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Councilmember Muriel Bowser

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish on an emergency basis the independent Board of Ethics and Government Accountability (“Ethics Board”) to administer and enforce the Code of Conduct, to establish the composition of the board, qualifications of board members, procedures for removal of board members, terms of appointment, meetings procedures, investigations procedures, hearings requirements, penalties for violation of the code of conduct, provide for local prosecutorial authority for certain violations of the code of conduct, to authorize the Board to issue advisory opinions and to provide a safe harbor for good faith reliance thereon; to empower a Director to conduct the day-to-day duties of the Ethics Board including investigations of allegations of violations of the Code of Conduct; to amend the Merit Personnel Act to require annual training and certification of public officials and other high-ranking employees, including the members of the Ethics Board, and to subject all District employees and officials to the District Personnel Manual; to adopt rules clearly detailing recusal procedures; to reduce the number of employees who must file public and confidential financial disclosures, to require greater disclosure of financial information from those filers, and to require public officials to certify compliance with the code of conduct; to prohibit the provision of discounted legal and other services to elected officials by lobbyists, and to require rolling on-line publication of lobbyist registration; to repeal Chapter 11 of Title 1 so as to better organize and ethics and campaign finance rules; to establish filing and reporting requirements for legal defense fundraising and charge the Office of Campaign Finance with enforcement; to establish filing and reporting requirements for transition, and inauguration committees; to redefine the citizen-service program, restrict by amount and use constituent services funds including requiring that each expenditure accrues to the primary benefit of residents of the District; to establish within the Ethics Board the independent Open Government Office established by the Open Meetings Amendment Act and to appoint the director of the Open Government Office; and to amend the Home Rule Act to waive the prohibition against recall during the first and fourth years of an elected term for violation of the Code of Conduct, to make ineligible to serve any Councilmember or Mayor convicted of a

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1 felony while in office and to authorize the Council to expel a member for certain
2 misconduct..
3

4 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
5 act may be cited as the “Board of Ethics and Government Accountability Establishment and
6 Comprehensive Ethics Reform Emergency Amendment Act of 2012”.
7

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Sec. 2. Definitions.

For the purposes of this act, the term:

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

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

(3) "Affiliated organization" means:

(A) An organization or entity:

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

(2) 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

(3) That is a client of the employee or 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, non-profit corporation, enterprise, franchise, association, organization, self-employed individual,

1 holding company, joint stock, trust, and any legal entity through which business is conducted
2 whether for profit or not.

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

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

9 (A) Obtained or authorized any other person to obtain nominating
10 petitions;

11 (B) Received contributions or made expenditures, or has given consent to
12 any other person to receive contributions or make expenditures for that purpose; or

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

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

1 (A) The Code of Official Conduct for the Council of the District of
2 Columbia, as adopted by the Council.

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

4 (C) Section 2 of the Official Correspondence Regulations, effective April
5 7, 1977 (D. C. Law 1-118; D.C. Official Code § 2-701 *et seq.*);

6 (D) Section 416 of the Procurement Practices Reform Act, effective April
7 11, 2011 (D.C. Law 18-371; D.C. Official Code § 2-354.16);

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

10 (F) Subtitles C, D and E of Title I and Subtitle F of Title II.

11 (8) “Commodity” means commodity as defined in § 2 of the Commodities
12 Exchange Act, as amended (7 U.S.C. § 2).

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

15 (10)(A) “Contribution” means

16 (i) A gift, subscription (including any assessment, fee, or membership
17 dues), loan (except a loan made in the regular course of business by a business engaged in the business of
18 making loans), advance, or deposit of money or anything of value, made for the purpose of financing,
19 directly or indirectly, the election campaign of a candidate or any operations of a political committee or
20 the campaign, or any operations of a political committee involved in such a campaign, to obtain
21 signatures on any initiative, referendum, or recall measure, or to bring about the ratification or defeat of
22 any initiative, referendum, or recall measure;

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

3 (iii) A transfer of funds between political committees; or

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

9 (B) Notwithstanding the foregoing, such term shall not be construed to
10 include:

11 (i) Services provided without compensation by a person (including
12 an accountant or an attorney) volunteering a portion or all of the person's time on behalf of a
13 candidate or political committee;

14 (ii) Personal services provided without compensation by a person
15 volunteering a portion or all of the person's time to a candidate or political committee;

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

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

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

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

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

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

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

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

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

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

18 (12) "Director of Campaign Finance" means the Director of Campaign Finance of
19 the Elections Board created by section 202.

20 (13) "Director of Government Ethics" means the Director of Government Ethics
21 created by section 106.

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

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

9 (16) "Elections Board" means the District of Columbia Board of Elections
10 established under the Election Code, and redesignated by section 205.

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

13 (18) “Employee” means a person who performs a function of the District
14 government and who receives compensation for the performance of such services, or a member
15 of a District government board or commission, whether or not for compensation.

16 (19) "Ethics Board" means the District of Columbia Board of Ethics and
17 Government Accountability, established section 102.

18 (20) “Executive agency” means a department, agency, or office in the executive
19 branch of the District government under the direct administrative control of the Mayor; the
20 Board of Education or any of its constituent elements; the University of the District of Columbia
21 or any of its constituent elements; the Elections Board; and any District professional licensing
22 and examining board under the administrative control of the executive branch.

1 (21)(A) “Expenditure” means:

2 (i) A purchase, payment, distribution, loan, advance, deposit, or
3 gift of money or anything of value, made for the purpose of financing, directly or indirectly, the
4 election campaign of a candidate or any operations of a political committee or the election
5 campaign, or any operations of a political committee involved in such a campaign, to obtain
6 signatures on any initiative, referendum, or recall petition, or to bring about the ratification or
7 defeat of any initiative, referendum, or recall measure;

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

10 (iii) A transfer of funds between political committees; and

11 (B) Notwithstanding the foregoing, the term shall not be construed to
12 include the incidental expenses (as defined by the Elections Board) made by or on behalf of a
13 person in the course of volunteering that person's time on behalf of a candidate or political
14 committee or the use of real or personal property and the cost of invitations, food, or beverages
15 voluntarily provided by a person to a candidate in rendering voluntary personal services on the
16 person's residential premises for candidate-related activity if the aggregate value of such
17 activities by such person on behalf of any candidate does not exceed \$500 with respect to any
18 election.

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

1 (23) "Gift" means a payment, subscription, advance, forbearance, rendering, or
2 deposit of money, services, or anything of value, unless consideration of equal or greater value is
3 received, and shall not include a political contribution otherwise reported as required by law, a
4 commercially reasonable loan made in the ordinary course of business, or a gift received from a
5 member of the person's immediate family as defined by section 2(26).

6 (24) "Home Rule Act" means the District of Columbia Home Rule Act, approved
7 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-201.01 *et seq.*);

8 (25) "Household" means the public official and any member of his or her
9 immediate family with whom the public official resides.

10 (26) "Immediate family" means the public official's spouse or domestic partner
11 and any parent, grandparent, brother, or sister, or child of the public official, and the spouse or
12 domestic partner of any such parent, grandparent brother, sister, or child.

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

16 (28) "Income" means gross income as defined in § 61 of the Internal Revenue
17 Code of 1954.

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

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

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

7 (B) As used in this act, the term shall not include:

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

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

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

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

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

1 (vi) Communications by a bona fide political party as defined in
2 section 2(44).

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

4 (B) Public officials communicating directly or soliciting others to
5 communicate with other public officials shall not be deemed lobbyists for the purposes of this
6 act, provided that a public official does not receive compensation in addition to his or her salary
7 for such communications or solicitations and make such communications and solicitations in
8 their official capacity.

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

12 (34) "Office" means the office of Mayor, Attorney General, Chairman, member of
13 the Council, member of the Board of Education, or an official of a political party.

14 (35) "Official in the executive branch" means the Mayor, any officer or employee
15 in the Executive Service, persons employed under the authority of sections 901 through 903
16 (except 903(a)(3)) of the Merit Personnel Act paid at a rate of DS-13 or above in the General
17 Schedule or equivalent compensation under the provisions of Title XI of the Merit Personnel Act
18 or designated in section 908 of the Merit Personnel Act (except paragraphs (9) and (10) of that
19 section) or members of boards and commissions designated in section 2(e) of the Confirmation
20 Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)).

21 (36) "Official in the legislative branch" means any candidate for Chairman or
22 member of the Council in a primary, special, or general election, the Chairman or Chairman-

1 elect or any member or member-elect of the Council, officers, and employees of the Council
2 appointed under the authority of sections 901 through 903 or designated in section 908 of the
3 Merit Personnel Act.

4 (37) "Official of a political party" means:

5 (A) National committeemen and national committeewomen;

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

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

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

13 (38) "Open Government Office" means the independent agency established by the
14 Administrative Procedure Act to promote open governance in the District.

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

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

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

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

3 (43) "Political committee" means any proposer, individual, committee (including
4 a principal campaign committee), club, association, organization, or other group of individuals
5 organized for the purpose of, or engaged in promoting or opposing: (A) A political party; (B)
6 The nomination or election of a person to office; or (C) Any initiative, referendum, or recall.

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

11 (45) "Prohibited source" means any person that:

12 (A) Has or is seeking to obtain contractual or other business or financial
13 relations with the District government;

14 (B) Conducts operations or activities that are subject to regulation by the
15 District government; or

16 (C) Has an interest that may be favorably affected by the performance or
17 non-performance of the employee's official responsibilities.

18 (46) "Public Official" means:

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

20 (B) The Mayor, Chairman, and each member of the Council of the District
21 of Columbia holding office under the Home Rule Act, and an Advisory Neighborhood
22 Commissioner;

1 (C) The Attorney General;

2 (D) A Representative or Senator elected pursuant to section 4 of the
3 District of Columbia Statehood Constitutional Convention Initiative of 1979, effective March 10,
4 1981 (D.C. Law 3-171; D.C. Official Code §1-123);

5 (E) An Advisory Neighborhood Commissioner;

6 (F) A member of the Board of Education;

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

9 (H) A member of a Board or Commission listed in section 2(e) of the
10 Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-
11 523.01(e)); and

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

21 (47) “Registrant” means a person who is required to register as a lobbyist under
22 the provisions of section 124.

