

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 1.**

**GOVERNMENT ORGANIZATION.**

**CHAPTER 11A.**

**GOVERNMENT ETHICS AND ACCOUNTABILITY.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 11A. GOVERNMENT ETHICS AND**  
**ACCOUNTABILITY.**

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# **CHAPTER 11A. GOVERNMENT ETHICS AND ACCOUNTABILITY.**

## **SUBCHAPTER I. DEFINITIONS.**

### **§ 1-1161.01. DEFINITIONS.**

For the purposes of this chapter, 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 Chapter 5 of Title 2, or to propose legislation or make nominations to the Council, the President, or Congress.
- (2) "Administrative Procedure Act" means Chapter 5 of Title 2.
- (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
  - (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 chapter 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 1-618.01 through 1-618.02;

(C) Chapter 7 of Title 2;

(D) Section 2-354.16;

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

(F) Parts C, D, and E of subchapter II, and part F of subchapter III of this chapter for the purpose of enforcement by the Elections Board of violations of § 1-1163.38 that are subject to the penalty provisions of § 1-1162.21.

(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;

(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*.
- (12) "Director of Campaign Finance" means the Director of Campaign Finance of the Elections Board created by § 1-1163.02.
- (13) "Director of Government Ethics" means the Director of Government Ethics created by § 1-1162.06.
- (14) "Domestic partner" shall have the same meaning as provided in § 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 subchapter I of Chapter 10 of this title.
- (17) "Elections Board" means the District of Columbia Board of Elections established under the Election Code, and redesignated by § 1-1163.05.
- (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 § 1-1162.02.
- (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, 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 Chapter 2 of this title.

(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 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 chapter; 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 Chapter 6 of this title.

(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 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 §§ 1-609.01 through 1-609.03 (except § 1-609.03(a)(3)) paid at a rate of DS-13 or above in the General Schedule or equivalent

compensation under the provisions of subchapter XI of Chapter 6 of this title designated in § 1-609.08 (except paragraphs (9) and (10) of that section; or

(D) Members of boards and commissions designated in § 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 §§ 1-609.01 through 1-609.03 or designated in § 1-609.08.

(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 § 2-592.

(40) "Open Meetings Act" means subchapter IV of Chapter 5 of Title 2.

(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:

(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 subchapter I of Chapter 10 of this title 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 Chapter 2 of this title;

(C) The Attorney General;

(D) A Representative or Senator elected pursuant to § 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 § 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 the provisions of § 1-1162.27.

(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, 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.

(Apr. 27, 2012, D.C. Law 19-124, § 101, 59 DCR 1862.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

Law 19-124, the "Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011", was introduced in Council and assigned Bill No. 19-511, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on December 6, 2011, and December 20, 2011, respectively. Signed by the Mayor on February 27, 2012, it was assigned Act No. 19-318 and transmitted to both Houses of Congress for its review. D.C. Law 19-124 became effective on April 27, 2012.

##### *References in Text*

The District of Columbia Public Works Act of 1954, referenced in paragraph (50) of this section, is primarily codified at § 9-101.16, subchapter I of Chapter 21 of Title 34, Chapter 23 of Title 34, §§ 34-2401.04, 34-2401.25, and 34-2405.02, subchapter IV of Chapter 24 of Title 34, and §50-1501.02 and 50-1501.03.

## **SUBCHAPTER II. ETHICS ACT.**

### **§ 1-1162.01. SHORT TITLE.**

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

(Apr. 27, 2012, D.C. Law 19-124, § 201, 59 DCR 1862.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

## **PART A. DISTRICT OF COLUMBIA BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY ESTABLISHMENT.**

### **§ 1-1162.02. 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 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 April 27, 2012, 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.

(Apr. 27, 2012, D.C. Law 19-124, § 202, 59 DCR 1862.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Emergency Act Amendments*

For temporary (90 day) addition of section, see § 1073 of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) addition of section, see § 1073 of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

##### *Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

##### *Miscellaneous Notes*

Section 1073 of D.C. Law 19-168 provides:

"Sec. 1073. Any matter arising after January 29, 2012, from a violation of Title I, Subtitle C of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Emergency Amendment Act of 2012, effective January 29, 2012 (D.C. Act 19-298; 59 DCR 683), or Title II, Subtitle C of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2012, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.*), may be enforced by the Elections Board until October 1, 2012, after which pending matters shall be transferred to the Ethics Board for enforcement."

