iii) Any initiative, referendum, or recall; or

17 “(B) An inaugural, transition, or legal defense committee; and

18 “(C) Controlled by or coordinated with any candidate or public official, or
19 controlled by or coordinated with anyone acting on behalf of a candidate or public official.”.

20 (b) Section 230(a) (D.C. Official Code § 1-1162.30(a)) is amended as follows:

1 (1) Paragraph (3) is amended by striking the phrase “campaign or testimonial
2 committee” and inserting in its place the phrase “political committee or political action
3 committee”.

4 (2) Paragraph (5) is amended by striking the phrase “and”.

5 (3) Paragraph (6) is amended by striking the phrase “shall also be listed in the
6 report.” and inserting the phrase “; and” in its place.

7 (4) A new paragraph (7) is added to read as follows:

8 “(7) All bundled contributions in accordance with rules promulgated by the
9 Ethics Board”.

10 (c) Section 231(g)(2) (D.C. Official Code § 1-1162.31(g)(2)) is amended by striking the
11 phrase “, and the representation and services are not provided by a lobbyist or registrant”.

12 (d) Section 302(c) (D.C. Official Code § 1-1163.02(c)) is amended by striking the
13 phrase “to the United States Attorney for the District of Columbia for prosecution” and replacing
14 it with the phrase “for prosecution as provided for in section 335”.

15 (e) Section 303 (D.C. Official Code § 1-1163.03) is amended as follows:

16 (1) Subsection (a)(1) is amended as follows:

17 (A) Subparagraph (B) is amended to read as follows:

18 “(B) To require any person to submit through an electronic format or
19 medium the reports required in this title;”.

1 (B) Subparagraph (H) is amended by striking the phrase “to the United
2 States Attorney for the District of Columbia” and inserting the phrase “for prosecution” in its
3 place.

4 (2) Subsection (c) is amended as follows:

5 (A) Strike the phrase “to the United States Attorney for the District of
6 Columbia” each place it appears and insert the phrase “for prosecution” in its place.

7 (B) Strike the sentence “The provisions of this subsection shall in no
8 manner limit the authority of the United States Attorney for the District of Columbia.”.

9 (f) Section 304 (D.C. Official Code § 1-1163.04) is amended as follows

10 (1) New paragraphs (1A) and (1B) are added to read as follows:

11 “(1A) Require that all reports filed with the Elections Board pursuant to
12 this title be submitted online, provided that reasonable accommodations shall be made where an
13 actual hardship in complying with this paragraph is demonstrated to the Elections Board. The
14 Elections Board shall issue regulations governing the online submission of reports, pursuant to
15 this paragraph;

16 “(1B) Publish all information submitted by recipients and agencies
17 pursuant to sections of this title online in a publicly accessible, widely accepted, nonproprietary,
18 searchable, platform-independent, sortable, computer-readable format within 24 hours of filing.
19 The database of electronic filings and other data within the portal shall be available via bulk
20 download from the portal website;”.

21 (2) Paragraph (7) is amended to read as follows:

1 “(7) Ensure dissemination of statistics, summaries, and reports prepared under
2 this title, including a biennial report summarizing the receipts and expenditures of candidates in
3 the prior 2-year period and the receipts and expenditures of political committees, political action
4 committees, and independent expenditures during the prior 2-year period. The Director of
5 Campaign Finance shall make available to the Mayor, Council, and general public the first
6 biennial report by January 31, 2013, and shall present the summary report on the same date every
7 2 years thereafter. The report shall describe the receipts and expenditures of candidates for
8 Mayor, Attorney General, Chairman and members of the Council, President and members of the
9 State Board of Education, shadow Senator, and shadow Representative, but shall exclude
10 candidates for Advisory Neighborhood Commissioner. The report shall provide, at a minimum,
11 the following information, as well as other information that the Director of Campaign Finance
12 considers appropriate:

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

18 “(B) A summary of each candidate’s receipts, in dollar amount and
19 percentage terms, by the size of the donation, including donations of \$500 or more; donations of
20 \$250 or more but less than \$500; donations of \$100 or more but less than \$250; and donations of
21 less than \$100;

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

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

6 “(E) A summary of the receipts and expenditures of political committees
7 and political action committees using categories considered appropriate by the Director of
8 Campaign Finance;”.