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

3 (49) “Tax” means the taxes imposed under Chapter 1 of the Internal Revenue
4 Code of 1954, under the District of Columbia Revenue Act of 1947, approved July 16, 1947
5 (Pub. L. No. 80-195, 61 Stat. 328), and under the District of Columbia Public Works Act of
6 1954, approved May 18, 1954 (68 Stat. 101; D.C. Official Code § 43-1607 et seq.); and any
7 other provision of law relating to the taxation of property within the District.

8 (50) “Transactions in securities or commodities” means any acquisition, holding,
9 withholding, use, transfer, or other disposition involving any security or commodity.

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

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TITLE I. ETHICS ACT.

15
16 Sec. 101. Short title.

17 This title may be cited as the “Government Ethics Act of 2011”.

SUBTITLE A. BOARD OF ETHICS AND GOVERNMENT

ACCOUNTABILITY ESTABLISHMENT.

Sec. 102. 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;
- (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

1 government ethics law, and produce, within 240 days of the effective date of this act,
2 recommendations for amending the Code of Conduct. Thereafter, the Ethics Board shall submit
3 recommendations on December 31 of each year. The recommendations shall include whether to:

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

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15 **Sec. 103. Composition, term, qualifications, removal.**

16 (a) The Ethics Board shall consist of 3 members, no more than 2 of whom shall be of the
17 same political party, appointed by the Mayor, with the advice and consent of the Council.

18 Members shall be appointed to serve for terms of 6 years, except the members first appointed.

19 With regard to the members first appointed, one member shall be appointed to serve for a 2-year
20 term, one member shall be appointed to serve for a 4-year term, and one member shall be
21 appointed to serve for a 6-year term, as designated by the Mayor.

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

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

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

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

6 (f) When appointing and approving a member of the Ethics Board, the Mayor and
7 Council shall consider whether the individual possesses demonstrated integrity, independence,
8 and public credibility, and whether the individual has particular knowledge, training, or
9 experience in government ethics or in public transparency. A person shall not be a member of the
10 Ethics Board unless he or she:

11 (1) Is a duly registered voter;

12 (2) Has resided in the District continuously since the beginning of the one-year
13 period ending on the day he or she is appointed; and

14 (3) Holds no other office or employment in the District government.

15 (g) An Ethics Board member shall not:

16 (1) Act as a leader or hold any office in a District political organization;

17 (2) Make speeches for a District political organization or candidate, or publicly
18 endorse or oppose a District of Columbia candidate for public office;

19 (3) Solicit funds for, pay an assessment to, or make a contribution to a District
20 political organization or candidate, or attend or purchase a ticket for a dinner or other event
21 sponsored by a District of Columbia political organization or candidate;

22 (4) Be a lobbyist as that term is defined under section 2(32)(A);

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

4 (1) During the member's tenure on the Ethics Board, be convicted of having
5 committed a felony in the District of Columbia; or if the crime is committed elsewhere,
6 conviction of such offense as would be a felony in the District of Columbia.

7 (h)(1) A member of the Ethics Board may be removed for good cause, including but not
8 limited to engaging in any activity prohibited by subsection (f) or (g) of this section, in
9 accordance with the following procedure.

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

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

17 (4) If within 7 days the member requests a hearing, the Mayor shall promptly
18 notify the Council and the Council shall begin the hearing within 30 calendar days after
19 receiving notice from the Mayor that a member has requested a hearing.

20 (5) At the conclusion of the hearing, the Council shall vote on whether to
21 remove the member. If two-thirds of the Council votes to remove a member, the member shall

1 be removed and the Mayor shall appoint a new member to serve until the expiration of the term
2 of the member removed.

3 (6) If less than two-thirds of the Council votes to remove a member, the member
4 shall not be removed.

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6 Sec. 104. Meetings.

7 (a) (1) The Ethics Board shall hold regular monthly meetings in accordance with a
8 schedule to be established by the Ethics Board. Additional meetings may be called as needed by
9 the Ethics Board.

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

12 Sec. 105. Compensation.

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

16 (b) The Chairman of the Ethics Board shall receive compensation, as provided in section
17 1108 of the Merit Personnel Act, while actually in the service of the Ethics Board, not to exceed
18 the sum of \$26,500 per annum.

19

20 Sec. 106. Professional staff.

1 (a) The Ethics Board shall select, employ, and fix the compensation for a Director of
2 Government Ethics and such staff as the Ethics Board considers necessary, subject to the pay
3 limitations of section 1117 of the Merit Personnel Act. The Director of Government Ethics shall
4 serve at the pleasure of the Ethics Board. The Ethics Board shall provide to the Director
5 employees to carry out the powers and duties of the Director of Government Ethics. Employees
6 assigned to the Director of Government Ethics shall, while so assigned, be under the direction
7 and control of the Director of Government Ethics and may not be reassigned without the
8 concurrence of the Director of Government Ethics.

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

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

15

16 Sec. 107. Budget.

17 (a)(1) The Director of Government Ethics, with approval by the Ethics Board, shall
18 prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia
19 under part D of Title IV of the Home Rule Act for the year, annual estimates of the expenditures
20 and appropriations necessary for the operation of the Ethics Board for the year. All such
21 estimates shall be forwarded by the Mayor to the Council for its action pursuant to sections 446
22 and 603(c) of the Home Rule Act, in addition to the Mayor's recommendations.

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

5 Sec. 108. Quorum; investigations; rules.

6 (a) A majority of the members shall constitute a quorum to do business, and any vacancy
7 shall not impair the right of the remaining members to exercise all the powers of the Ethics
8 Board; provided, that at no time shall a quorum exist with fewer than 2 members.

9 (b) The Ethics Board may delegate to an individual member or to the Director of
10 Government Ethics the power to investigate or hold a hearing pursuant to the powers of the
11 Ethics Board.

12 (c) The Ethics Board, pursuant to Title I of the Administrative Procedure Act, shall issue
13 rules to implement the provisions of this title.

14 Sec. 109. Procedures for investigation; hearing, order, appeal.

15 (a) Any hearing under this section shall be of record and shall be held in accordance with
16 the Administrative Procedure Act.

17 (b) The Ethics Board shall issue rules and regulations for the administration of
18 preliminary investigations, formal investigations, and hearings in respect to violations of the
19 Code of Conduct or other provisions of this title.

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

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Sec. 110. Advisory opinions.

(a) Upon application made by any 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) 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 the person's prior consent in writing. If issued by the Director of Government Ethics, an advisory opinion may be appealed for consideration by the Ethics Board.

(c) 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; provided, that the person, in seeking such advice, made full and accurate disclosure of all relevant circumstances and information.

SUBTITLE B. DIRECTOR OF THE BOARD OF ETHICS.

Sec. 111. Powers of the Director of Government Ethics.

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

1 (1) Require any person to submit within a reasonable period and under oath or
2 otherwise as the Director of Government Ethics may determine, written reports and answers to
3 questions as the Director of Government Ethics may prescribe relating to the administration and
4 enforcement of this title;

5 (2) Administer oaths;

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

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

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

16 (6) Institute or conduct, on his or her own motion, an informal or preliminary
17 investigation on alleged violations of the Code of Conduct or other violations of this title;

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

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

22

1 Sec. 112. Enforcement of subpoena.

2 (a) The Superior Court of the District of Columbia may, upon petition by the Ethics
3 Board, in case of refusal to obey a subpoena or order of the Ethics Board issued under section
4 111(3), issue an order requiring compliance therewith; and any failure to obey the order of the
5 court may be treated by the court as contempt thereof.

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

8 Sec. 113. Preliminary investigations.

9 (a) A preliminary investigation shall involve an examination by the Director of
10 Government Ethics of a possible violation of this title, when the possible violation comes to the
11 attention of the Director of Government Ethics or the Ethics Board through the following
12 sources:

- 13 (1) The media;
14 (2) A tip received through the hotline; or
15 (3) Documents filed with the Ethics Board.

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

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

4 (d) The identity of an individual subject of the preliminary investigation shall not be
5 disclosed without the individual's consent unless or until the Ethics Board has found reason to
6 believe a violation occurred and the Ethics Board finds that disclosure would not harm the
7 investigation.

8 Sec. 114. Formal investigation.

9 (a) A formal investigation shall be initiated upon:

10 (1) Receipt of a written complaint transmitted to the Ethics Board;

11 (2) A finding by the Office of the Inspector General or District of Columbia
12 Auditor of waste, fraud, or abuse of government resources, or a violation of the Code of
13 Conduct; or

14 (3) A finding by a court of competent jurisdiction of liability in a civil
15 proceeding, indictment, or information in a criminal proceeding with respect to acts or offenses
16 that may constitute violations of the Code of Conduct or of this title.

17 (b) A written complaint transmitted to the Ethics Board shall include:

18 (1) The full name and address of the complainant and the respondent;

19 (2) A clear and concise statement of facts that are alleged to constitute a violation
20 of the Code of Conduct or of this title;

21 (3) The complainant's signature;

22 (4) A verification of the complaint under oath; and

1 (5) Supporting documentation, if any.

2 (c) An individual making a complaint shall be afforded all available protections from
3 adverse employment action or retaliation in accordance with the Merit Personnel Act and the
4 Whistleblower Reinforcement Act of 1998, effective October 7, 1998 (D.C. Law 12-160; D.C.
5 Official Code § 2-223.02).

6 (d) Within 14 days of the initiation of a formal investigation, the Director of
7 Government Ethics shall cause evidence concerning the complaint to be presented to the Ethics
8 Board. If the Ethics Board decides that there is reasonable belief that a violation has occurred,
9 the Ethics Board may authorize the issuance of subpoenas.

10
11 **Sec. 115. Hearings.**

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

14 (1) Levy a penalty in accordance with section 122;

15 (2) Refer the matter to the United States Attorney for the District of Columbia or
16 may dismiss the action. In no case may the Ethics Board refer information concerning an alleged
17 violation of this title to the United States Attorney for the District of Columbia without the
18 presentation herein provided by the Director.

