

Democratizing THE DISTRICT:

D.C.'s Fair Elections Program in 2020

By Catherine Hinckley Kelley,
Austin Graham & Aseem Mulji

CLC
ADVANCING
DEMOCRACY
THROUGH LAW



Table of Contents

- **03** EXECUTIVE SUMMARY
- **04** METHODOLOGY
- **05** OVERVIEW OF THE FAIR ELECTIONS PROGRAM
- **09** GOALS OF THE FAIR ELECTIONS PROGRAM
- **11** ANALYSIS OF THE FAIR ELECTIONS PROGRAM IN THE 2020 D.C. COUNCIL ELECTIONS
- **19** ADMINISTRATION OF THE FAIR ELECTIONS PROGRAM
- **20** RECOMMENDATIONS
- **22** CONCLUSION
- **23** ACKNOWLEDGMENTS
- **24** APPENDIX A
- **26** APPENDIX B
- **27** APPENDIX C

Executive Summary

Democracies work best when everyone can participate meaningfully, but wealthy special interests and a small number of big donors have come to dominate the funding of political campaigns. Washington, D.C., is no exception:

Politics in the District of Columbia, which has a population of just under 700,000 people, has a long track record of being overrun by special interests.¹

But in 2020, D.C. took a major step toward a more inclusive democracy with the launch of the Fair Elections Program, an innovative system of public campaign financing intended to fundamentally transform the district's electoral process. At a time when many Americans feel disconnected from campaigns dominated by super PACs, secret money, also known as dark money, and wealthy special interests, public financing systems like D.C.'s Fair Elections Program are a powerful antidote to some of the most pressing issues facing American democracy.²

The Fair Elections Program's (Program or "FEP") inaugural run was an immediate success, and candidates who joined the Program were elected to seven of the 11 offices eligible for public financing in 2020. At the same time, the Program successfully expanded the district's candidate pool and shifted the focus of local campaigns toward everyday D.C. residents.

This report assesses the Fair Elections Program's impact on D.C. Council elections in 2020, as measured by three objectives:

1. Reinforcing public confidence in D.C. politics by reducing opportunities for corruption.
2. Removing barriers to political entry so that new and diverse candidates can run for and win elected office.
3. Strengthening political participation in communities across the district.

Overall, our analysis showed that the Program was highly effective in advancing each of its core goals. Notably, CLC found that the Fair Elections Program:



MAGNIFIED THE IMPORTANCE OF D.C.-BASED SMALL DONORS.

Over **76%** of all contributions (**13,850 out of 18,076**) made to Fair Elections candidates were small-dollar contributions from district residents.



INCREASED THE TOTAL NUMBER OF CONTRIBUTIONS MADE.

Between **2016 and 2020**, the overall number of contributions made to D.C. Council candidates rose by **211%**.



DECREASED THE AVERAGE CONTRIBUTION AMOUNT.

The average contribution given to Fair Elections participants was **\$44.62**, whereas the average contribution to nonparticipating candidates equaled **\$202.28**.



EXPANDED THE FIELD OF D.C. COUNCIL CANDIDATES.

In 2020, a new and diverse class of candidates — including many first-time candidates and people of color — was empowered to run for D.C. Council through the Fair Elections Program. On the whole, Fair Elections candidates ran competitive, people-powered campaigns, and half of the candidates elected to Council in 2020 participated in the Program.



DIVERSIFIED THE POOL OF CONTRIBUTORS.

The Fair Elections Program helped increase small-donor participation in all geographic areas of the district, with the greatest growth of small-dollar contributions in ZIP codes with higher concentrations of people of color and lower-income residents.

Methodology

The findings in this report are based on CLC’s review of campaign finance data from D.C.’s 2020 election, the first year in which the district used the Fair Elections Program, and on data from previous elections.

Because the offices of mayor and attorney general were not up for election in 2020, only candidates for D.C. Council and State Board of Education were eligible to participate in the Fair Elections Program during the 2020 election cycle. To narrow the scope of the report, we have focused exclusively on the 2020 D.C. Council races and have not included data or findings for State Board of Education candidates.

The D.C. Council consists of 13 members: a chairperson; four at-large members; and eight ward seats.³ Six Council positions were elected in 2020: two of the at-large seats and members for Wards 2, 4, 7 and 8. To fill the seats, the district held a primary election on June 2; a special election on June 16 to temporarily fill a vacancy for the Ward 2 seat; and the general election on November 3.⁴ Except as otherwise noted, this report incorporates campaign data from the June 2 primary and November 3 general election; data from the 2020 special election for Council Ward 2 is included in Appendix B.

The quantitative findings in this report, including candidate and contribution statistics, are based on

information provided by the D.C. Office of Campaign Finance (OCF) in its post-election report on the Fair Elections Program⁵ as well as on Council candidates’ publicly available campaign reports.⁶ For the report’s data analysis, we used the candidate contribution reports available through OCF’s website; consequently, the data may include some contributions that were subsequently refunded or reflect reporting errors by campaigns.

“This is your one opportunity in politics ... where a little can go a long way.”

– Christina Henderson, FEP Candidate

In addition to campaign finance data, this report relies on social and demographic data from the U.S. Census Bureau’s American Community Survey, aggregated by D.C. ZIP codes. We combined this demographic data with D.C.-based donors’ self-reported ZIP codes to understand how campaign contributions were distributed geographically in the district during the 2020 cycle and in prior years’ elections. The results are presented in Part III of the Analysis section.

Other sections of CLC’s report are informed by candidates’ direct experiences with the Fair Elections Program in 2020. CLC circulated a survey to all 53 Council candidates who appeared on the ballot for the 2020 primary, special election or general election. Among its questions, the survey asked candidates whether they participated in the Fair Elections Program, how the Program impacted their experience as a candidate and what aspects of the Program they would change. Thirteen candidates answered CLC’s survey, including nine participants in the Program and four nonparticipating candidates. The survey also inquired whether candidates would participate in a follow-up interview with CLC staff to discuss their campaigns. CLC ultimately interviewed six candidates who participated in the Fair Elections Program in 2020, and their feedback was especially helpful in writing this report.

Finally, CLC sent the D.C. Office of Campaign Finance (OCF) a series of questions regarding the agency’s implementation and administration of the Fair Elections Program for the 2020 elections. OCF’s responses to CLC’s questionnaire likewise provided valuable insight into the Program’s launch and impact in 2020, including its successes and potential areas for improvement.

Overview of the Fair Elections Program

Background

Public financing of elections is an alternative to the traditional system of privately financed campaigns; in general, these programs offer public funds to candidates in exchange for their voluntary agreement to abide by certain requirements and conditions on their fundraising and spending. In the 1970s, Congress created the first public financing system, for presidential candidates, after the Watergate scandal. Since then, more than 30 states and localities have followed suit and established their own programs, in recognition of public financing's capacity to diminish political corruption, encourage more people to run for office and boost citizen engagement in the electoral process.⁷ Public financing systems, when implemented properly, can be a viable method to advance the U.S. Constitution's promise of democratic self-governance, helping to make our democracy more inclusive and representative of our nation as a whole.

Democracies work best when everyone can participate meaningfully.