### **§ 1-1162.03. 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 April 27, 2012, 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, 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 removed.
  - (5) If less than 2/3rds of the Council votes to remove a member, the member shall not be removed.

(Apr. 27, 2012, D.C. Law 19-124, § 203, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1162.04. 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 subchapter IV of Chapter 5 of Title 2.

(Apr. 27, 2012, D.C. Law 19-124, § 204, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1162.05. COMPENSATION.**

(a) Each member of the Ethics Board, excluding the Chairman, shall receive compensation, as provided in § 1-611.08, 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 § 1-611.08, while actually in the service of the Ethics Board, for a sum not to exceed \$26,500 per annum.

(Apr. 27, 2012, D.C. Law 19-124, § 205, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1162.06. 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 § 1-611.16. 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 subchapter maintain a position of strict impartiality and refrain from any activity that would imply support or opposition to an Ethics Board investigation.

(Apr. 27, 2012, D.C. Law 19-124, § 206, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1162.07. 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 subchapter IV of Chapter 2 of this title for the year, annual estimates of the expenditures and 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 §§ 1-204.46 and 1-206.03(c), 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 subchapter. Furnishings, information technology services and equipment, and supplies to this office space shall also be provided upon request.

(Apr. 27, 2012, D.C. Law 19-124, § 207, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

## **§ 1-1162.08. 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.

(Apr. 27, 2012, D.C. Law 19-124, § 208, 59 DCR 1862.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

## **§ 1-1162.09. RULES.**

The Ethics Board, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules to implement the provisions of this subchapter, 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 subchapter.

(Apr. 27, 2012, D.C. Law 19-124, § 209, 59 DCR 1862.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

## **§ 1-1162.10. 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 § 1-1162.21 and part E of this subchapter 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 subchapter without regard to fiscal year limitation, subject to authorization by Congress.

(Apr. 27, 2012, D.C. Law 19-124, § 210, 59 DCR 1862.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

## **PART B. DIRECTOR OF GOVERNMENT ETHICS.**

### **§ 1-1162.11. 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 enforcement of this subchapter;

(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 subchapter;

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

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

(Apr. 27, 2012, D.C. Law 19-124, § 211, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

## **§ 1-1162.12. PRELIMINARY INVESTIGATIONS.**

(a) The Director of Government Ethics shall conduct a preliminary investigation of a possible violation the Code of Conduct or of this subchapter 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 subchapter 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 would not harm the investigation.

(Apr. 27, 2012, D.C. Law 19-124, § 212, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

## **§ 1-1162.13. 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 subchapter.

(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 subchapter;

(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 subchapter 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 Chapter 6 of this title and subchapter XII of Chapter 2 of Title 2.

(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.

(Apr. 27, 2012, D.C. Law 19-124, § 213, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1162.14. 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 § 1-1162.12(b) or § 1-1162.13(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 § 1-1162.16(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 Chapter 5 of Title 2.

(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.

(Apr. 27, 2012, D.C. Law 19-124, § 214, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1162.15. 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 § 1-1162.21;

(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 subchapter 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 § 1-1162.14(a).

(Apr. 27, 2012, D.C. Law 19-124, § 215, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1162.16. 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.

(Apr. 27, 2012, D.C. Law 19-124, § 216, 59 DCR 1862.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

## **§ 1-1162.17. APPEALS.**

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

(Apr. 27, 2012, D.C. Law 19-124, § 217, 59 DCR 1862.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

## **§ 1-1162.18. 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 § 1-1162.11(3), issue an order requiring compliance; and any failure to obey the order of the court may be treated by the court as contempt.

(Apr. 27, 2012, D.C. Law 19-124, § 218, 59 DCR 1862.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

## **§ 1-1162.19. 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 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.

(Apr. 27, 2012, D.C. Law 19-124, § 219, 59 DCR 1862.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

## **§ 1-1162.20. 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.

(Apr. 27, 2012, D.C. Law 19-124, § 220, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1162.21. 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 subchapter and each day of noncompliance with a requirement of this subchapter 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 subchapter, 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 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 subchapter, a violation of the Code of Conduct may result in remedial action in accordance with Chapter 6 of this title.

(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 § 1-1162.02(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 subchapter 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 subchapter must be initiated within 5 years of the discovery of the alleged violation.

(e) Notwithstanding any other provision in this subchapter, 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 subchapter.