19 (3) Refer the matter to the Attorney General of the District of Columbia for
20 enforcement or prosecution. In no case may the Board refer information concerning an alleged
21 violation of this chapter to the Attorney General without the presentation herein provided by the
22 Director of Government Ethics.

1 (b) If the Director of Government Ethics fails to present a matter, or advises the Board
2 that insufficient evidence exists to present such a matter or that an additional period of time is
3 needed to investigate the matter further, the Ethics Board may order the Director of Government
4 Ethics to present the matter as herein provided.

5 (c) No complaint may be made under this title later than 5 years after the discovery of the
6 alleged violation.

7 Sec. 116. Dismissal of meritless claim, complaint, or request for investigation.

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

11 (b) The Ethics Board may require a person making a claim, complaint, or request for
12 investigation, to pay reasonable fees, for time spent reviewing or investigating a claim,
13 complaint, or request for investigation made in bad faith and without merit.

14

15 Sec. 117. Reports.

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

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

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

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

21 (4) Allegations dismissed by the Ethics Board; and

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

3 (b) The quarterly report shall be posted online.

4 **SUBTITLE C. CONFLICTS OF INTEREST**

5 Sec. 118. Conflicts of interest.

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

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

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

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

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

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

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

5 (c)(1) Any elected official who, in the discharge of the elected official's official duties,
6 would be required to act in any matter prohibited under subsection (a) of this section shall make
7 full disclosure of the financial interest, prepare a written statement describing the matter and the
8 nature of the potential conflict of interest, and deliver the statement to the Council Chairman. In
9 the case of elected officials other than members of the Council, said statement shall be delivered
10 to the Ethics Board.

11 (2) Any employee other than an elected official who, in the discharge of the
12 employee's official duties, would be required to act in any matter prohibited under subsection (a)
13 of this section shall make full disclosure of the financial interest and:

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

16 (B) Deliver the statement to the employee's supervisor, and to the Ethics
17 Board.

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

20 (A) Read the statement provided in subsection (c)(1) of this section into
21 the record of proceedings; and

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

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

7 (4) Upon receipt of the statement provided in subsection (c)(2) of this section, the
8 employee's supervisor shall assign the matter to another employee who does not have a potential
9 conflict of interest.

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

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

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

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

SUBTITLE D. FINANCIAL DISCLOSURES AND HONORARIA.

Sec. 119. Public reporting.

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

(1) The name of each business entity (including sole proprietorships, partnerships, trusts, non-profit organizations, and corporations), whether or not transacting any business with the District of Columbia government, in which the public official or his or her spouse, domestic partner, or dependent children:

(A) 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, trusts) exceeding in the aggregate \$1,000, or that produced income of \$200;

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

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

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

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

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

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

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

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

20 (7) A certification that he or she has:

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

22 (B) Diligently safeguarded the assets of the taxpayers and the District;

1 (C) Reported known illegal activity, including attempted bribes, to the
2 appropriate authorities;

3 (D) Not been offered or accepted any bribes;

4 (E) Not directly or indirectly received government funds through illegal or
5 improper means;

6 (F) Not raised or received funds in violation of federal or District law; and

7 (G) Not received or been given anything of value, including a gift, favor,
8 service, loan gratuity, discount, hospitality, political contribution, or promise of future
9 employment, based on any understanding that such public official's official actions or judgment
10 or vote would be influenced thereby.

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

13 (b) Except as otherwise provided by this section, all papers filed under this section shall
14 be kept by the Ethics Board in the custody of the Director of Government Ethics for not less than
15 6 years. The Ethics Board shall publicly disclose not later than the 1st day of June each year the
16 names of the candidates, officers, and employees who have filed a report. The Director of
17 Government Ethics shall dispose of papers filed pursuant to this section in accordance with
18 District of Columbia Public Records Management Act of 1985, effective September 5, 1985
19 (D.C. Law 6-19; D.C. Official Code § 2-1701 *et seq.*) ("Public Records Act").

20 (c) Reports required by this section shall be filed no later than October 1st of each year. If
21 a public official ceases before October 1st to hold the office or position, the occupancy of which
22 imposes upon him or her the reporting requirements contained in subsection (a) of this section,

1 the public official shall file the report within 3 months after leaving the office or position. The
2 Ethics Board shall publish, in the District of Columbia Register, not later than November 1st
3 each year, the name of each public official who has:

4 (1) Filed a report under this section;

5 (2) Sought and received an extension of the deadline filing requirement and the
6 reason therefor; and

7 (3) Not filed a report and the reason for not filing, if known.

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

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

16 (f) For the purposes of a report required by this section, a person shall be considered to
17 have been a public official, if he or she has served as a public official for more than 30 days
18 during any calendar year in a position for which reports are required under this section.

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

21 (h) The Mayor shall develop a list of each business entity transacting any business with
22 the District of Columbia government, or providing a service to the District for consideration, to

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1 include the business name, address, principals, and brief summary of the business transacted
2 within the immediately preceding 6 months. The list shall be available online and first published
3 on July 1 and January 1 annually.

4

5 Sec. 120. Confidential disclosure of financial interest.

6 (a)(1) Any employee, other than a public official, who advises, makes decisions or
7 participates substantially in areas of contracting, procurement, administration of grants or
8 subsidies, developing policies, land-use planning, land use planning, inspecting, licensing,
9 policy-making, regulating, auditing, or acting in areas of responsibility that may create a conflict
10 of interest or appearance thereof as determined by the appropriate agency head shall file no later
11 than October 1st of each year with that agency head a report containing a full and complete
12 statement of the information required by section 119. Advisory Neighborhood Commissioners
13 shall file the report required by this section.

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

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

20

21 Sec. 121. Limitations on honoraria and royalties.

1 (a) Except as provided in subsections (b) and (c) of this section, neither the Mayor, the
2 Attorney General, the Chairman of the Council, nor any member of the Council or of the Board
3 of Education, nor any member of his or her immediate family as that term is defined in section
4 2(26), shall receive honoraria exceeding \$10,000 in the aggregate during any calendar year. For
5 the purpose of this subsection, the term “honorarium” means payment of money or anything of
6 value for an appearance, speech, or article, except that there shall not be taken into account for
7 the purposes of this subsection any reimbursement for or payment of actual and necessary travel
8 expenses incurred. For the purpose of computing the \$10,000 limit on honoraria established
9 under this subsection, an honorarium shall be considered received in the year in which the right
10 to receive the honorarium accrues.

11 (b) Except as provided in subsection (c) of this section, neither the Mayor, the Chairman
12 of the Council, nor any member of the Mayor's or of the Chairman of the Council's immediate
13 family, as that term is defined in section 2(26) shall accept royalties for the works of the Mayor
14 or of the Chairman of the Council that exceed \$10,000 in the aggregate during any calendar year.
15 For the purpose of computing the limit on royalties established under this subsection, a royalty
16 shall be considered received during the calendar year in which the right to receive the royalty
17 accrues.

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

21

22 Sec. 122. Penalties; civil and criminal.

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

7 (2) A civil penalty shall be assessed by the Ethics Board by order only after the
8 person charged with a violation has been given an opportunity for a hearing, and after the Ethics
9 Board has determined, by a decision incorporating its findings of facts therein, that a violation did
10 occur. Any hearing under this section shall be of record and shall be held in accordance with the
11 Administrative Procedure Act.

12 (3) Notwithstanding the provisions of paragraph (2) of this subsection, the Ethics
13 Board may issue a schedule of fines for violations of this act, which may be imposed
14 ministerially by the Director of Government Ethics. A civil penalty imposed under the authority
15 of this paragraph may be appealed to the Ethics Board in accordance with the provisions of
16 paragraph (2) of this subsection. The aggregate set of penalties imposed against each person
17 under the authority of this paragraph may not exceed \$5,000.

18 (4) There is established as a nonlapsing fund the Board of Ethics and Government
19 Accountability Fund ("Fund"), which shall be administered by the Ethics Board. The funds in the
20 Fund shall be used by the Ethics Board exclusively. All fines collected under this section and
21 subtitle E of Title I shall be deposited into the Fund. All funds deposited into the Fund, and any
22 interest earned on those funds, shall not revert to the unrestricted fund balance of the General

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1 Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be
2 continually available for the uses and purposes set forth in this title without regard to fiscal year
3 limitation, subject to authorization by Congress.

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

6 (6) If the person against whom a civil penalty is assessed fails to pay the penalty,
7 the Ethics Board may file a petition for enforcement of its order assessing the penalty in the
8 Superior Court of the District of Columbia. The petition shall designate the person against whom
9 the order is sought to be enforced as the respondent. A copy of the petition shall be sent by
10 registered or certified mail to the respondent and his attorney of record, if any, and the Ethics
11 Board shall certify and file with the court the record upon which the order sought to be enforced
12 was issued. The court shall have jurisdiction to enter a judgment enforcing, modifying, and
13 enforcing as so modified, or setting aside in whole or in part the order and the decision of the
14 Ethics Board or it may remand the proceedings to the Ethics Board for such further action as it
15 may direct. The court may determine *de novo* all issues of law but the Ethics Board's findings of
16 fact, if supported by substantial evidence, shall be conclusive.

17 (b)(1) Except as provided in subsection (a)(1) of this section, any person who violates
18 the Code of Conduct, which violation substantially threatens the public trust, shall be fined not
19 more than \$25,000, or shall be imprisoned for not longer than one year, but not both.

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

1 the United States Attorney for the District of Columbia consents to the prosecution by the
2 Attorney General.

3 (B) Notwithstanding paragraph (2) of this section, no prosecution for a
4 violation of paragraph (1) of this subsection shall be made until such time as the Board has
5 conducted its study pursuant to section 102(b) and the Council has by law specified those
6 violations of the Code of Conduct that substantially threaten the public trust.

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

9 (4) All actions of the Ethics Board, the Attorney General of the District of
10 Columbia, or of the United States Attorney for the District of Columbia to enforce the provisions
11 of this act must be initiated within 5 years of the discovery of the alleged.

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

15 (c) The penalties set forth in this section shall not apply to Subtitle E.

16

17 Sec. 123. Additional penalties for public officials.

18 (a) In addition to the penalties set forth in section 122, the Ethics Board may censure a
19 public official for a violation of the Code of Conduct that the Ethics Board finds to substantially
20 threaten the public trust.