9 (3) A new paragraph (7A) is added to read as follows:

10 “(7A) Require a candidate for public office and the treasurer of any political
11 committee, political action committee, or independent expenditure committee to attend a training
12 program conducted by the Director of Campaign Finance concerning compliance with this title.

13 Such training shall:

14 “(A) Be conducted in person, although online materials may be used to
15 supplement the training;

16 “(B) Be completed in accordance with a schedule to be published by the
17 Director of Campaign Finance, or by individual request as the Director of Campaign Finance
18 deems appropriate; and

19 “(C) Upon completion, result in the completion of an oath or affirmation
20 to follow the District’s campaign finance laws, to be developed by the Director of Campaign

1 Finance. The names of the participants shall be posted on the website of the Office of Campaign
2 Finance;”.

3 (g) Section 306 (D.C. Official Code § 1-1163.06) is amended as follows:

4 (1) The first sentence of subsection (a) is amended to read as follows:

5 “Upon application made by any individual holding public office, any candidate, any
6 person required to submit filings to the Elections Board under this title, any person who
7 reasonably anticipates being required to submit filings to the Elections Board under this title in
8 connection with a pending election or any subsequent election, or any political committee,
9 political action committee, or other person under the jurisdiction of the Elections Board, the
10 Elections Board shall provide within a reasonable period of time an advisory opinion, with
11 respect to any specific transaction or activity inquired of, as to whether such transaction or
12 activity would constitute a violation of any provision of this title or of any provision of Title I of
13 the Election Code over which the Elections Board has primary jurisdiction.”.

14 (2) A new subsection (c) is added to read as follows:

15 “(c) There shall be a rebuttable presumption that a transaction or activity undertaken by a
16 person in reliance on an advisory opinion from the Elections Board is lawful if:

17 “(1) The person requested the advisory opinion;

18 “(2) The facts on which the opinion is based are full and accurate, to the best
19 knowledge of the person; and

20 “(3) The person, in good faith, substantially complies with any recommendations
21 in the opinion.”.

1 (h) Section 307 (D.C. Official Code § 1-1163.07) is amended as follows:

2 (1) The lead-in text is amended by striking the phrase “Political, exploratory,
3 transition, and inaugural committees, which are established pursuant to this subtitle,” and
4 inserting the phrase “Political committees, political action committees, and independent
5 expenditure committees” in its place.

6 (2) Paragraph (1) is amended by adding a new subparagraph (C-i) to read as
7 follows:

8 “(C-i) The name, address, and position of all directors and officers;”.

9 (3) Paragraph (4) is amended as follows:

10 (A) Strike the phrase “No contribution and no expenditure shall” and
11 insert the phrase “No contribution or expenditure may” in its place.

12 (B) Strike the phrase “No expenditure shall” and insert the phrase “No
13 expenditure may” in its place.

14 (1) Paragraph (5)(A) is amended as follows:

15 (A) Strike the phrase “contribution and expenditure” and insert the phrase
16 “contribution or expenditure” in its place.

17 (B) Strike the phrase “for or” and insert the phrase “accepted or made” in
18 its place.

19 (i) Section 309 (D.C. Official Code § 1-1163.09) is amended as follows:

20 (1) Subsections (a) and (b) are amended to read as follows:

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

4 “(1) The treasurer of each political committee;

5 “(2) The treasurer of each political action committee; and

6 “(3) The treasurer of each independent expenditure committee.

7 “(b)(1) The reports required by subsection (a) of this section shall be filed on the 10th day of
8 March, June, August, October, and December in the 7 months preceding the date on which, and
9 in each year during which, an election is held for the office sought, and ~~on the day~~ 8 days prior
10 to an election, and also by the 31st day of January of each year. In addition, the reports shall be
11 filed on the 31st day of July of each year in which there is no election. The reports shall be
12 complete as of the date prescribed by the Director of Campaign Finance, which shall not be more
13 than 5 days before the date of filing, except that any contribution of \$200 or more received after
14 the closing date prescribed by the Director of Campaign Finance for the last report required to be
15 filed before the election shall be reported within 24 hours after its receipt.”