In the district, grassroots advocates led by the D.C. Fair Elections Coalition, a group of more than 40 D.C.-area organizations, began working in 2015 to advance a small-donor empowerment program for D.C. elections.⁸ In 2016, polling revealed that 80% of district residents

avored public financing for local campaigns, building further momentum for a public financing option in D.C. elections.⁹ The Fair Elections Act (Act) was introduced in 2017, and the D.C. Council passed the Act unanimously in March 2018.¹⁰ The Act formally established the Fair Elections Program¹¹ and tasked the D.C. Office of Campaign Finance (OCF), an administrative arm of the D.C. Board of Elections, with oversight of the Program.

Program Structure

The Fair Elections Program is available to candidates for D.C. mayor, attorney general, Council and State Board of Education. The Program constitutes a "hybrid" system of public financing, as it provides participating candidates with a lump-sum grant of public funds, known as the "base amount," and matching payments of public funds, at a 5-to-1 public-to-private dollar rate, for small contributions made by D.C. residents.¹²

The base amount is intended to help participating candidates start up their campaigns, though it is available only to candidates in contested elections. The base amount is distributed to candidates in two installments: the first half is paid to a participating candidate after they are certified in the Program by OCF, and the remainder is disbursed once the candidate qualifies for ballot access.¹³ The sum of the base amount varies by office, as shown in [Figure 1](#).¹⁴



The matching payments, in turn, enable participating candidates to sustain competitive campaigns over the course of the election cycle and simultaneously create an incentive for those candidates to raise small contributions from prospective constituents in the district.¹⁵ Like the base amount, matching payments are disbursed to candidates only after they are certified as participating in the Program, and only for “qualified small-dollar contributions” raised by the candidates.¹⁶ Under the Act, a “qualified small-dollar contribution” is a campaign contribution made by a district resident that does not exceed a specific dollar amount, which varies by office, as shown in [Figure 1](#).¹⁷

While the Act does not limit overall campaign expenditures by participating candidates, it does cap the total amount of matching payments available to Fair Elections candidates. In 2020, the maximum amount of matching payments that a candidate for Council at-large could receive was \$308,369, and \$241,055 for ward candidates.¹⁸

FIGURE 1 Base Amounts and Qualified Small-Dollar Contributions Limits for Matching Funds

Office	Base Amount	Qualified Small-Dollar Contribution Limit
Mayor	\$160,000	\$200
Attorney General	\$40,000	\$200
Chairman of the Council (At-Large)	\$40,000	\$200
Councilmember (At-Large)	\$40,000	\$100
Councilmember (Ward)	\$40,000	\$50
State Board of Education	\$10,000	\$50

FIGURE 2 Minimum Number of Small-Dollar Donors and Total Amount of Small-Dollar Contributions to Qualify for Public Financing

Office	Minimum Number of Small-Dollar Donors	Minimum Total Dollar Amount of Small-Dollar Contributions
Mayor	1,000	\$40,000
Attorney General	500	\$20,000
Chairman of the Council (At-Large)	300	\$15,000
Councilmember (At-Large)	250	\$12,000
Councilmember (Ward)	150	\$5,000
State Board of Education	50	\$1,000

Program Requirements

Participation in the Fair Elections Program is entirely voluntary — the choice to accept public funds and abide by the Program’s requirements lies solely with candidates. Prior to becoming certified to receive public funding, a candidate first has to satisfy the Program’s qualification requirements and agree to its conditions of participation.¹⁹

Specifically, to qualify for public funds, candidates must:



DEMONSTRATE A BASE OF SUPPORT.

Candidates must show they have a solid base of support by collecting a **threshold dollar amount** of small-dollar contributions from a minimum number of D.C. residents.²⁰ The number and amount of small-dollar contributions necessary to qualify for the Program depend on the office, as shown in **Figure 2**.²¹



ABIDE BY THE PROGRAM’S CONTRIBUTION LIMITS.

A candidate may not accept contributions that exceed the per-donor limits shown in the third column of **Figure 1**,²² and Fair Elections candidates are also limited in the amount of personal and family funds they may spend for their campaigns.²³



FORGO CORPORATE AND PAC MONEY.

Participating candidates may accept contributions only from certain sources and may not take contributions from corporations, labor organizations or traditional PACs.²⁴ However, they may receive contributions of up to \$1,500 from a “Fair Elections Committee,” a special type of political committee that accepts only contributions from D.C. residents of **no more than \$250, per donor**.²⁵



SPEND PUBLIC FUNDS RESPONSIBLY.

Participating candidates may not spend campaign funds on:

- Clothing and other items or services related to their personal appearance.
- Contributions, loans or transfers to another candidate’s committee or PAC.
- Gifts.
- Compensation to themselves or their immediate families.
- Payment of penalties or fines under federal or district law or nonelection legal expenses.²⁶



PARTICIPATE IN PUBLIC DEBATES.

Participating candidates in contested district-wide elections must participate in **at least one debate** per election, unless there is no other candidate in the race willing to join the debate.²⁷



SUBMIT CAMPAIGN FINANCE REPORTS AND AGREE TO POST-ELECTION AUDITS.

Participating candidates must also **abide by special reporting requirements** and agree to a post-election audit by OCF, which serves to ensure that public funds are not improperly used. Participating candidates must remit any unused campaign funds to OCF within 60 days after the general election or 60 days after the primary election if the candidate does not advance to the general election.²⁸

“In the age of super PACs and big-time corporate spending, public financing is increasingly a viable alternative to getting campaigns to really focus on the democratic values that should be fueling our elections.”

– Austin Graham, CLC Legal Counsel



Goals of the Fair Elections Program

The Fair Elections Program was designed to bring about fundamental changes in the district’s political system, toward the laudable end of making D.C. government more accountable, inclusive and responsive to all residents of the district. This section reviews the primary goals of the Program, and of public financing generally, as reflected in the D.C. Council’s legislative materials.

Reinforcing Public Confidence in D.C. Politics by Reducing Opportunities for Corruption

A principal objective of the Fair Elections Program is to “limit the influence of money as a corrupting force in district politics,” in large part by diminishing the centrality of big donors to campaigns and spurring candidates instead to seek out small contributions from a larger portion of D.C.’s population.²⁹ The Program’s relatively low contribution limits and its bar on corporate and PAC contributions aim to decrease

opportunities for quid pro quo exchanges and lessen the perception that elected officials in D.C. are improperly beholden to their biggest campaign contributors.

Before introduction of the Fair Elections Program, it was “nearly impossible for [D.C.] candidates to run for office without relying on big checks from wealthy donors and special interests.”³⁰ According to a 2016 report published by the nonprofit U.S. PIRG, competitive candidates for D.C. Council, mayor and attorney general collectively raised over 60% of their contributions from corporate and non-D.C. resident donors, in the 2012 and 2014 election cycles, while the winning candidates in those races received less than 5% of their campaign funds from D.C. residents who contributed less than \$100.³¹ A separate analysis of D.C.’s 2014 election found that campaign donors of more than \$1,000 accounted for 67% of all contributions raised by mayoral candidates that year and that over 60% of donors to D.C. mayoral and Council candidates had annual incomes above \$100,000.³²

Donors of more than \$1,000 accounted for 67% of all contributions raised by mayoral candidates in 2014.