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

4 **SUBTITLE E. LOBBYISTS.**

5 Sec. 124. Persons required to register.

6 (a) Except as provided in section 125, a person shall register with the Director of
7 Government Ethics pursuant to section 126 and pay the required registration fee if the person
8 receives compensation or expends funds in an amount of \$250 or more in any 3-consecutive-
9 calendar-month period for lobbying. A person who receives compensation from more than one
10 source shall register under this section if such person receives an aggregate amount of \$250 or
11 more in any 3-consecutive-calendar-month period for lobbying. Failure to register as required by
12 this section shall result in a civil penalty.

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

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

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

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

7

8 Sec. 125. Exceptions.

9 (a) A person need not register with the Director pursuant to section 126 if the person is:

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

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

14 (3) Any candidate, member, or member-elect of an Advisory Neighborhood
15 Commission; or

16 (4) Any entity specified in D.C. Official Code § 47-1802.01(4), no activities of
17 which include lobbying, the result of which shall inure to the financial gain or benefit of the
18 entity.

19 (b) Any person who is exempt from registration under any provision of this section,
20 except a person exempt from registration under the provisions of subsection (a)(1) of this
21 section, may be a registrant for other purposes under this subtitle; provided, that no such activity
22 engaged in by such person shall constitute a conflict of interest under the provisions of section

1 118. Registrants have no obligation to report activities in furtherance of exempt activities under
2 this section in activity reports required under section 127.

3

4 Sec. 126. Registration form.

5 (a) Each registrant shall file a registration form with the Director of Government Ethics,
6 signed under oath, on or before January 15th of each year, or not later than 15 days after
7 becoming a lobbyist (and on or before January 15th of each year thereafter). If the registrant is
8 not an individual, an authorized officer or agent of the registrant shall sign the form. A registrant
9 must file a separate registration form for each person from whom he or she receives
10 compensation.

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

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

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

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

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

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

4 (c) Not later than 10 days after a registrant files a registration form with the Director of
5 Government Ethics, the Director of Government Ethics shall publish on the Ethics Board's
6 website a summary of all information required to be submitted under this section.

7 Sec. 127. Activity reports.

8 (a) Each registrant shall file with the Director of Government Ethics between the 1st and
9 10th day of July and January of each year a report signed under oath concerning his or her
10 lobbying activities during the previous 6-month period. If the registrant is not an individual, an
11 authorized officer or agent of the registrant shall sign the form. A registrant must file a separate
12 activity report for each person from whom he or she receives compensation. Such reports shall
13 be public documents and shall be on a form prescribed by the Director of Government Ethics and
14 shall include the following:

15 (1) A complete and current statement of the information required to be supplied
16 pursuant to section 126;

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

18 (i) Office expenses;

19 (ii) Advertising and publications;

20 (iii) Compensation to others;

21 (iv) Personal sustenance, lodging, and travel, if compensated;

22 (v) Other expenses;

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

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

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

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

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

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

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

4

5 Sec. 128. Prohibited activities.

6 (a) No registrant or anyone acting on behalf of a registrant shall offer, give, or cause to be
7 given a gift or service to an official in the legislative or executive branch or a member of his or
8 her staff that exceeds \$100 in value in the aggregate in any calendar year. This section shall not
9 be construed to restrict in any manner contributions authorized in sections 232, 233, 237.

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

12 (c) No person shall knowingly or willfully make or cause to be made any false or
13 misleading statement or misrepresentation of the facts (relating to pending administrative
14 decisions or legislative actions) to any official in the legislative or executive branch, or knowing
15 a document to contain a false statement (relating to pending administrative decisions or
16 legislative actions), cause a copy of such document to be transmitted to an official in the
17 legislative or executive branch without notifying such official in writing of the truth.

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

1 (e) No public official shall be employed as a lobbyist while acting as a public official,
2 except as provided in section 125.

3 (f)(1) No lobbyist or registrant, as those terms are defined in section 2(32) and (47), or
4 person acting on behalf of the lobbyist or registrant, shall provide legal representation, or other
5 professional services, to an official in the legislative or executive branch, or to a member of his
6 or her staff, at no cost or at a rate that is less than the lobbyist or registrant would routinely bill
7 for the representation or service in the marketplace.

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

13

14 Sec. 129. Penalties; prohibition from serving as lobbyist; citizen suits.

15 (a) Notwithstanding section 122 of this act, any person who willfully and knowingly
16 violates any of the provisions of this subtitle, except as provided in subsection (c) of this section,
17 shall be fined not more than \$5,000, or imprisoned for not more than 12 months, or both.

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

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

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

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

9 **TITLE II. CAMPAIGN FINANCE CODE.**

10 Sec. 201. Short title.

11 This title may be cited as the “Campaign Finance Act of 2011”.

12 **SUBTITLE A. OFFICE OF CAMPAIGN FINANCE.**

13 Sec. 202. Office of Director of Campaign Finance established;
14 enforcement of subtitle.

15 (a) There is established within the Elections Board the office of Director of the Office of
16 Campaign Finance. The Elections Board shall appoint the Director of Campaign Finance, who
17 shall serve at the pleasure of the Elections Board. The Director of Campaign Finance shall be
18 entitled to receive compensation at the maximum rate for Grade 16 of the District Schedule
19 pursuant to Title XI of the Merit Personnel Act. The Director of Campaign Finance shall be

1 responsible for the administrative operations of the Elections Board pertaining to this title and
2 shall perform other duties as may be delegated or assigned to him or her by regulation or by
3 order of the Elections Board, provided that the Elections Board shall not delegate to the Director
4 of Campaign Finance the making of regulations regarding elections.

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

8 (2) The Elections Board shall prepare an annual report of the Director of
9 Campaign Finance's performance pursuant to his or her functions as prescribed in section 202, in
10 addition to those duties the Elections Board may by law assign.

11 (c) Where the Elections Board, following the presentation by the Director of Campaign
12 Finance of evidence constituting an apparent violation of this subtitle, makes a finding of an
13 apparent violation of this subtitle, it shall refer such case to the United States Attorney for the
14 District of Columbia for prosecution, and shall make public the fact of such referral and the basis
15 for such finding. In addition, the Elections Board, through its General Counsel, shall initiate,
16 maintain, defend, or appeal any civil action (in the name of the Elections Board) relating to the
17 enforcement of the provisions of this title. The Elections Board may, through its General
18 Counsel, petition the courts of the District of Columbia for declaratory or injunctive relief
19 concerning any action covered by the provisions of this subchapter. The Director of Campaign
20 Finance shall have no authority concerning the enforcement of provisions of Title I of the
21 Election Code, and recommendations of criminal or civil, or both, violations under Title I of the
22 Election Code shall be presented by the General Counsel to the Elections Board in accordance

1 with the rules and regulations of general application adopted by the Elections Board in
2 accordance with the provisions of the Administrative Procedure Act. Upon the direction of the
3 Elections Board, the Director of Campaign Finance may be called upon to investigate allegations
4 of violations of the elections laws in accord with the provisions of this subsection.

5
6
7 Sec. 203. Powers of Director of Campaign Finance.

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

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

14 (A-1) To require any person to submit through an electronic format or medium
15 the reports required in this Title. The Elections Board shall issue regulations governing the
16 submission of reports, pursuant to this subparagraph, through a standardized electronic format or
17 medium;

18 (B) To administer oaths;

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

21 (D) In any proceeding or investigation to order testimony to be taken by
22 deposition before any person who is designated by the Director of Campaign Finance and has the

1 power to administer oaths and, in such instances, to compel testimony and the production of
2 evidence in the same manner as authorized under subparagraph (C) of this paragraph;

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

5 (F) To accept gifts; and

6 (G) To institute or conduct, on his or her own motion, an informal hearing on
7 alleged violations of the reporting requirements contained in this subchapter. Where the Director
8 of Campaign Finance, in his or her discretion, determines that such violation has occurred, the
9 Director of Campaign Finance may issue an order to the offending party or parties to cease and
10 desist such violations within the 5-day period immediately following the issuance of such order.
11 Should the offending party or parties fail to comply with said order, the Director of Campaign
12 Finance shall present evidence of such failure to the Elections Board. Following the presentation
13 of said evidence to the Elections Board by the Director of Campaign Finance, in an adversary
14 proceeding and an open hearing, the Elections Board may refer such matter to the United States
15 Attorney for the District of Columbia in accordance with the provisions section 202(c) or may
16 dismiss the action.

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

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

1 (c) All investigations of alleged violations of this subchapter shall be made by the
2 Director of Campaign Finance in his or her discretion, in accordance with procedures of general
3 applicability issued by the Director of Campaign Finance in accordance with the Administrative
4 Procedure Act. All allegations of violations of this subchapter which shall be presented to the
5 Elections Board, in writing, shall be transmitted to the Director of Campaign Finance without
6 action by the Elections Board. In a reasonable time, the Director of Campaign Finance shall
7 cause evidence concerning the alleged violation of this subchapter to be presented to the
8 Elections Board, if he or she believes that sufficient evidence exists constituting an apparent
9 violation of this subchapter. Following the presentation of such evidence to the Elections Board
10 by the Director of Campaign Finance, in an adversary proceeding and an open hearing, the
11 Elections Board may refer such matter to the United States Attorney for the District of Columbia
12 in accordance with the provisions of section 202(c), or may dismiss the action. In no case may
13 the Elections Board refer information concerning an alleged violation of this subchapter to the
14 United States Attorney for the District of Columbia without the presentation herein provided by
15 the Director of Campaign Finance. Should the Director of Campaign Finance fail to present a
16 matter or advise the Elections Board that insufficient evidence exists to present such a matter, or
17 that an additional period of time is needed to investigate the matter further, within 90 days of its
18 receipt by the Elections Board or the Director of Campaign Finance, the Elections Board may
19 order the Director of Campaign Finance to present the matter as herein provided. The provisions
20 of this subsection shall in no manner limit the authority of the United States Attorney for the
21 District of Columbia.