(f) The penalties set forth in this section shall not apply to part E of this subchapter.

(Apr. 27, 2012, D.C. Law 19-124, § 221, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

## **§ 1-1162.22. ADDITIONAL PENALTIES FOR PUBLIC OFFICIALS.**

(a) In addition to the penalties set forth in § 1-1162.21, 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.

(Apr. 27, 2012, D.C. Law 19-124, § 222, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

## **PART C. CONFLICTS OF INTEREST.**

### **§ 1-1162.23. 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:

(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.

(Apr. 27, 2012, D.C. Law 19-124, § 223, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

## **PART D. FINANCIAL DISCLOSURES AND HONORARIA.**

### **§ 1-1162.24. 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 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 part 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;
- (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 Chapter 17 of Title 2.

(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 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.

(Apr. 27, 2012, D.C. Law 19-124, § 224, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 1072(a) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) addition of section, see § 1074 of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 1072(a) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

For temporary (90 day) addition of section, see § 1074 of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

*Editor's Notes*

D.C. Law 19-168 amends this section effective January 1, 2013.

## **§ 1-1162.25. 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 § 1-1162.24. 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.

(Apr. 27, 2012, D.C. Law 19-124, § 225, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 1072(b) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) addition of section, see § 1074 of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 1072(b) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

For temporary (90 day) addition of section, see § 1074 of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

*Editor's Notes*

D.C. Law 19-168 amends this section effective January 1, 2013.

## **§ 1-1162.26. 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 \$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.

(Apr. 27, 2012, D.C. Law 19-124, § 226, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

## **PART E. LOBBYISTS.**

### **§ 1-1162.27. PERSONS REQUIRED TO REGISTER.**

(a) Except as provided in § 1-1162.28, a person shall register with the Director of Government Ethics pursuant to § 1-1162.29 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 subchapter.

(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.

(Apr. 27, 2012, D.C. Law 19-124, § 227, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

### **§ 1-1162.28. EXCEPTIONS.**

(a) A person need not register with the Director pursuant to § 1-1162.29 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 Commission; or
- (4) An entity specified in § 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 part; provided, that no activity engaged in by the person shall constitute a conflict of interest under the provisions of § 1-1162.23. Registrants have no obligation to report activities in furtherance of exempt activities under this section in activity reports required under § 1-1162.30.

(Apr. 27, 2012, D.C. Law 19-124, § 228, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

For history of Law 19-124, see notes under § 1-1161.01.

### **§ 1-1162.29. 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.

(Apr. 27, 2012, D.C. Law 19-124, § 229, 59 DCR 1862.)

#### *HISTORICAL AND STATUTORY NOTES*

For history of Law 19-124, see notes under § 1-1161.01.

### **§ 1-1162.30. 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 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 § 1-1162.29;

(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 part.

(Apr. 27, 2012, D.C. Law 19-124, § 230, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1162.31. 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 §§ 1-1163.33, 1-1163.34, and 1-1163.38.

(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 part 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 § 1-1162.28.

(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.

(Apr. 27, 2012, D.C. Law 19-124, § 231, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1162.32. PENALTIES; PROHIBITION FROM SERVING AS LOBBYIST; CITIZEN SUITS.**

(a) Notwithstanding § 1-1162.21 and except as provided in subsection (c) of this section, any person who willfully and knowingly violates any of the provisions of this part 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 part in an untimely manner shall be assessed a civil penalty of \$10 per day up to 30 days (excluding 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 subchapter 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 part. 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.

(Apr. 27, 2012, D.C. Law 19-124, § 232, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

## **SUBCHAPTER III. CAMPAIGN FINANCE.**

### **§ 1-1163.01. SHORT TITLE.**

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

(Apr. 27, 2012, D.C. Law 19-124, § 301, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

## **PART A. OFFICE OF CAMPAIGN FINANCE.**

### **§ 1-1163.02. OFFICE OF DIRECTOR OF CAMPAIGN FINANCE ESTABLISHED; ENFORCEMENT OF SUBCHAPTER.**

(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 subchapter XI of Chapter 6 of this title. The Director of Campaign Finance shall be responsible for the administrative operations of the Elections Board pertaining to this subchapter 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 § 1-1163.04, 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 subchapter, makes a finding of an apparent violation of this subchapter, 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 enforcement of the provisions of this subchapter. 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 subchapter. The Director of Campaign Finance shall have no authority concerning the enforcement of provisions of subchapter I of Chapter 10 of this title, and recommendations of criminal or civil, or both, violations under

subchapter I of Chapter 10 of this title 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 Chapter 5 of Title 2. 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.