Not surprisingly, the district’s donor class has traditionally enjoyed greater access to D.C. government than other constituencies, fueling “a perception and a reality” that the biggest donors “unduly influence our elected officials’ decisions through campaign contributions.”³³ For example, a 2014 investigation traced more than \$5 million in contributions made to D.C. campaigns between 2005 and 2014 to over 300 businesses that had won D.C. Council–approved contracts within that time frame; around half of these businesses gave their campaign contributions within a year of Council awarding them contracts.³⁴ D.C. also has seen more than its fair share of “pay-to-play” corruption and bribery scandals implicating local lawmakers over the years.³⁵





With the district’s political history in mind, the D.C. Council intended the Fair Elections Program to “revers[e] the perception and reality of corruption and restor[e] public trust in both the election process and in public officials.”³⁶

Removing Barriers to Political Entry for New Candidates

Another aim of the Fair Elections Program is “to usher in truly representative and inclusive district elections,” including by expanding and diversifying the local candidate pool so that D.C.’s elected leaders “more accurately look and think like the communities they represent.”³⁷ By enabling more people — with varied backgrounds and life experiences — to mount well-funded, voter-focused campaigns against incumbents and political insiders, the Fair Elections Program is meant to bring about a truly representative democracy in D.C. that is responsive to, and reflective of, all the district’s communities.³⁸

Amplifying Political Participation in the District of Columbia

The third primary goal of the Fair Elections Program is to “amplify the voices of everyday voters” in D.C. elections.³⁹ By providing participating candidates with 5-to-1 matching payments for small-dollar contributions from D.C. residents, the Program “incentivizes candidates to focus their time on connecting and engaging with a wide range of constituents,” and signals to district voters of all socioeconomic backgrounds that their financial support, however modest, can still make a difference.⁴⁰

In its December 2017 report on the Fair Elections Amendment Act, the D.C. Council’s Committee on the Judiciary and Public Safety noted that the district’s donor class has historically been “wealthier, older, whiter, and more likely to be male than the average District resident.”⁴¹ Although this demographic skew among donors is unfortunately commonplace in federal and state campaigns across the United States,⁴² the disproportionate prevalence of white men among D.C.

campaign donors is particularly conspicuous in the district, where the population is both majority Black and female.⁴³

Public financing systems like the Fair Elections Program can help to address the demographic imbalance among campaign donors by encouraging greater citizen participation.

Empirical evidence shows that public financing systems like the Fair Elections Program can help to address this demographic imbalance by encouraging greater citizen participation in the campaign finance system — particularly among communities historically underrepresented in political donor pools.⁴⁴ Public financing’s potential to broaden political engagement, including in racially diverse and low-income populations, was another major impetus behind the Fair Elections Program’s creation.

Analysis of the Fair Elections Program in the 2020 D.C. Council Elections

I. The Program Realigned Participating Candidates' Fundraising and Led to a Dramatic Increase in Small-Dollar Contributions

The Fair Elections Program's rollout in 2020 immediately reoriented the fundraising focus of participating candidates for D.C. Council. CLC's review of campaign finance data for D.C.'s 2020 elections found that FEP candidates tapped into a broad base of D.C. residents to finance their campaigns with small-dollar contributions and public funds⁴⁵ and ultimately raised far more contributions — in smaller amounts — than nonparticipating candidates.⁴⁶

1. Proportion of campaign funding from D.C. residents: In 2020, more than 76% of all contributions received by Council candidates who participated in the Program were small-dollar contributions from D.C. residents (13,850 out of 18,076 total contributions). Further, 82% of those contributions were in amounts of \$50 or less (11,417 out of 13,850). By comparison, D.C. resident contributions of \$50 or less accounted for only 27% of the contributions that individuals gave to nonparticipating candidates in 2020, and for 26% and 32% of D.C. resident contributions raised in 2016 and 2012 respectively. In interviews with CLC, multiple FEP candidates indicated that D.C. residents were more inclined to contribute money when they knew the impact of their contributions would be magnified with matching payments. As Christina Henderson observed, "That changed the

whole demeanor in terms of how people felt like they could contribute, because I would always be clear to say: this is your one opportunity in politics ... where a little can go a long way."

2. Total number of contributions: The overall number of contributions given to D.C. Council candidates in 2020 far exceeded the total contributions made in other recent elections in the district. CLC's analysis found that D.C. residents gave a total of 13,850 small-dollar contributions to participating Council candidates in the Fair Elections Program during the 2020 cycle, 11,366 of which were matched with public funds. FEP candidates collected another 4,226 contributions from individual donors who live outside of the district.

"[The Program] changed the whole demeanor in terms of how people felt like they could contribute."

— Christina Henderson, FEP Candidate

For their part, nonparticipating Council candidates received 7,847 contributions in total: 5,303 from D.C. residents and 2,544 from non-D.C. residents. The total number of contributions received by all 2020 Council candidates, both participating and nonparticipating, was 25,923 — more than three times the total raised by Council candidates in D.C.'s 2016 and 2012 elections. FEP candidates' emphasis on small-dollar donations likely encouraged more people to donate and helped



to account for the increase in the absolute number of contributions in 2020. As Jeanné Lewis, who ran as a Fair Elections candidate for at-large Council, put it, the Program “allowed [D.C. residents] to participate beyond voting, to donate.”

3. **Average size of contributions:** During the 2020 election cycle, the average contribution made to FEP candidates for Council amounted to \$44.62; meanwhile, the average contribution to nonparticipating Council candidates was \$202.28. The average size of contributions raised by FEP candidates also was substantially smaller than that of D.C. Council candidates in the 2016 (\$230.29) and 2012 (\$197.92) election cycles.
4. **Average number of contributions per candidate:** For the 2020 cycle, the average number of total contributions received per participating candidate was 786. Among nonparticipating candidates, the average number of contributions raised per candidate was 253.⁴⁷
5. **Non-D.C. resident contributions:** Fair Elections candidates relied far less on non-D.C. resident contributions than did nonparticipants in 2020. In all, participating candidates for D.C. Council collectively raised about 23% of their campaign contributions from non-D.C. residents, whereas nonparticipating candidates received more than 32% of their campaign donations from individuals outside the district.
6. **Corporate & PAC contributions:** As in prior election cycles, nonparticipating candidates for D.C. Council in 2020 continued to collect large contributions from corporations, PACs and other special interests. In the 2020 primary and general elections for at-large Council, for example, the average amount of contributions made by businesses and other organizations to nonparticipating candidates equaled \$663.18. Although FEP candidates could not accept any contributions from corporate sources, labor organizations or traditional PACs pursuant to the Program’s rules, they still mounted financially competitive campaigns. Many participating candidates, in fact, viewed the prohibition on corporate and PAC contributions as a benefit of the Program. Jordan Grossman, who ran for Council Ward 2 as a participating candidate, believed the Program’s fundraising limits were “a clear way to say ... I don’t take money from corporations, I don’t take money from PACs, and every donation I get is \$50 or less.”⁴⁸

FIGURE 3 D.C. Resident & Non-D.C. Resident Contributions

D.C. Council Candidates, by Election Year	2020 Participating Candidates	2020 Nonparticipating Candidates	2016 All Candidates	2012 All Candidates
D.C. Resident Contributions	13, 850	5,303	5,862	4,825
Non-D.C. Resident Contributions	4,226	2,544	2,459	2,137
Total Contributions	18,076	7,847	8,336⁴⁹	6,962
	2020 Total		2016	2012
Total Contributions	25,923		8,336	6,962

The Program’s fundraising limits were “a clear way to say ... I don’t take money from corporations, I don’t take money from PACs, and every donation I get is \$50 or less.”