22

1 Sec. 204. Duties of Director of Campaign Finance.

2 The Director of Campaign Finance shall:

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

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

8 (3) Make the reports and statements filed with him or her available for public inspection
9 and copying, commencing as soon as practicable but not later than the end of the 2nd day
10 following the day during which it was received, and to permit and facilitate copying of any such
11 report or statement by hand and by duplicating machine, as requested by any person, at
12 reasonable cost to such person, except any information copied from such reports and statements
13 shall not be sold or utilized by any person for the purpose of soliciting contributions or for any
14 commercial purpose;

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

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

18 (6) Prepare and publish such other reports as he or she may deem appropriate;

19 (7) Assure dissemination of statistics, summaries, and reports prepared under this title,
20 including a biennial report summarizing the receipts and expenditures of candidates for public
21 office in the prior 2-year period, and the receipts and expenditures of political committees during
22 the prior 2-year period. The Director of Campaign Finance shall make available to the Mayor,

1 Council, and the general public the first report by January 31, 2013, and shall present the
2 summary report on the same date every 2 years thereafter. The report shall describe the receipts
3 and expenditures of candidates for Mayor, the Chairman and members of the Council, the
4 President and members of the Board of Education, shadow Senator, and shadow Representative,
5 but shall exclude candidates for Advisory Neighborhood Commissioner. The report shall
6 provide, at a minimum, the following data, as well as other information that the Director of
7 Campaign Finance deems appropriate:

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

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

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

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

21 (E) A summary of the receipts and expenditures of political committees, using
22 such categories deemed appropriate by the Director of Campaign Finance.

1 (8) Make audits and field investigations with respect to reports and statements filed under
2 the provisions of this subtitle, and with respect to alleged failures to file any report or statement
3 required under the provisions of this part; and

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

5

6 Sec. 205. District of Columbia Board of Elections created; penalties; advisory opinions.

7 (a) On or after the effective date of this act, the District of Columbia Board of Elections
8 and Ethics established under Title I of the Election Code shall be known as the “District of
9 Columbia Board of Elections” and shall have the powers, duties, and functions as provided in
10 that title, in any other law in effect on the date immediately preceding the effective date of this
11 act, and in this title. Any reference in any law or regulation to the District of Columbia Board of
12 Elections and Ethics shall, on and after the effective date of this act, be held and considered to
13 refer to the District of Columbia Board of Elections.

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

21 (2) A civil penalty shall be assessed by the Elections Board by order only after the
22 person charged with a violation has been given an opportunity for a hearing, and the Elections

1 Board has determined, by decision incorporating its findings of facts therein, that a violation did
2 occur, and the amount of the penalty. Any hearing under this section shall be of record and shall
3 be held in accordance with the Administrative Procedure Act.

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

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

1 (c)(1) Upon application made by any individual holding public office, any candidate,
2 under this subchapter, or any political committee, the Elections Board shall provide within a
3 reasonable period of time an advisory opinion with respect to any specific transaction or activity
4 inquired of, as to whether such transaction or activity would constitute a violation of any
5 provision of this subchapter or of any provision of Title I of the Election Code over which the
6 Elections Board has primary jurisdiction. The Elections Board shall publish a concise statement
7 of each request for an advisory opinion, without identifying the person seeking such opinion, in
8 the District of Columbia Register within 20 days of its receipt by the Elections Board. Comments
9 upon such requested opinions shall be received by the Elections Board for a period of at least 15
10 days following publication in the District of Columbia Register. The Elections Board may waive
11 the advance notice and public comment provisions, following a finding that the issuance of such
12 advisory opinion constitutes an emergency necessary for the immediate preservation of the
13 public peace, health, safety, welfare, or morals.

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

19

20

SUBTITLE B. CAMPAIGN FINANCE COMMITTEES.

Sec. 206. Organization of committees.

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

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

(1) The name and address of the committee;

(2) The name, address, and position of the custodian of books and accounts;

(3) The name, address, and position of other principal officers, including officers and members of the finance committee, if any;

(4) The name and address of the bank or banks designated by the committee as the committee's depository or depositories, together with the title and number of each account and safety deposit box used by that committee at the depository or depositories, and the identification of each individual authorized to make withdrawals or payments out of each such account or box; and

(5) Such other information as shall be required by the Director of Campaign Finance.

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

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

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

12 (c)(1) For every contribution and expenditure of \$50 or more for or on behalf of a
13 committee, a detailed account shall be submitted to the treasurer of a committee on demand, or
14 within 5 days after receipt of the contribution or expenditure, of the amount, the name and
15 address (including the occupation and the principal place of business, if any) of the contributor or
16 the individual to whom the expenditure was made, and the date of the contribution or
17 expenditure. For expenditures, the account should also include the office sought by the candidate
18 on whose behalf the expenditure was made.

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

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

1 Sec. 207. Designation of campaign depositories; petty cash fund.

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

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

16
17 Sec. 208. Reporting.

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

21 (1) The treasurer of each political committee supporting a candidate;

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

5 (3) The treasurer of each exploratory, inaugural, and transition committee.

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

15 (c) Each report under this section shall disclose:

16 (1) The amount of cash on hand at the beginning of the reporting period;

17 (2) The full name and mailing address (including the occupation and the
18 principal place of business, if any) of each person who has made one or more contributions to or
19 for such committee or candidate (including the purchase of tickets for events such as dinners,
20 luncheons, rallies, and similar fundraising events) within the calendar year in an aggregate
21 amount or value in excess of \$50 or more, together with the amount and date of such
22 contributions;

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

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

8 (5) The net amount of proceeds from:

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

11 (B) Mass collections made at such events; and

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

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

16 (E) The total sum of all receipts by or for such committee or
17 candidate during the reporting period;

18 (F) The full name and mailing address (including the occupation
19 and the principal place of business, if any) of each person to whom expenditures have been made
20 by such committee or on behalf of such committee or candidate within the calendar year in an
21 aggregate amount or value of \$10 or more, the amount, date, and purpose of each such

1 expenditure and the name and address of, and office sought by, each candidate on whose behalf
2 such expenditure was made;

3 (G) The total sum of expenditures made by such committee or
4 candidate during the calendar year;

5 (H) The amount and nature of debts and obligations owed by or to
6 the committee, in such form as the Director of Campaign Finance may prescribe and a
7 continuous reporting of its debts and obligations after the election at such periods as the Director
8 of Campaign Finance may require until such debts and obligations are extinguished; and

9 (I) Such other information as may be required by the Director of
10 Campaign Finance.

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

16 (e)(1) A report or statement required by this part to be filed by a treasurer of a committee,
17 a candidate, or by any other person, shall be verified by the oath or affirmation of the person
18 filing such report or statement.

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

21 (3) The Elections Board, shall, by published regulations of general applicability,
22 prescribe the manner in which contributions and expenditures in the nature of debts and other

1 contracts, agreements, and promises to make contributions or expenditures shall be reported.
2 Such regulations shall provide that they be reported in separate schedules. In determining
3 aggregate amounts of contributions and expenditures, amounts reported as provided in such
4 regulations shall not be considered until actual payment is made.

5

6 Sec. 209. Principal campaign committee.

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

18 (b) Each statement (including the statement of organization required under section 206 or
19 report that a political committee is required to file with or furnish to the Director of Campaign
20 Finance under the provisions of this subtitle shall also be furnished, if that political committee is
21 not a principal campaign committee, to the campaign committee for the candidate on whose

1 behalf that political committee is accepting or making, or intends to accept or make,
2 contributions or expenditures.

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

9 Sec. 210. Specific requirements for statements of organization of political committees.

10 In addition to the statement of organization set forth in section 206, each political
11 committee shall also file the following information with the Director of Campaign Finance
12 within 10 days after the political committee's organization:

13 (1) The names, addresses, and relationships of affiliated or connected
14 organizations;

15 (2) The area, scope, or jurisdiction of the political committee;

16 (3) The name, address, office sought, and party affiliation of:

17 (A) Each candidate whom the committee is supporting; and

18 (B) Any other individual, if any, whom the committee is supporting for

19 nomination for election or election, to any public office whatever; or, if the committee is
20 supporting the entire ticket of any party, the name of the party; or, if the committee is supporting
21 or opposing any initiative or referendum, the summary statement and short title thereof, prepared
22 in accordance with section 16 of the Election Code; or, if the committee is supporting or

1 opposing any recall measure, the name and office of the public official whose recall is sought or
2 opposed in accordance with section 17 of the Election Code;

3 (4) A statement whether the political committee is a continuing one;

4 (5) The disposition of residual funds which will be made in the event of
5 dissolution;

6

7 Sec. 211. Registration statement of candidate; depository information.

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

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

19

20 Sec. 212. Reports by others than political committees and candidates.

21 Every person (other than a political committee or candidate) who makes contributions or
22 expenditures, other than by contribution to a political committee or candidate, in an aggregate

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1 amount of \$50 or more within a calendar year shall file with the Director of Campaign Finance a
2 statement containing the information required by section 208. Statements required by this section
3 shall be filed on the dates on which reports by political committees are filed, but need not be
4 cumulative.

5

6 Sec. 213. Exemption for total expenses under \$500.

7 Except for the provisions of sections (c) and (d) of 1-1102.01 and section 211(a) of this
8 act, the provisions of this part shall not apply to any candidate who anticipates spending or
9 spends less than \$500 in any one election and who has not designated a principal campaign
10 committee. On the 15th day prior to the date of the election in which such candidate is entered,
11 and on the 30th day after the date of such election, such candidate shall certify to the Director of
12 Campaign Finance that he or she has not spent more than \$500 in such election.

13

14 Sec. 214. Identification of campaign literature.

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

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

5
6 Sec. 215. Candidate’s liability for financial obligation incurred by political committee.

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

14
15 Sec. 216. Specific requirements for reports of receipts and expenditures by political
16 committees.

17 (a) Each report submitted to the Director of Campaign Finance pursuant to the
18 requirements set forth in section 208 shall also disclose the name and address of each political
19 committee or candidate from which the reporting committee or the candidate received, or to
20 which that committee or candidate made, any transfer of funds, together with the amounts and
21 dates of all transfers.