(Apr. 27, 2012, D.C. Law 19-124, § 302, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1163.03. 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 subchapter; 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 subchapter. 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 subchapter. 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 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 § 1-1163.02(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 subchapter 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 Chapter 5 of Title 2. All allegations of violations of this subchapter, 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 § 1-1163.02(c), or may dismiss the action. In no case may the Elections Board refer information concerning an alleged violation of this subchapter 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.

(Apr. 27, 2012, D.C. Law 19-124, § 303, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1163.04. 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 subchapter;
- (2) Develop a filing, coding, and cross-indexing system consonant with the purposes of this subchapter;
- (3) Make the reports and statements filed with him or her available for public 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 subchapter, 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 filed under this subchapter, and with respect to alleged failures to file any report or statement required under the provisions of this subchapter; and
- (9) Perform such other duties as the Elections Board may require.

(Apr. 27, 2012, D.C. Law 19-124, § 304, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1163.05. DISTRICT OF COLUMBIA BOARD OF ELECTIONS CREATED.**

On or after April 27, 2012, the District of Columbia Board of Elections and Ethics established under subchapter I of Chapter 10 of this title shall be known as the District of Columbia Board of Elections and shall have the powers, duties, and functions as provided in that subchapter, in any other law in effect on the date immediately preceding April 27, 2012, and in this subchapter. Any reference in any law or regulation to the District of Columbia Board of Elections and Ethics shall, on and after April 27, 2012, be deemed to refer to the District of Columbia Board of Elections.

(Apr. 27, 2012, D.C. Law 19-124, § 305, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1163.06. ADVISORY OPINIONS.**

(a) Upon application made by any individual holding public office, any candidate, any person who may be a potential registrant under this subchapter, 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 subchapter or of any provision of subchapter I of Chapter 10 of this title 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.

(Apr. 27, 2012, D.C. Law 19-124, § 306, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**PART B. CAMPAIGN FINANCE COMMITTEES.**

**§ 1-1163.07. ORGANIZATION OF COMMITTEES.**

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

(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 subchapter 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.

(Apr. 27, 2012, D.C. Law 19-124, § 307, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1163.08. 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 § 1-1163.07 or § 1-1163.12, 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.

(Apr. 27, 2012, D.C. Law 19-124, § 308, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1163.09. 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 subchapter; 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 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 part to be filed by a treasurer of a 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.

(Apr. 27, 2012, D.C. Law 19-124, § 309, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1163.10. 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 § 1-1163.07) or report that a political committee is required to file with or furnish to the Director of Campaign Finance under the provisions of this part 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 part and regulations prescribed by the Elections Board.

(Apr. 27, 2012, D.C. Law 19-124, § 310, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Emergency Act Amendments*

For temporary (90 day) addition of section, see § 2(a) of Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Clarification Emergency Amendment Act of 2012 (D.C. Act 19-371, May 16, 2012, 59 DCR 5711).

For temporary (90 day) addition of section, see § 1072(c) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) addition of section, see § 1072(c) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1163.10A. FUND BALANCE REQUIREMENTS OF PRINCIPAL CAMPAIGN COMMITTEES.**

Within the limitations specified in this subchapter, any surplus, residual, or unexpended campaign funds received by or on behalf of an individual who seeks nomination for election, or election to office, shall be:

- (1) Contributed to a political party for political purposes;
- (2) Used to retire the proper debts of his or her political committee that received the funds;
- (3) Transferred to a political committee, a charitable organization in accordance with § 47-1803.03(a)(8), or, in the case of an elected official, an established constituent services fund; or
- (4) Returned to the donors as follows:
  - (A) In the case of an individual defeated in an election, within 6 months following the election;
  - (B) In the case of an individual elected to office, within 6 months following the election; and

(C) In the case of an individual ceasing to be a candidate, within 6 months thereafter.

(Apr. 27, 2012, D.C. Law 19-124, § 310a, as added Sept. 20, 2012, D.C. Law 19-168, § 1072(c), 59 DCR 8025.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-168, see notes under § 1-137.01.