– Jordan Grossman, FEP Candidate



“Shirley Chisholm said, ‘If they don’t give you a seat at the table, bring in a folding chair.’ And so, for me, Fair Elections was the opportunity for me to bring a folding chair to the table.”

– Janeese Lewis George, FEP Candidate



FEP Candidate Profile: Christina Henderson

In 2020, D.C. voters elected a majority-female Council for the first time in decades when they selected three women, including now at-large Councilmember Christina Henderson, to serve. In a crowded field of candidates, Henderson won one of the at-large Council seats as a Fair Elections participant.

Early in her career, Henderson worked as a legislative staffer for former Councilmember David Grosso. One of the first bills she worked on for him was a campaign finance bill — one that would eventually implement public financing in the district. The bill did not pass, and eventually she left Grosso’s office to work for U.S. Sen. Chuck Schumer. “I think that the program is great in terms of reducing the barriers of entry for candidates to actually compete,” she said.

In 2019, Councilmember Grosso announced he would not seek reelection. When Henderson spoke with Councilmember Grosso about the possibility of vying for his vacant seat, she thought running for office would not be feasible financially: “I had a small child at the time, and my husband and I had recently moved into a home — financially, I could not quit my job.”

That’s when she found out that public financing had finally been passed in D.C. The Fair Elections Program not only provided a way to raise enough money as a first-time candidate to mount a campaign, but it also allowed her to keep her job as a staffer for Sen. Schumer. It was an easy sell ethically to her office: since she was a publicly financed candidate, contributions to Henderson’s campaign were capped at \$100. So, Henderson decided to run.

Public financing proved to be an extremely useful and central part of Henderson’s campaign. For some voters, the first question they asked was whether or not she was publicly financed. It allowed her to change the way she structured her campaign while remaining competitive with privately financed candidates. Rather than host fundraisers with wealthy donors, Henderson billed her campaign events as meet-and-greets — sessions where she could focus on connecting with D.C. residents from all walks of life — before making a pitch for small donations.

“The Program is great in terms of reducing the barriers of entry for candidates to actually compete.”

— Christina Henderson, FEP Candidate

“That changed the whole demeanor in terms of how people felt like they could contribute, because I would always be clear to say, this is your one opportunity in politics ... where a little can go a long way,” she said. “People would often ask me ‘Am I on your VP list because I maxed out?’” and she could reply, “No, because you’re like everyone else.”

Henderson believes public financing can be a really beneficial experience for candidates. “I think that the Program is great in terms of reducing the barriers of entry for candidates to actually compete ... My race in particular, it was an experiment: can a person run citywide in the District of Columbia using public financing and actually be competitive, and I think we’ve said yes.”

II. The Program Opened D.C.'s Elections to a New & Diverse Class of Candidates

A key measure of a functioning democracy, and a primary goal of the Fair Elections Program, is a body of candidates made up of people who, if elected, will effectively advocate for the interests of all their constituencies. In the 2020 D.C. Council elections, an impressive group of individuals — with an array of backgrounds and life experiences — opted to run for office through the Fair Elections Program, showcasing how public financing can elevate leaders who better reflect and serve the district's population at large.

The 2020 cycle saw a marked increase in the total number of candidates for D.C. Council in comparison to past elections. A total of 53 candidates appeared on the ballot in 2020 between the primary and general elections for six D.C. Council seats: two at-large positions and Wards 2, 4, 7 and 8. In all, 22 of the candidates who qualified for ballot access were certified as participants in the Fair Elections Program, while the remaining 31 candidates did not receive public financing.⁵⁰

By comparison, in D.C.'s 2016 election, which involved the same six Council positions, only 24 candidates ran. And in 2012, elections for those six Council seats drew a total of 30 candidates.

Several factors likely led to the notable rise in candidate numbers in 2020, including former Councilmember David Grosso's decision not to seek reelection⁵¹ and Jack Evans's resignation from a long-held seat in Ward 2.⁵² The availability of the Fair Elections Program, however, was also a significant factor in the expanded candidate pool in 2020, according to candidates who participated in the Program. Of the participating candidates who completed CLC's survey, two-thirds either agreed or strongly agreed that the availability of the Fair Elections Program factored into their choice to run in 2020. Many FEP participants were first-time candidates: at least eight participating candidates had never sought public office before 2020.

FIGURE 4 Total Number of Candidates for D.C. Council: 2020, 2016 and 2012

Election Year	Candidates Running	Fair Elections Program Candidates
2020	53	22
2016	24	N/A
2012	30	N/A

Of the participating candidates who completed CLC's survey, two-thirds either agreed or strongly agreed that the availability of the Fair Elections Program factored into their choice to run in 2020.

Of the nine FEP candidates who answered CLC’s survey, seven indicated that they felt their campaigns were competitive with those of nonparticipating opponents. “I think that the program is great in terms of reducing the barriers of entry for candidates to actually compete,” Christina Henderson said. In fact, multiple candidates interviewed by CLC believed that the Fair Elections Program provided an advantage in budgeting their campaigns, since they knew they would be receiving matching payments at specific points throughout the election cycle. Another FEP candidate, Ed Lazere, who ran for Council at-large, remarked that the Program’s schedule of matching payments “gave me the confidence to develop a meaningful campaign plan, with solid staffing and resources for voter engagement.”

The Program boosted the overall number and diversity of Council candidates and allowed participating candidates to run viable campaigns — and win elections — against privately funded opponents. Indeed, half of the candidates elected to D.C. Council in 2020 were certified participants in the Fair Elections Program: Christina Henderson (at-large), Janeese Lewis George (Ward 4) and Trayon White (Ward 8). Notably, all of these winning candidates were individuals of color.

“[The Program] gave me the confidence to develop a meaningful campaign plan, with solid staffing and resources for voter engagement.”

– Ed Lazere, FEP Candidate

Fair Elections candidates helped to achieve another important demographic milestone: in 2020, D.C. voters elected a majority-female Council for the first time in several decades, with the election of three women, two of whom — Janeese Lewis George and Christina Henderson — were Fair Elections participants.⁵³

III. The Fair Elections Program Facilitated Political Participation Across D.C. Communities

With the Fair Elections Program in place, contributions made to D.C. Council candidates during the 2020 election cycle came from every one of D.C.’s 22 standard ZIP codes.⁵⁴ As shown in the maps below, ZIP codes with large numbers of contributions in 2020 included a diverse cross section of the district. For example, the ZIP code with 2020’s largest donor base (20011) encompasses some of D.C.’s most diverse neighborhoods, and more than 80% of its residents are people of color. This ZIP code also has a median income of \$77,931, among the lowest in the district. The level of donor participation in 2020 as a percentage of total population was still highest in D.C.’s upper-income ZIP codes. See Appendix C for demographic and economic profiles of the D.C. ZIP codes discussed in this section.