1 (b) In the case of reports filed by a political committee on behalf of initiative,
2 referendum, or recall measures under this section, such reports shall be filed on such dates as the
3 Elections Board may by rule prescribe, but in no event, shall more than 4 separate reports be
4 required during the consideration of a particular initiative, referendum, or recall measure by any
5 political committee or committees collecting signatures, or supporting or opposing such
6 measures.

7

8 Sec. 217. Fund balance requirements of exploratory committees.

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

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

14

15 Sec. 218. Aggregate and individual contribution limits of exploratory committees.

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

17 (1) \$200,000 for a Mayoral exploratory committee;

18 (2) \$150,000 for a Chairman of the Council exploratory committee;

19 (3) \$100,000 for an at-large member of the Council exploratory committee;

20 (4) \$50,000 for a Ward Councilmember or President of the State Board of

21 Education exploratory committee; and

22 (5) \$20,000 for a member of the State Board of Education exploratory committee.

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

2 (1) \$2,000 for a Mayoral exploratory committee;

3 (2) \$1,500 for a Chairman of the Council exploratory committee;

4 (3) \$1,000 for an at-large member of the Council exploratory committee;

5 (4) \$500 for a Ward Councilmember or President of the State Board of Education
6 exploratory committee; and

7 (5) \$200 for a member of the State Board of Education exploratory committee.

8
9 Sec. 219. Contribution prohibition for exploratory committees.

10 When an individual decides to run for office and becomes a candidate, contributions
11 received during the exploratory period shall apply to the campaign contribution limits for the
12 candidate as provided under section 232.

13
14 Sec. 220. Time limit for the operation of an exploratory committee.

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

19
20 Sec. 221. Inaugural committees organization.

21 No person shall make any contribution which, and the Mayor shall not receive any
22 contribution from any person which, when aggregated with all other contributions received from

1 such person, exceeds \$10,000 in an aggregate amount, provided, that such \$10,000 limitation
2 shall not apply to contributions made by the Mayor, for the purpose of funding his or her own
3 inauguration committee within the District of Columbia.

4

5 Sec. 222. Fund balance requirements for inaugural committees.

6 Any balance in the inaugural committee fund shall be transferred only to a nonprofit
7 organization, within the meaning of 501(c) of the Internal Revenue Code of 1954, operating in
8 good standing in the District of Columbia for a minimum of one calendar year prior to the date of
9 any transfer or to a constituent-service program pursuant to section 237.

10

11 Sec. 223. Formal requirements for reports and statements for inaugural committees.

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

15

16

17

18

19 Sec. 224. Fund balance requirements for transition committees.

20 Any balance in the transition committee fund shall be transferred only to a nonprofit
21 organization within the meaning of 501(c) of the Internal Revenue Code of 1954, operating in good

1 standing in the District of Columbia for a minimum of one calendar year prior to the date of any transfer
2 or to a constituent-service program pursuant to section 237.

3 Sec. 225. Contributions to transition committees.

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

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

14
15 Sec. 226. Formal requirements for reports and statements for transition committees.

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

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

1 **SUBTITLE C. LEGAL DEFENSE FUNDS.**

2 Sec. 227. Legal defense committees organization.

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

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

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

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

1 (6) Such other information as shall be required by the Director of Campaign
2 Finance.

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

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

8 (f) Any balance in the legal defense committee fund shall be transferred only to a
9 nonprofit organization, within the meaning of 501(c) of the Internal Revenue Code of 1954,
10 operating in good standing in the District of Columbia for a minimum of one calendar year prior
11 to the date of any transfer or to a constituent-service program pursuant to section 237.

12
13 Sec. 228. Legal defense committees.

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

20 (b) Every person who receives a contribution of \$50 or more for or on behalf of a legal
21 defense committee shall, on demand of the treasurer, and in any event within 5 days after receipt
22 of such contribution, submit to the treasurer of such committee a detailed account thereof,

1 including the amount, the name and address (including the occupation and the principal place of
2 business, if any) of the person making such contribution, and the date on which such contribution
3 was received. All funds of a legal defense committee shall be segregated from, and may not be
4 commingled with, any personal funds of officers, members, or associates of such committee.

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

7 (1) All contributions made to or for such legal defense or candidate;

8 (2) The full name and mailing address (including the occupation and the principal
9 place of business, if any) of every person making a contribution of \$50 or more, and the date and
10 amount thereof;

11 (3) All expenditures made by or on behalf of such committee or candidate; and

12 (4) The full name and mailing address (including the occupation and the principal
13 place of business, if any) of every person to whom any expenditure is made, the date and amount
14 thereof and the name and address of, and office sought by, each candidate on whose behalf such
15 expenditure was made.

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

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

1 (2) No contributions to a legal defense committee shall be made by a lobbyist or
2 registrant as those terms are defined in section 2(32) and section (47) or by person acting on
3 behalf of the lobbyist or registrant;

4 (3) A legal defense committee shall not accept a contribution from a lobbyist or
5 registrant as those terms are defined in section 2(32) and section (47) or by person acting on
6 behalf of the lobbyist or registrant.

7

8 Sec. 229. Designation of legal defense depositories.

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

16

17 Sec. 230. Reports of receipts and expenditures by legal defense committee.

18 (a) The treasurer of each legal defense committee shall file with the Director of
19 Campaign Finance, and with the applicable principal campaign committee, reports of receipts
20 and expenditures on forms to be prescribed or approved by the Director of Campaign Finance.
21 Such reports shall be filed within 30 days after the committee's organization and every 30 days
22 thereafter in each year. Such reports shall be complete as of such date as the Director of

1 Campaign Finance may prescribe, which shall not be more than 5 days before the date of filing,
2 except that any contribution of \$200 or more received after the closing date prescribed by the
3 Director of Campaign Finance for the last report required to be filed prior to the election shall be
4 reported within 24 hours after its receipt.

5 (b) Each report under this section shall disclose:

6 (1) The amount of cash on hand at the beginning of the reporting period;

7 (2) The full name and mailing address (including the occupation and the principal
8 place of business, if any) of each person who has made one or more contributions to or for such
9 committee within the calendar year in an aggregate amount or value in excess of \$50 or more,
10 together with the amount and date of such contributions;

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

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

17 (5) The total sum of all receipts by or for such committee during the reporting
18 period;

19 (6) The full name and mailing address (including the occupation and the principal
20 place of business, if any) of each person to whom expenditures have been made by such
21 committee or on behalf of such committee within the calendar year in an aggregate amount or
22 value of \$10 or more;

1 (7) The total sum of expenditures made by such committee or candidate during
2 the calendar year;

3 (8) The amount and nature of debts and obligations owed by or to the committee,
4 in such form as the Director may prescribe;

5 (9) Such other information as may be required by the Director.

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

11
12 Sec. 231. Formal requirements respecting reports and statements.

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

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

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

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

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

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

9 **SUBTITLE D. CONTRIBUTION LIMITATIONS.**

10 Sec. 232. Contribution limitations.

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

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

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

19 (3) In the case of a contribution in support of a candidate for member of the
20 Council elected at-large or for the recall of a member of the Council elected at-large, \$1,000;

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

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

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

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

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

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

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

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

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

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

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

16 (h)(1) No candidate or member of the immediate family of a candidate may make a loan
17 or advance from his or her personal funds for use in connection with a campaign of that
18 candidate for nomination for election, or for election, to a public office unless that loan or
19 advance is evidenced by a written instrument fully disclosing the terms, conditions, and parts to
20 the loan or advance. The amount of any loan or advance shall be included in computing and
21 applying the limitations contained in this section only to the extent of the balance of the loan or
22 advance which is unpaid at the time of determination.

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

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

6

7 Sec. 233. Partnership contributions.

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

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

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

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

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

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

19 **SUBTITLE E. PROHIBITED ACTIVITIES AND ENFORCEMENT.**

20 Sec. 234. Penalties.

1 (a) Except as provided in subsection (b) of this section, any person or political committee
2 who violates any of the provisions of this title shall be fined not more than \$5,000, or shall be
3 imprisoned for not longer than 6 months, or both.

4 (b) Any person who knowingly files or causes to be filed any false or misleading
5 statement, report, voucher, or other paper, or makes any false or misleading statement to the
6 Elections Board, shall be fined not more than \$10,000, or shall be imprisoned for not longer than
7 5 years, or both.

8 (c) Prosecutions of violations of this title shall be brought by the United States Attorney
9 for the District of Columbia in the name of the United States.

10 (d) All actions of the Elections Board or of the United States Attorney for the District of
11 Columbia to enforce the provisions of this title must be initiated within 6 years of the actual
12 occurrence of the alleged violation of the title.

13

14 Sec. 235. Prohibition on the use of District government resources for campaign related
15 activities.

16 (a) No resources of the District of Columbia government, including, the expenditure of
17 funds, the personal services of employees during their hours of work, and nonpersonal services,
18 including supplies, materials, equipment, office space, facilities, telephones and other utilities,
19 shall be used to support or oppose any candidate for elected office, whether partisan or
20 nonpartisan, or to support or oppose any initiative, referendum, or recall measure, including a
21 charter amendment referendum conducted in accordance with section 303 of the Home Rule Act.

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

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

11 Sec. 236. Document under oath.

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

17 (b) If no such notary public is available, persons wishing to file documents for which an
18 oath is requested, may, in lieu thereof, affirm by their signature that their statements are true
19 under penalty of section 234.

20
21
22

SUBTITLE F. CONSTITUENT SERVICES FUNDS.

Sec. 237. Constituent Services Funds.

(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 such 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 such 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 Government Ethics.

(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:

- 1 (A) Funeral arrangements;
- 2 (B) Emergency housing and other necessities of life;
- 3 (C) Past due utility payments;
- 4 (D) Food and refreshments or an in-kind equivalent on infrequent
- 5 occasions;
- 6 (E) Community events sponsored by the constituent-service program or an
- 7 entity other than the District government;
- 8 (F) Community-wide events; and
- 9 (3) Disallowable expenditures include:
 - 10 (A) Promoting or opposing, as a primary purpose, a political party,
 - 11 committee, candidate, or issue;
 - 12 (B) Fines and penalties inuring to the District;
 - 13 (C) Any expenditure of cash;
 - 14 (E) Sponsorships for political organizations; and
 - 15 (F) Any mass mailing within the 90-day period immediately preceding a
 - 16 primary, special, or general election by a member of the Council, or the Mayor who is a
 - 17 candidate for office.