16 (2) Subsection (c) is amended as follows:

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

18 “(2A) For each contribution by a business contributor, any information provided by that
19 business contributor in accordance with section 313(b) of this chapter;”.

20 (B) Paragraph (4) is amended by striking the final word “and”.

1 (C) Paragraph (8) is amended by striking the semicolon and inserting the
2 phrase “, and for each expenditure made by a political action committee or independent
3 expenditure committee, the name of any candidate, initiative, referendum, or recall in support of
4 or opposition to which the expenditure is directed;” in its place.

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

6 “(e)(1) A report or statement required by this subtitle shall be verified by the oath or
7 affirmation of the person filing the report or statement.

8 “(2) The oath or affirmation required under this subsection shall be given under
9 penalty of perjury and shall state that the filer has used all reasonable diligence in the preparation
10 of the report or statement and the report or statement is true and complete to the best of the
11 filer’s knowledge.

12 “(3) An oath or affirmation by a candidate shall also state that the candidate has
13 used all reasonable diligence to ensure that:

14 “(A) The candidate and the candidate’s political committees are in
15 compliance with this subtitle; and

16 “(B) The candidate’s political committees have advised their contributors
17 of the obligations imposed on those contributors by this title.

18 “(4) The Elections Board shall, by published regulations of general applicability,
19 prescribe the manner in which contributions and expenditures in the nature of debts and other
20 contracts, agreements, and promises to make contributions or expenditures shall be reported. The
21 regulations shall provide that they be reported in separate schedules. In determining aggregate

1 amounts of contributions and expenditures, amounts reported as provided in the regulations shall
2 not be considered until actual payment is made.”.

3 (5) A new subsection (f) is added to read as follows:

4 “(f) Each political committee (including principal campaign, inaugural, transition, and
5 exploratory committees) shall, in a separate schedule of its report to be filed under subsection (a)
6 of this section, disclose the:

7 “(1) Name, address, and employer of each person reasonably known by the
8 committee to have bundled in excess of \$10,000 during the reporting period; and

9 “(2) For each person, the total of the bundling.

10 (j) Section 311 (D.C. Official Code § 1-1163.11) is amended as follows:

11 (1) The lead-in text is amended by striking the phrase “political committee” and
12 inserting the phrase “political committee, political action committee, and independent
13 expenditure committee” in its place.

14 (2) Paragraph (2) is amended by striking the word “political”.

15 (3) Paragraph (4) is amended by striking the word “political”.

16 (k) Section 313 (D.C. Official Code § 1-1163.13) is amended to read as follows:

17 “Sec. 313. Additional identifications and certifications.

18 “(a)(1) Every political action committee and every independent expenditure committee
19 shall certify, in each report filed with the Director of Campaign Finance, that the contributions it
20 has received and the expenditures it has made have not been controlled or directed by any public
21 official or candidate, by any political committee, or by any political party.

1 “(2) Every independent expenditure committee shall further certify, in each
2 report filed with the Director of Campaign Finance, that it has made no contributions or transfer
3 of funds to any public official or candidate, any political committee, or any political action
4 committee.

5 “(b)(1) A business contributor to a political committee, political action committee, or
6 independent expenditure committee shall provide the committee with the identities of the
7 contributor’s affiliated entities that have also contributed to the committee.

8 “(2) A business contributor shall comply with all requests from the Office of
9 Campaign Finance to provide information about its individual owners, the identity of affiliated
10 entities, the individual owners of affiliated entities, the contributions or expenditures made by
11 such entities, and any other information the deemed relevant to enforcing the provisions of this
12 act.

13 “(3) Any person other than a political committee, political action committee, or
14 independent expenditure committee that makes one or more independent expenditures in an
15 aggregate amount of \$50 or more within a calendar year, other than by contribution to a
16 committee or candidate, shall, in a report filed with the Director of Campaign Finance, identify
17 the name and address of the person, identify the person’s affiliated entities that have also made
18 an independent expenditure, the amount and object of the expenditures, and the names of any
19 candidates, initiatives, referenda, or recalls in support of or opposition to which the expenditures
20 are directed. The report shall be filed on the dates which reports by committees are filed, unless

1 the value of the independent expenditure totals \$1000 or more in a 2-week period, in which case
2 the report shall be filed within 14 days of the independent expenditure.