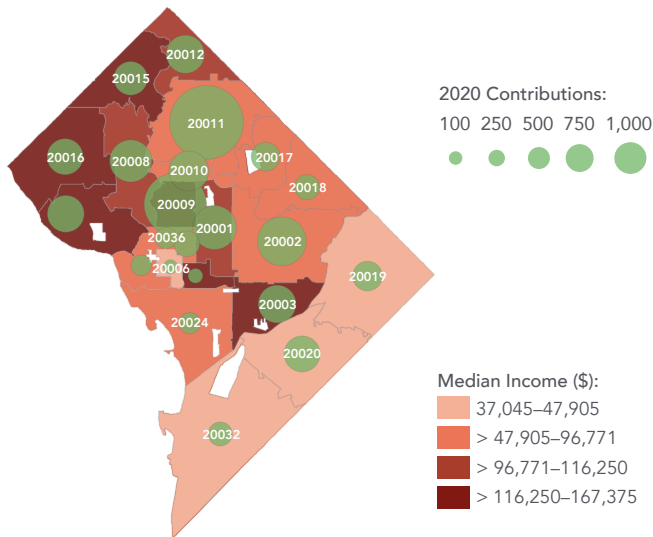
As discussed above, the vast majority of contributions in 2020 were made to participating candidates. This held true across the district: in all but one ZIP code, a majority of contributions were made to FEP candidates. In most ZIP codes, the rate of contribution to participating candidates was well over 70%. The five ZIP codes with the greatest share of contributions to

Fair Elections candidates included some of D.C.’s most racially diverse ZIP codes (e.g., 20010, 20002).

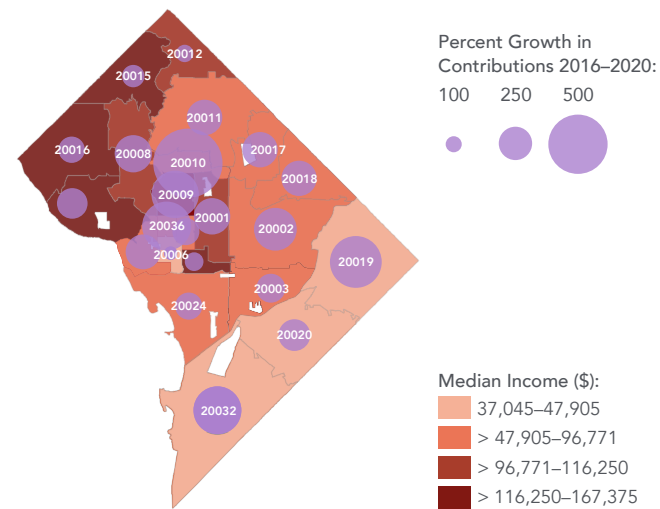
Notably, as shown in the maps below, contributions increased dramatically from 2016 to 2020 in ZIP codes that encompass communities that are historically underrepresented in the campaign finance system. The ZIP codes with the greatest percentage growth in the number of contributions from 2016 to 2020 include both higher-income and lower-income areas of the district. The ZIP code with the greatest growth in contributions since 2016, more than 500%, is nearly 60% people of color (20010). The ZIP codes with the second and fourth highest growth in contributions since 2016 (20032, 20019) were 91% and 97% people of color, respectively, and have the lowest median incomes in the district at less than \$40,000.

The shift in the pool of local donors was in many ways a byproduct of FEP candidates’ heightened incentive to concentrate on collecting small-dollar contributions from district residents. Many candidates felt that the availability of matching funds empowered them to maximize their engagement with D.C. residents by combining their voter outreach and fundraising efforts, a dynamic that changed priorities on the campaign trail. “The Fair Elections Program made it possible to focus fully on individual D.C. residents as opposed to only the wealthiest people who can afford to write big checks,” Jordan Grossman said. “This had a great impact on voters as well: it was clear that they were more invested and that their voice mattered more, knowing that no one could contribute more than \$50 to our campaign.”

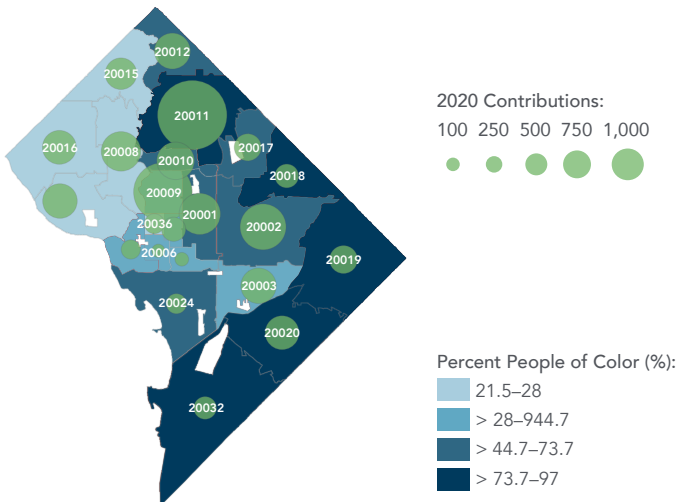
NUMBER OF CONTRIBUTIONS IN 2020 LAYERED ON MEDIAN INCOME BY ZIP CODE



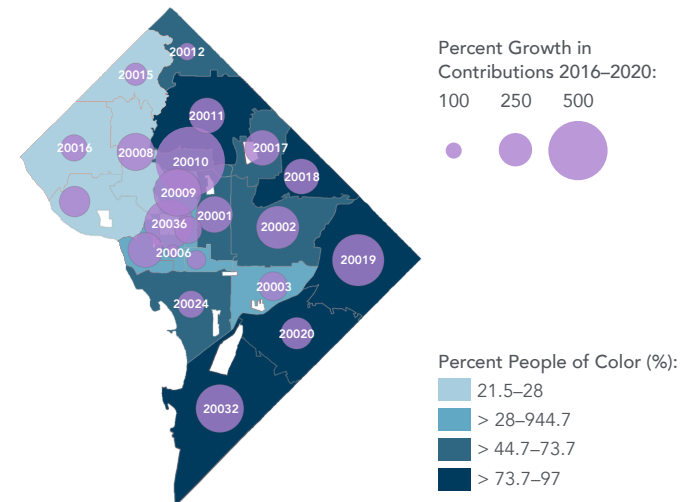
PERCENT GROWTH IN CONTRIBUTIONS FROM 2016 TO 2020 LAYERED ON MEDIAN INCOME BY ZIP CODE



NUMBER OF CONTRIBUTIONS IN 2020 LAYERED ON PERCENT OF POPULATION PEOPLE OF COLOR BY ZIP CODE



PERCENT GROWTH IN CONTRIBUTIONS FROM 2016 TO 2020 LAYERED ON PERCENT OF POPULATION PEOPLE OF COLOR BY ZIP CODE





“We were able to easily talk to potential supporters, telling them that even the smallest donation to my campaign would make a huge difference because it would receive a match.”