*Miscellaneous Notes*

Short title: Section 1071 of D.C. Law 19-168 provided that subtitle G of title I of the act may be cited as "Financial Disclosure and Ethics Reform Clarification Amendment Act of 2012".

**§ 1-1163.11. SPECIFIC REQUIREMENTS FOR STATEMENTS OF ORGANIZATION FILED BY POLITICAL COMMITTEES.**

In addition to the statement of organization set forth in § 1-1163.07, each political 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 § 1-1001.16 ; 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 § 1-1001.17;
- (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.

(Apr. 27, 2012, D.C. Law 19-124, § 311, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1163.12. 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.

(Apr. 27, 2012, D.C. Law 19-124, § 312, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1163.13. 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 § 1-1163.09. Statements required by this section shall be filed on the dates on which reports by committees are filed, but need not be cumulative.

(Apr. 27, 2012, D.C. Law 19-124, § 313, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1163.14. EXEMPTION FOR TOTAL EXPENSES UNDER \$500.**

Except for the provisions of § 1-1163.12(a), the provisions of this part 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.

(Apr. 27, 2012, D.C. Law 19-124, § 314, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1163.15. 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."

(Apr. 27, 2012, D.C. Law 19-124, § 315, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1163.16. CANDIDATE'S LIABILITY FOR FINANCIAL OBLIGATION INCURRED BY A COMMITTEE.**

No provision of this part 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 part, and subchapter I of Chapter 10 of this title, 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 part or subchapter I of Chapter 10 of this title unless the agency relationship to engage in the act is shown by clear and convincing evidence.

(Apr. 27, 2012, D.C. Law 19-124, § 316, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1163.17. 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 § 1-1163.09 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 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.

(Apr. 27, 2012, D.C. Law 19-124, § 317, 59 DCR 1862.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

## **§ 1-1163.18. 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 § 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.

(Apr. 27, 2012, D.C. Law 19-124, § 318, 59 DCR 1862.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

## **§ 1-1163.19. 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.

(Apr. 27, 2012, D.C. Law 19-124, § 319, 59 DCR 1862.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

## **§ 1-1163.20. 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 § 1-1163.33.

(Apr. 27, 2012, D.C. Law 19-124, § 320, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1163.21. 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.

(Apr. 27, 2012, D.C. Law 19-124, § 321, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1163.22. 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.

(Apr. 27, 2012, D.C. Law 19-124, § 322, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1163.23. 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 § 1-1163.38.

(Apr. 27, 2012, D.C. Law 19-124, § 323, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1163.24. 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.

(Apr. 27, 2012, D.C. Law 19-124, § 324, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

## **§ 1-1163.25. 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 § 1-1163.38.

(Apr. 27, 2012, D.C. Law 19-124, § 325, 59 DCR 1862.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

## **§ 1-1163.26. 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.

(Apr. 27, 2012, D.C. Law 19-124, § 326, 59 DCR 1862.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

## **§ 1-1163.27. 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 part, no transition committee may be organized if an appropriation pursuant to § 1-204.46 has been approved.

(Apr. 27, 2012, D.C. Law 19-124, § 327, 59 DCR 1862.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

## **PART C. LEGAL DEFENSE FUNDS.**

### **§ 1-1163.28. 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, 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 § 1-1163.38.

(Apr. 27, 2012, D.C. Law 19-124, § 328, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1163.29. 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.

(Apr. 27, 2012, D.C. Law 19-124, § 329, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

### **§ 1-1163.30. DESIGNATION OF LEGAL DEFENSE DEPOSITORIES.**

Each legal defense committee accepting contributions or making expenditures shall designate in the registration statement required under § 1-1163.28, 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.

(Apr. 27, 2012, D.C. Law 19-124, § 330, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

### **§ 1-1163.31. 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

(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.

(Apr. 27, 2012, D.C. Law 19-124, § 331, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1163.32. FORMAL REQUIREMENTS FOR REPORTS AND STATEMENTS.**

(a) A report or statement required by this part 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 part must be initiated within 5 years of the discovery of the alleged violation of this part.

(Apr. 27, 2012, D.C. Law 19-124, § 332, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**PART D. CONTRIBUTION LIMITATIONS.**

**§ 1-1163.33. 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 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 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.

(Apr. 27, 2012, D.C. Law 19-124, § 333, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1163-34. 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 part. No portion of such contribution may be made from the profits of a corporation that is a partner.