3 “(c) Statements required by this section shall be filed on the dates on which reports by
4 committees are filed, but the content of the filings need not be cumulative.”.

5 “(d) Every person who files statements with the Director of Campaign Finance has a
6 continuing obligation to provide the Director with correct and up-to-date information.”.

7 (l) Section 315 (D.C. Official Code § 1-1163.15) is amended by adding a new subsection
8 (c) to read as follows:

9 “(c) Any advertisement supporting or opposing a candidate, initiative, referendum, or
10 recall that is disseminated to the public by a political committee, political action committee, or
11 independent expenditure committee or any other person shall disclose, in the advertisement, the
12 identity of the advertisement’s sponsor.”.

13 (m) Section 319 (D.C. Official Code § 1-1163.19) is amended as follows:

14 (1) Subsection (b) is amended by striking the phrase “Exploratory committees
15 shall not receive individual contributions” and inserting the phrase “No person, including a
16 business contributor, may make contributions” in its place.

17 (n) Section 322 (D.C. Official Code § 1-1163.22) is amended to read as follows:

18 “Sec. 322. Contributions to inaugural committees.

19 “No person, including a business contributor, may make any contribution to or for an
20 inaugural committee, and the Mayor or Mayor-elect shall not receive any contribution to or for
21 an inaugural committee from any person, that when aggregated with all other contributions to or

1 for the inaugural committee received from such person, exceeds \$10,000 in an aggregate
2 amount; provided, that the \$10,000 limitation shall not apply to contributions made by the Mayor
3 or Mayor-elect for the purpose of funding his or her own inaugural committee within the
4 District.”.

5 (o) Section 325 (D.C. Official Code § 1-1163.25) is amended by striking the phrase “of
6 Columbia”.

7 (p) Section 326 (D.C. Official Code § 1-1163.26) is amended to read as follows:

8 “Sec. 326. Contributions to transition committees.

9 “(a) No person, including a business contributor, may make any contribution to or for a
10 transition committee, and the Mayor or Mayor-elect may not receive any contribution to or for a
11 transition committee from any person, that when aggregated with all other contributions to or for
12 the transition committee received from the person, exceed \$2,000 in an aggregate amount;
13 provided, that the \$2,000 limitation shall not apply to contributions made by the Mayor or
14 Mayor-elect for the purpose of funding his or her own transition committee within the District.

15 “(b) No person, including a business contributor, may make any contribution to a
16 transition committee, and the Chairman of the Council or Chairman-elect may not receive any
17 contribution to a transition committee from any person, that when aggregated with all other
18 contributions to the transition committee received from the person, exceeds \$1,000 in an
19 aggregate amount; provided, that the \$1,000 limitation shall not apply to contributions made by
20 the Chairman of the Council or Chairman-elect for the purpose of funding his or her own
21 transition committee within the District.

1 (q) Section 333 (D.C. Official Code § 1-1163.33) is amended to read as follows:

2 “Sec. 333. Contribution limitations.

3 “(a) No person, including a business contributor, may make any contribution, and no
4 person may receive any contribution from any contributor, that when aggregated with all other
5 contributions received from that contributor relating to a campaign for nomination as a candidate
6 or election to public office, including both the primary and general election or special elections,
7 exceeds:

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

10 “(2) In the case of a contribution in support of a candidate for Attorney General
11 or for the recall of the Attorney General, \$1,500;

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

14 “(4) In the case of a contribution in support of a candidate for member of the
15 Council elected at-large or for the recall of a member of the Council elected at-large, \$1,000;

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

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

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

6 “(a-1) A business contributor shall certify for each contribution that it makes that no
7 affiliated entities have contributed an amount that when aggregated with the business
8 contributor’s contribution would exceed the limits imposed by this act.