– Ed Lazere, FEP Candidate

Administration of the Fair Elections Program

Implementation & Oversight of the Program

In 2019 and 2020, the D.C. Board of Elections issued several rulemakings to implement the Fair Elections Program.⁵⁵ The Board's regulations address a range of FEP issues, including the timing of public funds payments to candidates,⁵⁶ verification requirements for small-dollar contributions⁵⁷ and report filing deadlines.⁵⁸ They also specify administrative and enforcement processes related to the Program.⁵⁹

OCF implemented several new administrative systems and procedures for the Fair Elections Program during the 2020 election cycle, including a new e-filing and disclosure system designed specifically for the Program. The e-filing system enables FEP candidates to file reports online, expands public access to campaign finance data and facilitates OCF's administration of the Program in general.⁶⁰

Despite the logistical hurdles of the ongoing pandemic, OCF organized and hosted a series of virtual candidate

debates in September 2020, as required by the Act.⁶¹ A total of 18 candidates participated in three debates for the at-large Council election, including all nine FEP participants who were on the general election ballot for that race.⁶² OCF promoted the debates with a substantial advertising campaign, and the agency set up a livestream for the public to view the debates in real time.⁶³

Public Education & Community Outreach

As part of its rollout of the Fair Elections Program, OCF published educational and guidance materials aimed at both potential candidates and the public at large.⁶⁴ Additionally, OCF updated its existing campaign finance training program to incorporate information about the Fair Elections Program, sponsored public service announcements about the Program on local TV and radio stations, and posted about upcoming Fair Elections events and trainings on its social media accounts.⁶⁵

OCF also organized numerous community outreach events across the district to educate residents about the Program. Notably, OCF partnered with the D.C. Office of Advisory Neighborhood Commissions ("ANC") to create the ANC Educational Outreach Initiative, which sought to reach a wider audience with information about the Fair Elections Program.⁶⁶ Through this initiative, OCF's representatives gave presentations about the Fair Elections Program at 19 different ANC meetings throughout 2019, before the pandemic forced the agency to end the in-person presentations.⁶⁷ Nonetheless, OCF plans to continue the ANC Educational Outreach Initiative in future election cycles.

OCF also worked closely with the D.C. Fair Elections Coalition and other democracy advocates to develop and implement key policies for the Fair Elections Program. OCF's staff met regularly with these local stakeholders throughout the 2020 cycle, and this collaborative relationship helped OCF to build a "strong foundation" for the Program by devising effective community outreach plans, procuring technology to administer the Program and expanding its services for candidates.⁶⁸



Recommendations

In 2020, D.C.'s Fair Elections Program succeeded in drawing strong candidate participation and amplifying small donor participation in district elections. As with any public financing system, though, maintaining the success of Fair Elections will require regular reassessments and updates to ensure that the Program continues to meet its goals and the needs of D.C.'s communities and candidates.

The following recommendations are based on CLC's evaluation of the Program's introduction in the 2020 elections and on feedback provided to CLC by participating candidates and OCF.

1. **Produce comprehensive guidance for FEP candidates:** For future elections, OCF must produce more comprehensive guidance materials to assist FEP candidates. OCF's website currently provides various resources with basic information about the Fair Elections Program,⁶⁹ but none of these materials is sufficient to steer candidates through the array of questions that can arise in connection with the Program. Several of the 2020 participating candidates surveyed by CLC would have liked more direction from OCF about the Program's rules, and one suggested OCF should "publicly post clear guidance documents and FAQs on their website to avoid confusion and make compliance easier." Another said there needed to be better "clarity of rules and timelines, such as turnaround time for certification and contesting rejected matching donations."

Agencies that administer public financing programs in other jurisdictions often publish extensive candidate manuals about their programs before

each election.⁷⁰ OCF can rely on these agencies' materials as templates for developing a comparable guide for FEP participants, which would not only benefit candidates but also help to conserve OCF's time and staff resources in the long term. Along with publishing a thorough manual for FEP candidates, OCF should explore opening other communication channels for participating candidates to request formal and informal guidance from the agency, such as an advice line or email address staffed by OCF.

2. **Assess whether to make more public funding available to FEP candidates in future election cycles:** To ensure that the Fair Elections Program remains a financially viable option for candidates in future district elections, the D.C. Council should pay close attention to whether participating candidates who run in a contested party primary before proceeding to the general election have sufficient funding to campaign effectively throughout the full election cycle. The Program's existing funding structure attracted strong levels of candidate participation and helped multiple Fair Elections candidates win elections in 2020. Moreover, two-thirds of the participating candidates who answered CLC's survey agreed that they had sufficient funds to accomplish what they needed with their campaigns. However, several Fair Elections candidates felt they lacked the funds needed to be optimally competitive in both the primary and general election stages of the campaign. One participating candidate who prevailed in a hotly contested primary noted that her campaign was "severely hindered in the general election," since she had already received close to the maximum amount of matching payments by the end of the primary. Therefore, raising the ceiling on matching payments available through the Program could benefit participating candidates who spend a significant





portion of their campaign funds in a contested primary race before advancing to the general election.

- 3. Adapt the Program's technology to evolving campaign practices:** Today, campaigns can use an assortment of online tools to raise money and communicate directly with voters, and the Fair Elections Program's technology systems must keep pace with the digital orientation of modern campaigns.

OCF has already taken a proactive approach to addressing issues that emerged with the Program's technological administration in 2020. For example, in surveys and interviews with CLC, some 2020 candidates expressed frustrations with the process for uploading contributor information through OCF's e-filing system, which required campaigns to manually enter information for each individual contributor. In response to feedback from candidates, OCF is planning to streamline this process in the 2022 cycle by updating its e-filing system to facilitate bulk uploads of contributor data in Excel format. Candidates also will be able to electronically register for the Fair Elections Program in future elections.

Given the growing prominence of online campaign fundraising, OCF should similarly evaluate options to improve FEP candidates' ability to collect

contributions electronically. Several 2020 FEP candidates reported to CLC that they experienced hitches in the processing of information for donors who gave contributions through Act Blue and other online fundraising sites. In New York City, the NYC Campaign Finance Board now operates its own online platform, through which city residents and other donors can make contributions directly to municipal candidates, including participants in the public financing program.⁷¹ OCF should consider creating a comparable government-hosted platform to simplify the process for making electronic contributions to D.C. candidates.

- 4. Allow the use of campaign funds for reasonable child care expenses:** One of the Fair Elections Program's underlying objectives is to empower candidates from a variety of backgrounds to effectively campaign for public office, and D.C. candidates should have sufficient flexibility to spend funds most effectively for their individual candidacies, including by paying for reasonable child care costs stemming from their campaigns.

Therefore, we recommend that the Council amend the D.C. Code to expressly permit candidates in the district to pay for child care expenses that arise during the campaign, as this change would align with the equity goals of the Fair Elections Program. Since 2018, at least seven states have amended their laws to allow candidates to make expenditures

for child care costs incurred in connection with the election.⁷² D.C. should follow suit and permit candidates to use their campaign funds, including public money received through the Fair Elections Program, for reasonable child care expenses related to running for office.

- 5. Raise public awareness of the Program through innovative community outreach:** Building on its successful public education efforts in the 2020 cycle, OCF should continue engaging with communities around the district to boost awareness of the Fair Elections Program, including with novel approaches to public engagement.