18 (c) Upon the request of any member of the Council, the Mayor shall provide the member
19 with suitable office space in a publicly owned building for the operation of a constituent-service
20 program office located in the ward represented by the member. Each at-large member of the
21 Council shall be offered constituent-service office space located in a ward of the member's
22 choice. Members shall be provided with space of approximately equivalent square footage, and

1 in similar proximity to commercial corridors and public transportation where practicable. The
2 space provided shall also be easily accessible by persons with disabilities or persons who are
3 elderly. Any space so provided shall not be counted as an in-kind contribution. Furnishings,
4 equipment, telephone service, and supplies to this office space shall be provided from funds
5 other than appropriated funds of the District government.

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

12 (e) Contributions of personal property from persons to the Mayor or to any members of
13 the Council or contributions of the use of personal property shall be valued, for purposes of this
14 section, at the fair market value of such property not to exceed \$1,000 per calendar year at the
15 time of the contribution. Contributions made or received pursuant to this section shall not be
16 applied against the limitation on political contributions established by section 232.

17 (f) All contributions and expenditures made by persons to the Mayor, Chairman of the
18 Council, and each member of the Council as provided by subsection (a) of this section, and all
19 expenditures made by the Mayor, Chairman of the Council, and each member of the Council as
20 provided by subsection (a) of this section, shall be reported to the Director of Campaign Finance
21 quarterly on forms which the Director of Campaign Finance shall prescribe. The forms must
22 prescribe itemized reporting of expenditures. All of the record keeping requirements of Title II

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1 shall apply to contributions and expenditures made under this section. At the time of termination,
2 any excess funds shall either be used to retire the debts of the program or donated to a nonprofit
3 organization, within the meaning of the Internal Revenue Code of 1954, and operating in good
4 standing in the District of Columbia for a minimum of one calendar year prior to the date of
5 donation.

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

9 (h) Violations of this subtitle shall be subject to the penalties set forth in section 122 of
10 Title I.

11 **TITLE III. AMENDMENTS TO THE HOME RULE ACT.**

12 Sec. 301. The District of Columbia Home Rule Act, approved December 24, 1973 (87
13 Stat. 813; D.C. Official Code § 1-201.01 *et seq.*); is amended as follows:

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

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

20 (3) A new section 401(e) is added to read as follows:

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

12 (2) The Council shall include in its Rules of Organization procedures for
13 investigation, and consideration of the expulsion of a member.”.

14 **TITLE IV. CONFORMING AMENDMENTS AND REPEALERS.**

15 Sec. 401. Conforming amendments and repealers.

16 (a) The Open Meetings Amendment Act of 2010, effective March 31, 2010 (D.C. Law
17 18-350; D.C. Official Code § 2-571 *et seq.*), is amended as follows:

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

20 “Sec. 502. Establishment of the District of Columbia Open Government Office.

21 "The District of Columbia Open Government Office is established as an independent

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1 office within the Board of Ethics and Government Accountability to promote open governance in
2 the District of Columbia. All assets, staff, unexpended appropriations of the Open Government
3 Office shall be transferred to the Board of Ethics and Government Accountability."

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

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

7 (b) Title D of The Rules of Organization and Procedure for the Council of the District of Columbia,
8 Period XIX, updated August 8, 2011, is amended to read as follows:

9 "651. Ad Hoc Committees.

10 "(a) No penalty pursuant to Rules 655, 656, shall be imposed unless first recommended
11 by an ad hoc committee.

12 (b) An ad hoc Committee shall be established for the purpose considering evidence of a
13 violation of the code of conduct, policy, or law and making recommendations for further action.

14 An ad hoc committee shall be established by request of any 5 members of the Council, or if a
15 member is censured by the Ethics Board.

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

22 "652. Ad Hoc Committee initiated by an Ethics Board Censure

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

6 “(A) Reprimand;

7 “(B) Censure;

8 “(C) Expulsion.

9 “(b) The Council shall meet to consider the recommendation within 7 days.

10 “653. Ad Hoc Committee by Request.

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

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

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

20 “(1) Further investigation of the charges is required to determine if a hearing is
21 warranted;

22 “(2) The matter is to be set for a hearing; or

1 “(3) No further action should be taken with respect to the request.

2 “(d) If the committee determines no further action should be taken with respect to the
3 request, the committee shall report that to the Council at its earliest opportunity. If the committee
4 determines that further investigation is required, the committee shall conduct an investigation,
5 arrive at its recommendation, and report the recommendation, including penalty
6 recommendation, and its findings, conclusions, and a summary of its proceedings (“findings”) to
7 the Council at its earliest opportunity. The penalty recommendations, if any, may include:

8 “(A) Reprimand;

9 “(B) Censure;

10 “(C) Expulsion.

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

14 “(f) Upon receipt of the report of the committee, or at the expiration of the time for the
15 committee to report to the Council, the Chairman shall place the matter on the Council’s agenda
16 to determine whether or not a hearing is warranted. If the Chairman decides to set the matter for
17 a hearing, it shall be scheduled for no sooner than one week after the determination to hear the
18 matter. Written notice of the hearing shall be delivered in person to the member of the Council
19 subject to the request or to the member’s Council office at least 48 hours in advance of the
20 scheduled hearing.

21 “(g)(1) The hearing shall be conducted by the Chairman or, if the Chairman is the subject
22 of the hearing, by the Chairman Pro Tempore. At the hearing, the member of the Council who is

1 subject to the request shall be given the opportunity to make an opening and a closing statement,
2 to call witnesses on his or her behalf, and to question his or her accusers. The member subject to
3 the request may be represented by a person, or persons, of his or her choice whether or not the
4 person is an attorney at law and may have that representative speak or question witnesses on his
5 or her behalf.

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

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

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

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

15 “654. Reprimand.

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

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

9 “655. Censure.

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

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

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

3 “656. Expulsion.

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

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

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

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

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

22 “(14A) “Public Official” means:

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

2 "(B) The Mayor, Chairman, and each member of the Council of the
3 District of Columbia holding office under the Home Rule Act, and an Advisory Neighborhood
4 Commissioner;

5 "(C) The Attorney General;

6 "(D) A Representative or Senator elected pursuant to section 4 of the
7 District of Columbia Statehood Constitutional Convention Initiative of 1979, effective March 10,
8 1981 (D.C. Law 3-171; D.C. Official Code §1-123);

9 "(E) An Advisory Neighborhood Commissioner;

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

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

13 "(H) A member of a Board or Commission listed in section 2(e) of the
14 Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-
15 523.01(e)); and

16 “(I) A District of Columbia Excepted Service employee paid at a rate of
17 Excepted Service 9 or above, or its equivalent, and who make decisions or participate
18 substantially in areas of contracting, procurement, administration of grants or subsidies,
19 developing policies, land use planning, inspecting, licensing, regulating, auditing, or acting in
20 areas of responsibility that may create a conflict of interest or appearance thereof; and any
21 additional employees designated by rule by the Ethics Board who make decisions or participate
22 substantially in areas of contracting, procurement, administration of grants or subsidies,

1 developing policies, land use planning, inspecting, licensing, regulating, auditing, or acting in
2 areas of responsibility that may create a conflict of interest or appearance thereof.

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

4 (A) Subsection (b)(4) is amended by striking the phrase “District of
5 Columbia Board of Elections and Ethics” and inserting the phrase “Board of Elections” in its
6 place both times it appears.

7 (B) Subsection (b)(4) is amended by striking the phrase “D.C. Code, sec.
8 1-1151” and inserting the phrase Section 100” in its place.

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

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

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

16 (C) A new subsection 1801(a-2) is added to read as follows:

17 “(a-2)(1) Upon commencement of employment, any person required to file pursuant to
18 sections 119 and 120 of the Board of Ethics and Government Accountability Establishment and
19 Comprehensive Ethics Reform Amendment Act of 2011, approved ____ (____; D.C. Official
20 Code __) (Filers), shall be provided with an ethics manual and information about the Code of
21 Conduct.”.

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

6 “(3) Filers shall certify on an annual basis, completion of at least one ethics
7 training program within the annual period.”.

8 (D) A new subsection 1801(a-3) is added to read as follows:
9 "Notwithstanding the penalty provisions of this act, any public official who knowingly violates
10 any provision of subsection (a-2) of this section may be subject to an adverse performance action
11 but not termination.”.

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

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

16 (6) Section 3602(p)(11) (D.C. Official Code § 1-636.02) is amended by striking
17 the phrase "Subsection (e) of section 3207 of this act shall become effective as provided in
18 subsection (d) of this section" and inserting the phrase "Section 100" in its place.

19 (d) Chapter 11 of Title I of the District of Columbia Official Code is repealed.

20 (e) The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat.
21 699; D.C. Official Code, § 1-1001.02 *et seq.*), is amended as follows:

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

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

3 (B) Paragraph (7)(B) is amended by striking the phrase “sections 507 or
4 701 of the District of Columbia Campaign Finance Reform and Conflict of Interest Act” and
5 inserting the phrase “Section 100” in its place.

6 (C) Paragraph (15) is amended by striking the sentence “Such entities
7 shall be treated as a political committee as defined in section 102(5) of the District of Columbia
8 Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 446;
9 D.C. Code, sec. 1-1401(5) for the purposes of this Act.” and inserting the sentence “Section 100”
10 in its place.

11 (2) Section 5 (D.C. Official Code § 1-1001.05) is amended as follows:

12 (A) Subsection (a)(14) is amended by striking the phrase “Act, the District
13 of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974
14 (88 Stat. 447; D.C. Code, sec. 1-1121 et seq.)” and inserting the phrase “Section 100” in its
15 place.

16 (B) Subsection (f)(2) is amended by striking the phrase “section 102 of the
17 District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August
18 14, 1974 (88 Stat. 447; D.C. Code, sec. 1-1401)” and inserting the phrase “Section 100” in its
19 place.