9 “(b)(1) No person, including a business contributor, may make any contribution in any
10 one election for Mayor, Attorney General, Chairman of the Council, each member of the
11 Council, and each member of the State Board of Education (including primary and general
12 elections, but excluding special elections), that when combined with all other contributions made
13 by that contributor in that election to candidates and political committees exceeds \$8,500.

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

17 “(b-1) Any entity, whether or not considered distinct under Title 29 of the Official Code
18 of the District of Columbia, may be an affiliated entity for purposes of this act.

19 “(c)(1) No political committee or political action committee may receive in any one
20 election, including primary and general elections, any contribution in the form of cash or money
21 order from any one person that in the aggregate exceeds \$100.

1 “(2) No person may make any contribution in the form of cash or money order
2 which in the aggregate exceeds \$100 in any one election to any one political committee or
3 political action committee, including primary and general elections.

4 “(d) No person may make contributions to any one political action committee in any one
5 election, including primary and general elections, but excluding special elections, that in the
6 aggregate exceed \$5,000.

7 “(e) No contributor may make a contribution or cause a contribution to be made in the
8 name of another person, and no person may knowingly accept a contribution made by one person
9 in the name of another person.

10 “(f) “An independent expenditure is not considered a contribution to or an expenditure
11 by or on behalf of the candidate for the purposes of the limitations specified in this section.”?.

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

17 “(h)(1) No candidate or member of the immediate family of a candidate may make a loan
18 or advance from his or her personal funds for use in connection with a campaign of that
19 candidate for nomination for election, or for election, to a public office unless a written
20 instrument fully discloses the terms, conditions, and parts to the loan or advance. The amount of
21 any loan or advance shall be included in computing and applying the limitations contained in this

1 section only to the extent of the balance of the loan or advance that is unpaid at the time of
2 determination.

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

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

8 (r) Section 334(a)(1) (D.C. Official Code § 1-1163.34(a)(1)) is amended to read as
9 follows:

10 “(1) In direct proportion to his or her share of the partnership profits, according to
11 instructions that shall be provided by the partnership to the political committee, political action
12 committee, or candidate; or”.

13 (s) Section 335 (D.C. Official Code § 1-1163.35) is amended to read as follows:

14 “Sec. 335. Penalties.

15 “(a)(1) Except for violations subject to civil penalties identified under paragraph (2) of
16 this subsection, any person who violates any provision of subtitles A through E of this title or of
17 Title I of the Election Code may be assessed a civil penalty for each violation of not more than
18 \$2,000, or 3 times the amount of an unlawful contribution, expenditure, gift, honorarium, or
19 receipt of outside income, whichever is greater, by the Elections Board pursuant to paragraph (3)
20 of this subsection. For the purposes of this section, each occurrence of a violation of subtitles A

1 through E of this title, and each day of noncompliance with a disclosure requirement of subtitles
2 A through E of this title or an order of the Elections Board, shall constitute a separate offense.

3 “(2)(A) A candidate or other person charged with the responsibility under this
4 Title for the filing of any reports or other documents required to be filed pursuant to this title
5 who fails, neglects, or omits to file any such report or document at the time and in the manner
6 prescribed by law, or who omits or incorrectly states any of the information required by law to be
7 included in such report or document, ~~shall~~, in addition to any other penalty provided by law, may
8 be assessed a civil penalty of not more than \$4,000 for the first offense and not more than
9 \$10,000 for the second and each subsequent offense.

10 “(B) A political committee, political action committee, or independent
11 expenditure committee that violates subtitle B of this title shall be subject to a civil penalty not to
12 exceed \$4,000 for the first offense, and not more than \$10,000 for the second and each
13 subsequent offense.

14 “(C) A person who makes a contribution, gift, or expenditure in violation
15 of subtitles A through E of this title may be assessed a civil penalty by the Elections Board not to
16 exceed \$4,000, or 3 times the amount of the unlawful contribution, gift, or expenditure,
17 whichever amount is greater.

18 “(D) A person who aids, abets, or participates in the violation of any
19 provision of subtitles A through E of this title or of Title I of the Election Code shall be subject
20 to a civil penalty not to exceed \$1,000.