For example, as part of its continuing campaign to build civic engagement through the Democracy Voucher Program, the Seattle Ethics & Elections Commission has created an outreach fund that provides grants to local 501(c)(3) organizations for the purpose of targeting outreach about Democracy Vouchers to underserved communities.⁷³ For its 2019 election, Seattle successfully partnered with 10 nonprofit organizations, at a total cost of \$150,000, in order to promote Democracy Voucher participation within low-income and minority populations throughout the city.⁷⁴ D.C. should consider developing its own community-focused grant system to foster more participation in the Fair Elections Program among the district's politically underserved communities.



Conclusion

The Fair Elections Program delivered as promised in 2020.

The Program amplified the voices of D.C. residents, increased donor participation across the district and drew a larger candidate pool made up of individuals from many different backgrounds. Not only did the Program deliver on these objectives, it also fundamentally transformed the way that candidates ran campaigns and proved to be a viable means to reframe elections around the district's population at large. By diminishing the influence of wealthy special interests and elevating the voices of everyday D.C. voters, the Program worked to reduce corruption and advance the First Amendment rights of all district residents.

“For some voters ... that was the first question: are you doing public financing?... For them it signifies something in terms of your values.”

— Christina Henderson, FEP Candidate

The Program was also popular with candidates. Every 2020 participating candidate that CLC spoke to indicated that, were they to run in the future, they would opt to run as a Fair Elections participant. Candidates found Program participation to be a meaningful way to convey their values to voters: “It’s a very clear way you can live your values as a candidate,” Jordan

Grossman reflected. D.C. citizens likewise valued what participation in the Program signaled about candidates. “For some voters ... that was the first question: are you doing public financing?” Christina Henderson recalled. “For them it signifies something in terms of your values.”

As transformative as the Fair Elections Program was during its inaugural run, the recommendations in this report offer an opportunity to build on the successes of 2020 and make the Program even more accessible for new candidates and district residents. We look forward to watching the Program’s growth in the future as it continues to reorient the district’s democracy back to the people of D.C.



Acknowledgments

CLC would like to thank the 2020 candidates who answered our survey and agreed to interviews to help inform this report. We also sincerely thank the D.C. Office of Campaign Finance for responding to CLC's questionnaire about the Program. Finally, we want to thank Lee Bock for creating the maps of D.C. contributions by ZIP code, and Kate Bock and Victoria Hammitt for their instrumental assistance in researching and preparing the content of this report.

APPENDIX A:

2020 Candidates

FIGURE 5 Certified Fair Elections Candidates for D.C. Council (23)

Candidate	Races
Chander Jayaraman	Council At-Large
Christina Henderson	Council At-Large
Ed Lazere	Council At-Large
Franklin Garcia	Council At-Large
Jeanné Lewis	Council At-Large
Markus Batchelor	Council At-Large
Monica Palacio	Council At-Large
Vincent Orange	Council At-Large
Will Merrifield	Council At-Large
Martín Miguel Fernandez	Council Ward 2 General
Randy Downs	Council Ward 2 General
Janeese Lewis George	Council Ward 4 General, Council Ward 4 Primary
Trayon White	Council Ward 8 General, Council Ward 8 Primary
Jack Evans	Council Ward 2 Primary
John Fanning	Council Ward 2 Primary, Council Ward 2 Special Election
Jordan Grossman	Council Ward 2 Primary, Council Ward 2 Special Election
Kishan Putta	Council Ward 2 Primary, Council Ward 2 Special Election
Patrick Kennedy	Council Ward 2 Primary, Council Ward 2 Special Election
Yilin Zhang	Council Ward 2 Primary
Anthony Green	Council Ward 7 Primary
Kelvin Brown	Council Ward 7 Primary
Michael Austin	Council Ward 8 Primary
Renee Bowser	Council Ward 4 Primary — <i>dropped out before election</i>

FIGURE 6 Nonparticipating Candidates on Ballot (31)

Candidate	Races
Rick Murphree	Council At-Large
Marya Pickering	Council At-Large
Marcus Goodwin	Council At-Large
Michelangelo Scruggs	Council At-Large
Mario Cristaldo*	Council At-Large
Calvin Gurley	Council At-Large
Claudia Barragán	Council At-Large
Keith Silver*†	Council At-Large
Alexander Padro	Council At-Large
Robert White	Council At-Large
Ann Wilcox†	Council At-Large
Joe Bishop-Henchman†	Council At-Large
Kathy Henderson	Council At-Large
Eric Rogers	Council At-Large
A'Shia Howard†	Council At-Large
Brooke Pinto	Council Ward 2 General, Council Ward 2 Primary
Peter Bolton	Council Ward 2 General
Perry Redd†	Council Ward 4 General, Council Ward 4 Primary
Vincent Gray	Council Ward 7 General, Council Ward 7 Primary
Fred Hill†	Council Ward 8 General

Christopher Cole*	Council Ward 8 General
Nate Derenge†	Council Ward 8 General, Council Ward 8 Primary
Daniel Hernandez*	Council Ward 2 Primary
Katherine Venice*	Council Ward 2 Primary
Brandon Todd	Council Ward 4 Primary
Marlena Edwards	Council Ward 2 Primary
Rebecca Morris	Council Ward 7 Primary
Veda Rasheed	Council Ward 7 Primary
James LeRoy Jennings†	Council Ward 7 Primary
Stuart Anderson*	Council Ward 8 Primary
Yaida Ford	Council Ward 7 Primary

*Sought Fair Elections Certification

†Did not report campaign finance data

Source: Page 14–15 of the OCF Post Election Fair Elections Program Report

APPENDIX B:

Summary of Contribution Data From the June 16, 2020, Ward 2 Special Election

	Participating Candidates	Nonparticipating Candidates
D.C. Resident Contributions	973	19
Non-D.C. Resident Contributions	88	64
Total Contributions	1,061	83
Contributions \$50 and Under	1,061	15
Average Contribution	\$39.72	\$340.12

APPENDIX C:

D.C. ZIP Code Demographic and Economic Profiles

The following tables provide demographic and economic profiles of D.C.’s top five ZIP codes in the following categories:

- The most contributions in 2020.
- The most contributions in 2020 as a share of the total population.
- The greatest share of contributions to Fair Elections candidates.
- Greatest percentage growth in the number of total contributions from 2016 to 2020.

For each ZIP code, the tables present the demographic and economic indicators derived from the Census Bureau’s American Community Survey: total population, population shares of various racial and ethnic groups, median income and the population share in each ZIP code that lives below the poverty level.⁷⁵

The indicators “Pct. White,” “Pct. Black,” and “Pct. Asian” refer to the population share of non-Hispanic residents who identify with those racial categories. “Pct. NA” refers to the percentage of the population that identifies as “American Indian and Alaska Native.”

“Pct. HPI” refers to the percentage of the population that identifies as “Native Hawaiian and Other Pacific Islander.” The indicator “Pct. POC” refers to the aggregated population share of all residents who are not non-Hispanic white.

