

AN AMENDMENT

#1

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2013

Amendment offered by: Councilmember Kenyan McDuffie (D-Ward 5)

To: Bill 20-76, the "Campaign Finance Reform and Transparency Amendment Act of 2013"

Version:	Introduced	_____
	Committee Print	_____
	First Reading	_____
	Amended First Reading	_____
	Engrossed	<u>  X  </u>
	Enrolled	_____
	Amendment in the Nature of a Substitute	_____

**1.     Sec. 2                                Page 9                                Line 3**

Is amended by inserting the phrase "or contribution" after the word "transfer".

**RATIONALE:** This technical amendment inserts into the definition of an Independent Expenditure Committee (IEC) a substantive restriction prohibiting the contribution of funds to a political committee, political action committee, or candidate. Previously the print required that an IEC certify that it had not made any such contributions, but due to a drafting error the print did not have the substantive restriction in the definition of an IEC.

**2.     Sec. 2                                Page 25                                Line 4**

Is amended to read as follows:

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

**RATIONALE:** This amendment corrects a drafting error. As drafted in the engrossed version there exists no contribution limitation on (e.g.) political party committees, etc. thus leading to a peculiar result where a committee not controlled by a public official is subject to a contribution limit but there is no limit for a committee that is potentially controlled by a public official.

This amendment corrects that unintentional consequence by subjecting all committees (except for independent expenditure committees) to the same contribution limit.

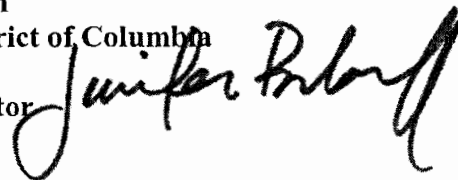
**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**Office of the Budget Director**



Jennifer Budoff  
Budget Director

**FISCAL IMPACT STATEMENT**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Jennifer Budoff, Budget Director 

**DATE:** December 2, 2013

**SHORT TITLE:** Bill 20-76, "Campaign Finance Reform and Transparency Amendment Act of 2013"

**TYPE:** Amendment #1

**REQUESTED BY: Councilmember Kenyan McDuffie**

**Conclusion**

This amendment will not have an adverse impact on the District's budget and financial plan because there is no cost associated with the amendment.

**Background**

This amendment consists of two modifications to the underlying legislation.

The first modification is a conforming amendment that explicitly prohibits Independent Expenditure Committees ("IECs") from contributing funds to political committees, political action committees, or candidates. The bill already requires IECs to certify that they have not made such contributions; this amendment would add the corresponding substantive restriction.

Second, the amendment modifies the prohibition on the donation of more than \$5,000 per person per election to any one political action committee. This amendment would extend the cap to apply to political committees, barring any one person from contributing more than \$5,000 to any one political committee *or* political action committee.

**Analysis of Impact on Spending**

This amendment will not adversely impact spending.

**Analysis of Impact on Revenue**

This amendment will not adversely impact revenue.

AN AMENDMENT

#2

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2013

Amendment offered by: Councilmember Kenyan McDuffie

To: Bill 20-76, the "Campaign Finance Reform and Transparency Amendment Act of 2013"

Version:	Introduced	_____
	Committee Print	_____
	First Reading	_____
	Amended First Reading	_____
	Engrossed	<u>  X  </u>
	Enrolled	_____
	Amendment in the Nature of a Substitute	_____

1.     Sec. 2                                 Page 2                                 Line 2

The definition of "Affiliated entity" is amended by:

(1) In subparagraph A, striking the words "owns or," and

(2) In subparagraph B, striking the existing text and replacing it with: "The entities share a controller, whether that controller is another entity or an individual."

2.     Sec. 2                                 Page 6                                 Line 2

The definition of "Control" or "controlling interest" is amended by striking the number 40 and replacing with the number "51."

**RATIONALE:** This amendment clarifies that entities are affiliated if there is a common controller of both entities. Control is clarified to mean "the practical ability to direct or cause to be directed the financial management policies of an entity. An ownership interest of 51% shall constitute a rebuttable presumption of control." An ownership interest of less than 51% may constitute control, depending on whether there is a practical ability to direct or cause to be directed the financial management policies of an entity.

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**Office of the Budget Director**



Jennifer Budoff  
Budget Director

**FISCAL IMPACT STATEMENT**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Jennifer Budoff, Budget Director *Jennifer Budoff*

**DATE:** December 3, 2013

**SHORT TITLE:** Bill 20-76, "Campaign Finance Reform and Transparency  
Amendment Act of 2013"

**TYPE:** Amendment #3

**REQUESTED BY:** Councilmember Kenyan McDuffie

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**Conclusion**

This amendment will not have an adverse impact on the District's budget and financial plan because there is no cost associated with the amendment.

**Background**

This amendment would modify the definition of "affiliated entity" by striking the element of "ownership" from the definition, leaving only "control" of an entity as the predicate for affiliation. This change to a definition does not affect the fiscal impact of the legislation.

**Analysis of Impact on Spending**

This amendment will not adversely impact spending.

**Analysis of Impact on Revenue**

This amendment will not adversely impact revenue.