1 “(3) A civil penalty shall be assessed by the Elections Board by order. An order
2 assessing a civil penalty may be issued only after the person charged with a violation has been
3 given an opportunity for a hearing and the Elections Board has determined, by a decision
4 incorporating its findings of facts, that a violation did occur, and the amount of the penalty. Any
5 hearing under this section shall be on the record and shall be held in accordance with the
6 Administrative Procedure Act.

7 “(4) Notwithstanding the provisions of paragraph (3) of this subsection, the
8 Elections Board may issue a schedule of fines that may be imposed administratively by the
9 Director of Campaign Finance for violations of subtitles A through E of this title. A civil penalty
10 imposed under the authority of this paragraph may be reviewed by the Elections Board in
11 accordance with the provisions of paragraph (3) of this subsection. The aggregate amount of
12 penalties imposed under the authority of this paragraph may not exceed \$4,000.

13 “(5) If a person against whom a civil penalty is assessed fails to pay the penalty,
14 the Elections Board shall file a petition for enforcement of its order assessing the penalty in the
15 Superior Court of the District of Columbia. The petition shall designate the person against
16 whom the order is sought to be enforced as the respondent. A copy of the petition shall be sent
17 by registered or certified mail to the respondent and the respondent’s attorney of record, and if
18 the respondent is a political committee, political action committee, or independent expenditure
19 committee, to the chairperson of the committee, and the Elections Board shall certify and file in
20 court the record upon which the order sought to be enforced was issued. The court shall have
21 jurisdiction to enter a judgment enforcing, modifying and enforcing as so modified, or setting

1 aside, in whole or in part, the order and the decision of the Elections Board or it may remand the
2 proceedings to the Elections Board for further action as it may direct. The court may determine
3 de novo all issues of law, but the Election Board’s findings of fact, if supported by substantial
4 evidence, shall be conclusive.

5 “(b) Except as provided in subsection (c) of this section, any person who violates any of
6 the provisions of subtitles A through E of this title shall be subject to criminal prosecution and,
7 upon conviction, shall be fined ~~not more than \$1,000~~ not more than the amount set forth in
8 section 101 of the Criminal Fine Proportionality Amendment Act of 2012 (D.C. Law 19-317;
9 D.C. Official Code § 22-3571.01) or imprisoned for not longer than 6 months, but not both.

10 “(c) Any person who knowingly violates any of the provisions of subtitles A through E
11 of this title shall be subject to criminal prosecution and, upon conviction, shall be fined ~~not more~~
12 ~~than \$10,000~~ not more than the amount set forth in section 101 of the Criminal Fine
13 Proportionality Amendment Act of 2012 (D.C. Law 19-317; D.C. Official Code § 22-3571.01) or
14 imprisoned for not longer than 5 years, or both.

15 “(d) Prosecutions pursuant to subsection (b) may be brought by the United States
16 Attorney for the District of Columbia, in the name of the United States, or by the Attorney
17 General for the District of Columbia, in the name of the District of Columbia. If the Attorney
18 General for the District of Columbia initiates an investigation for the purpose of prosecution
19 pursuant to subsection (b) of this section, he shall promptly notify the United States Attorney for
20 the District of Columbia. Prosecutions pursuant to subsection (c) of this section shall be brought
21 by the United States Attorney for the District of Columbia in the name of the United States.

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

5 ~~Sec. 3. Transition provisions; applicability.~~

6 ~~———— All provisions of this act shall take effect on November 30, 2014, or the effective date~~
7 ~~of this act pursuant to section 5, whichever is later.~~

8 Sec. 3. Applicability.

9 This act shall apply upon the latest of either:

10 (a) The inclusion of the fiscal effect of this Act in an approved budget and financial plan, as
11 certified by the Chief Financial Officer to the Budget Director of the Council in a certification published
12 by the Council in the District of Columbia Register.

13 (b) January 31, 2015; or

14 (c) The effective date of this act pursuant to Section 5.

15 Sec. 4. Fiscal impact statement.

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

19 Sec. 5. Effective date.

20 All provisions of this act shall take effect following approval by the Mayor (or in the
21 event of veto by the Mayor, action by the Council to override the veto), a 30-day period of

ENGROSSED ORIGINAL

- 1 Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule
- 2 Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and
- 3 publication in the District of Columbia Register.