(Apr. 27, 2012, D.C. Law 19-124, § 334, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

## **PART E. PROHIBITED ACTIVITIES AND ENFORCEMENT.**

### **§ 1-1163.35. PENALTIES.**

(a)(1) Any person who violates any provision of parts A through E of this subchapter or of subchapter I of Chapter 10 of this title 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 parts A through E of this subchapter and each day of noncompliance with a disclosure requirement of parts A through E of this subchapter 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, and the amount of the penalty. Any hearing under this section shall be of record and shall be held in accordance with Chapter 5 of Title 2.

(3) Notwithstanding the provisions of paragraph (2) of this subsection, the Elections Board may issue a schedule of fines for violations of parts A through E of this subchapter, 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 parts A through E of this subchapter 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 parts A through E of this subchapter 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 parts A, B, D, and E of this subchapter must be initiated within 6 years of the actual occurrence of the alleged violation.

(Apr. 27, 2012, D.C. Law 19-124, § 335, 59 DCR 1862.)

#### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

### **§ 1-1163.36. 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 nonpartisan, or to support or oppose any initiative, referendum, or recall measure, including a charter amendment referendum conducted in accordance with § 1-203.03.

(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.

(Apr. 27, 2012, D.C. Law 19-124, § 336, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**§ 1-1163.37. DOCUMENT UNDER OATH.**

(a) Notwithstanding any other provisions of this subchapter, 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 § 1-1163.35.

(Apr. 27, 2012, D.C. Law 19-124, § 337, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

**PART F. CONSTITUENT SERVICES.**

**§ 1-1163.38. 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 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 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 § 1-1163.33.

(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 subchapter 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 part shall be subject to the penalties set forth in § 1-1162.21

(Apr. 27, 2012, D.C. Law 19-124, § 338, 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-124, see notes under § 1-1161.01.

## **SUBCHAPTER IV. TRANSITION PROVISIONS; APPLICABILITY.**

### **§ 1-1164.01. TRANSITION PROVISIONS; APPLICABILITY.**

(a) Subchapter II, parts A and B, of this chapter shall apply as of April 27, 2012, 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) Subchapter II, part C, of this chapter shall apply as of April 27, 2012, except that the delivery of statements required by § 1-1162.23(c)(2)(C) shall be delivered to the Elections Board until October 1,

2012. The Elections Board shall enforce subchapter II, part C, of this chapter until October 1, 2012, after which pending matters shall be transferred to the Ethics Board for enforcement.

(c) Subchapter II, part D, of this chapter shall apply as of October 1, 2012, except that the Office of Campaign Finance shall administer and enforce the subchapter, including receiving and reviewing the necessary disclosures, until January 1, 2013.

(d) Subchapter II, part E, of this chapter shall apply as of April 27, 2012, except that the enforcement of the provisions of part E shall be enforced by the Office of Campaign Finance until October 1, 2012.

(e) Subchapter III, parts A and B, of this chapter shall apply as of April 27, 2012.

(f) Subchapter III, part C, of this chapter shall apply as of October 1, 2012.

(g) Subchapter III, part D, of this chapter shall apply as of April 27, 2012.

(h) Subchapter III, part E, of this chapter shall apply as of April 27, 2012.

(i) Subchapter III, part F, of this chapter shall apply as of April 27, 2012.

(j) [Reserved].

(k) [Reserved].

(l) This subchapter shall apply as of April 27, 2012.

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

(Apr. 27, 2012, D.C. Law 19-124, § 601, 59 DCR 1862; Sept. 20, 2012, D.C. Law 19-168, § 1072(d), 59 DCR 8025.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 19-168, in subsec. (b), added the second sentence; and, in subsec. (c), substituted "October 1, 2012, except that the Office of Campaign Finance shall administer and enforce the subchapter, including receiving and reviewing the necessary disclosures, until January 1, 2013." for "October 1, 2012,".

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 2(b) of Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Clarification Emergency Amendment Act of 2012 (D.C. Act 19-371, May 16, 2012, 59 DCR 5711).

For temporary (90 day) addition of section, see § 3 of Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Clarification Emergency Amendment Act of 2012 (D.C. Act 19-371, May 16, 2012, 59 DCR 5711).

For temporary (90 day) amendment of section, see § 1072(d) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 1072(d) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

##### *Legislative History of Laws*

For history of Law 19-124, see notes under § 1-122.

For history of Law 19-168, see notes under § 1-137.01.