20 (C) Subsection (g) is amended by striking the phrase “under this Act or
21 under the District of Columbia Campaign Finance Reform and Conflict of Interest Act (D.C.
22 Official Code, § 1-1121 *et seq.*)” and inserting the phrase “Section 100” in its place.

1 (3) Section 10 (D.C. Official Code § 1-1001.10) is amended as follows:

2 (A) Subsection (e)(1) is amended by striking the phrase “Board of
3 Elections and Ethics” wherever it appears and inserting the phrase “Board of Elections” in its
4 place.

5 (4) Section 16 (D.C. Official Code § 1-1001.16) is amended as follows:

6 (A) Subsection (b)(1)(A) is amended by striking the phrase “sections 204
7 and 206 of the District of Columbia Campaign Finance Reform and Conflict of Interest Act,
8 approved August 14, 1974 (88 Stat. 451; D.C. Official Code secs. 1-1414 & -1416)” and
9 inserting the phrase “Section 100” in its place.

10 (5) Section 17 (D.C. Official Code § 1001.17) is amended as follows:

11 (A) Subsection (i)(1) is amended by striking the phrase “sections 204 and 206 of
12 the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved
13 August 14, 1974 (88 Stat. 451; D.C. Official Code, sec. 1-1134 through 1-1138)” and inserting
14 the phrase “Section 100” in its place.

15 (f) Section 7(f) of the Official Correspondence Regulations, effective April 7, 1977 (D.C.
16 Law 1-118; D.C. Official Code, § 2-706(f)), is amended by striking the phrase “section 402 of
17 the District of Columbia Finance Reform and Conflict of Interest Act, effective September 2,
18 1976 (D.C. Law 1-79; D.C. Official Code §1-1443)” and inserting the phrase “Section 100” in its
19 place.

20 (g) Section 4(a) of the Volunteers Services Act of 1977, effective June 28, 1977 (D.C.
21 Law 2-12; D.C. Official Code, § 1-319.03(a)), is amended by striking the phrase “title VI of the
22 District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August

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1 14, 1974 (88 Stat. 465; D.C. Official Code § 1-1101 *et seq.*)” and inserting the phrase “Section
2 100” in its place.

3 (h) Section 355 of the Prevention of Child Abuse and Neglect Act of 1977, effective
4 September 23, 1977 (D.C. Law 2-22; D.C. Official Code, § 4-1303.55), is amended by striking
5 the phrase “sections 601 and 602 of An Act To regulate certain political campaign finance
6 practices in the District of Columbia, and for other purposes, approved August 14, 1974 (88 Stat.
7 465; D.C. Official Code §§ 1-1106.01 and 1-1106.02)” and inserting the phrase “Section 100” in
8 its place.

9 (i) The District of Columbia Statehood Constitutional Convention Initiative of 1979,
10 effective March 10, 1981 (D.C. Law 3-171; D.C. Official Code, § 1-122 *et seq.*), is amended as
11 follows:

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

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

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

18
19 (B) Subsection (d)(1) is amended by striking the phrase “Board of
20 Elections and Ethics” and inserting the phrase “Board of Elections” in its place.

21 (C) Subsection (d)(2) is amended by striking the phrase “title VIII of the
22 District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 4,

1 1974 (88 Stat. 447; D.C. Official Code, §1-1481 *et seq.*)” and inserting the phrase “Section 100”
2 in its place.

3 (D) Subsection (d)(3) is amended by striking the phrase “Board of
4 Elections and Ethics” and inserting the phrase “Board of Elections” in its place.

5 (E) Subsection (d)(3)(B) is amended by striking the phrase “Board of
6 Elections and Ethics” and inserting the phrase “Board of Elections” in its place both times.

7 (F) Subsection (e) is amended as follows:

8 (i) By striking the phrase “section 602(a) of the District of
9 Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88
10 Stat. 467; D.C. Official Code, § 1-1462(a))” and inserting the phrase “Section 100” in its place.

11 (ii) By striking the phrase “the District of Columbia Government
12 Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-
13 604.6)” and inserting the phrase “Section 100” in its place.

14 (G) Subsection (g)(4) is amended by striking the phrase “District of
15 Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88
16 Stat. 447; D.C. Code, sec. 1-1401 *et seq.*)” and inserting the phrase “Section 100” in its place.

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

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

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

1 (C) Subsection (e)(1) is amended by striking the phrase “1101 et seq.
2 (1973 ed.)” and the District of Columbia Campaign Finance Reform and Conflict of Interest Act,
3 approved August 14, 1974 (88 Stat. 446; D.C. Code, seq. 1-1121 et. seq. (1973 ed.))” and
4 inserting the phrase “Section 100” in its place.

5 (D) Subsection (e)(3) is amended by striking the phrase “Board of
6 Elections and Ethics” and inserting the phrase “Board of Elections” in its place.

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

9 (j) Section 4(d) of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and
10 Raffles for Charitable purposes in the District of Columbia, effective March 10, 1981 (D.C. Law
11 3-172; D.C. Official Code § 3-1323), is amended by striking the phrase “section 402 of the
12 District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August
13 14, 1974 (88 Stat. 461; D.C. Code, sec. 1-1443)” and inserting the phrase “Section 100” in its
14 place.

15 (k) Section 3 of the Statehood Convention Procedural Amendments Act of 1982,
16 effective August 14, 1982 (D.C. Law 8-135; D.C. Official Code§ 1-135), is amended by striking
17 the phrase “District of Columbia Campaign Finance Reform and Conflict of Interest Act,
18 approved August 4, 1974 (88 Stat. 447; D.C. Code, sec. 1-1401 et seq.)” and inserting the phrase
19 “Section 100” in its place.

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

21 (1) Section 47-391.8 of Chapter 3 is amended as follows:

1 (A) Subsection (a)(3) is amended by striking the phrase “§ 1-1461” and
2 inserting the phrase “Section 100” in its place.

3 (2) Section 47-2808 is amended by striking the phrase “§ 1-1443” and inserting
4 the phrase “Section 100” in its place.

5 (m) Section 201(f) of the School Modernization Financing Act of 2006, effective June 8,
6 2006 (D.C. Law 16-123; D.C. Official Code § 38-2973.01(f)), is amended by striking the phrase
7 “section 602 of the District of Columbia Campaign Finance Reform and Conflict of Interest Act,
8 approved August 14, 1974 (88 Stat. 447; D.C. Official Code § 1-1106.02)” and inserting the
9 phrase “Section 100” in its place.

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

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

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

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

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

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

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

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

8 B) Another legally cognizable basis for waiver exists.

9 "(c)(1) Any elected official who, in the discharge of the elected official's official duties,
10 would be required to act in any matter prohibited under subsection (a) of this section shall make
11 full disclosure of the financial interest, prepare a written statement describing the matter and the
12 nature of the potential conflict of interest, and deliver the statement to the Council Chairman. In
13 the case of elected officials other than members of the Council, said statement shall be delivered
14 to the Ethics Board.

15 "(2) Any employee other than an elected official who, in the discharge of the
16 employee's official duties, would be required to act in any matter prohibited under subsection (a)
17 of this section shall make full disclosure of the financial interest and:

18 "(A) Prepare a written statement describing
19 the matter and the nature of the potential conflict of interest; and

20 "(B) Deliver the statement to the employee's supervisor, and to the Ethics
21 Board.

22 "(3) During a proceeding in which an elected official would be required to take

1 action in any matter that is prohibited under subsection (a) of this section, the Chairman shall:

2 "(A) Read the statement provided in subsection (c)(1) of this section into
3 the record of proceedings; and

4 "(B) Excuse the elected official from votes, deliberations, and other action
5 on the matter.

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

11 "(4) Upon receipt of the statement provided in subsection (c)(2) of this section,
12 the employee's supervisor shall assign the matter to another employee who does not have a
13 potential conflict of interest.

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

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

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

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

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

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

8 **TITLE V. TRANSITION PROVISIONS.**

9 Sec. 501. (a) The Mayor shall submit to the Council for its review the Mayor's nominees
10 for appointment within 45 calendar days of the effective date of this act. A nominee shall be
11 submitted to the Council for a 45-day period of review, excluding days of Council recess. If the
12 Council does not approve or disapprove the nomination by resolution within this 45-day review
13 period, the nomination shall be deemed disapproved.

14 Sec. 502. Applicability.

15 (a) Title I, Subtitle A and B are effective upon the effective date of this act except that
16 neither the Board of Ethics or the Director of the Board of Ethics shall receive, investigate, or
17 adjudicate violations of the Code of Conduct; or issue advisory opinions, or conduct ethics
18 training, or issue ethics manuals until October 1, 2012;

1 (b) Title I, Subtitle C is effective upon the effective date of this act except that the
2 delivery of statements required by section 118(c)(2)(B) shall be delivered to the Board of
3 Elections until October 1st, 2012;

4 (c) Title I, Subtitle D is effective October 1, 2012;

5 (d) Title I, Subtitle E is effective upon the effective date of this act except that the
6 enforcement of the provisions of Subtitle E shall be enforced by the Office of Campaign Finance
7 until October 1, 2012;

8 (f) Title II, Subtitle A and B are effective upon the effective date of this act.

9 (g) Title II, Subtitle C is effective October 1, 2012;

10 (h) Title II, Subtitle D is effective upon the effective date of this act;

11 (i) Title II, Subtitle E is effective upon the effective date of this act;

12 (j) Title II, Subtitle F is effective upon the effective date of this act;

13 (k) Title III is effective upon the effective date of this act;

14 (l) Title IV is effective upon the effective date of this act, except that section 401(c)(5) is
15 effective October 1, 2012;

16 (m) This title is effective upon the effective date of this act.

17 **TITLE VI. FISCAL IMPACT AND EFFECTIVE DATE.**

18 Sec. 601. Fiscal impact statement.

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

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2 Sec. 602. Effective date.

3 This act shall take effect following approval by the Mayor (or in the event of veto by the
4 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
5 90 days, as provided for emergency acts of the Council of the District of Columbia in section
6 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
7 D.C. Official Code § 1-204.12(a)), except that section Title III of this Act shall take effect upon
8 enactment as provided in section 303 of the District of Columbia Home Rule Act, approved
9 December 24, 1973 (87 Stat. 784; D.C. Official Code 1-203.03.

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