FIGURE 7 Top 5 D.C. ZIP Codes With the Most Contributions in 2020

ZIP Code	2020 Contr.	Total Pop.	Pct. White	Pct. Black	Pct. Hispanic	Pct. Asian	Pct. NA	Pct. HPI	Pct. POC	Median Income	Pct. Below Poverty
20011	2,452	69,710	17%	54%	24%	2%	0.3%	0%	81%	\$77,931	11%
20009	1,992	52,338	60%	17%	13%	6%	0.1%	0.1%	37%	\$109,923	10%
20002	1,405	67,750	41%	47%	7%	3%	0.1%	0%	57%	\$90,424	15%
20001	1,251	47,748	43%	38%	9%	7%	0.2%	0%	54%	\$116,195	15%
20008	1,179	29,292	69%	9%	13%	6%	0%	0%	28%	\$116,250	7%

FIGURE 8 Top 5 D.C. ZIP Codes With the Most Contributions as Share of Population in 2020

ZIP Code	2020 Contr. % of Pop	Total Pop.	Pct. White	Pct. Black	Pct. Hispanic	Pct. Asian	Pct. NA	Pct. HPI	Pct. POC	Median Income	Pct. Below Poverty
20036	6.2%	5,455	76%	4%	8%	9%	0%	1%	22%	\$96,771	14%
20012	5.8%	17,576	24%	53%	18%	1%	0%	0%	74%	\$101,859	7%
20015	5.2%	16,202	73%	8%	11%	5%	0.3%	0.2%	26%	\$167,375	4%
20005	4.2%	12,347	52%	20%	15%	8%	1%	0.1%	45%	\$93,956	12%
20008	4.0%	29,292	69%	9%	13%	6%	0%	0%	28%	\$116,250	7%

FIGURE 9 Top 5 D.C. ZIP Codes With the Greatest Share of Contributions to Fair Elections Candidates in 2020

ZIP Code	2020 Contr. % FEC	Total Pop.	Pct. White	Pct. Black	Pct. Hispanic	Pct. Asian	Pct. NA	Pct. HPI	Pct. POC	Median Income	Pct. Below Poverty
20010	86%	34,223	38%	24%	29%	5%	0.2%	0%	59%	\$93,686	12%
20003	85%	32,675	61%	25%	7%	3%	0.1%	0%	35.8%	\$134,438	10%
20009	82%	52,338	60%	17%	13%	6%	0.1%	0.1%	37.4%	\$109,923	10%
20002	79%	67,750	41%	47%	7%	3%	0.1%	0%	56.7%	\$90,424	15%
20005	78%	12,347	52%	20%	15%	8%	0%	0.1%	44.8%	\$93,956	12%

FIGURE 10 Top 5 D.C. ZIP Codes With the Greatest Percent Growth in the Number of Contributions from 2016 to 2020

ZIP Code	2016 Pct. Growth	Total Pop.	Pct. White	Pct. Black	Pct. Hispanic	Pct. Asian	Pct. NA	Pct. HPI	Pct. POC	Median Income	Pct. Below Poverty
20010	520%	34,223	38%	24%	29%	5%	0.2%	0%	59%	\$93,686	12%
20019	376%	63,829	1%	94%	3%	0.2%	0.3%	0%	97%	\$39,347	28%
20036	353%	5,455	76%	4%	8%	9%	0%	1.1%	22%	\$96,771	14%
20032	344%	42,800	7%	86%	5%	0.4%	0.1%	0%	91%	\$37,045	31%
20009	340%	52,338	60%	17%	13%	6%	0.1%	0.1%	37%	\$109,923	10%

End Notes

- 1 See, e.g., SEAN MCELWEE DEMOS, D.C.'S WHITE DONOR CLASS: OUTSIZED INFLUENCE IN A DIVERSE CITY 7-8, 10 (2016), [https://www.demos.org/sites/default/files/publications/DC Donor Report %28Sean%29.pdf](https://www.demos.org/sites/default/files/publications/DC%20Donor%20Report%20Sean%29.pdf); Paul Schwartzman, *As D.C. leaders tout reforms, latest ethics scandal evokes city's history of corruption*, WASH. POST. (Mar. 23, 2019), https://www.washingtonpost.com/local/dc-politics/as-dc-leaders-tout-reforms-latest-ethics-scandal-evokes-citys-history-of-corruption/2019/03/22/bc6dd13e-4bf3-11e9-9663-00ac73f49662_story.html (discussing both recent and historic examples of corruption involving D.C. elected officials).
- 2 See, e.g., MICHAEL BECKEL, *ISSUE ONE, OUTSIZED INFLUENCE* (2021), <https://www.issueone.org/wp-content/uploads/2021/04/Issue-One-Outsized-Influence-Report-final.pdf> (finding that “just 12 megadonors — at least eight of whom are billionaires — contributed a combined \$3.4 billion to federal candidates and political groups between January 2009 and December 2020”).
- 3 See *Councilmembers*, COUNCIL OF THE DISTRICT OF COLUMBIA, <https://dccouncil.us/councilmembers/> (last visited May 10, 2021).
- 4 See *Election Results Election Year 2020*, D.C. BD. OF ELECTIONS, <https://electionresults.dcoeb.org/> (last visited May 10, 2021).
- 5 D.C. OFFICE OF CAMPAIGN FIN., *POST-ELECTION REPORT* (Mar. 2021), <https://ocf.dc.gov/release/fair-elections-program-post-election-report>.
- 6 See *Filer Reports*, D.C. OFFICE OF CAMPAIGN FIN., <https://fairelections.ocf.dc.gov/public/FinancialReport> (last visited June 25, 2021).
- 7 See CATHERINE HINCKLEY KELLEY & AUSTIN GRAHAM, *CAMPAIGN LEGAL CTR., BUYING BACK DEMOCRACY: THE EVOLUTION OF PUBLIC FINANCING IN U.S. ELECTIONS* (Oct. 2018), <https://campaignlegal.org/update/report-buying-back-democracy-evolution-public-financing>.
- 8 *What is D.C. Fair Elections?*, DC FAIR ELECTIONS COAL., <https://dcfairelections.org/about/> (last visited June 25, 2021).
- 9 Steve Cavendish, *The D.C. Poll*, WASH. CITY PAPER (Jan. 28, 2016), <https://washingtoncitypaper.com/article/443926/the-d-c-poll-district-voters-on-pot-minimum-wage-football-and-more/>.
- 10 Rachel Chason, *D.C. Council unanimously votes to create public campaign finance program*, WASH. POST. (Jan. 8, 2018), https://www.washingtonpost.com/local/dc-politics/dc-council-unanimously-votes-for-bill-to-create-public-campaign-finance-program/2018/01/09/c5eb031e-f553-11e7-a9e3-ab18ce41436a_story.html.
- 11 See D.C. Law 22-94 (2018), <https://code.dccouncil.us/dc/council/laws/22-94.html>. Rachel Chason, *D.C. Council unanimously votes to create public campaign finance program*, WASH. POST. (Jan. 8, 2018), https://www.washingtonpost.com/local/dc-politics/dc-council-unanimously-votes-for-bill-to-create-public-campaign-finance-program/2018/01/09/c5eb031e-f553-11e7-a9e3-ab18ce41436a_story.html.
- 12 “Hybrid” public financing programs provide candidates at least two forms of public funds, such as lump-sum payments and matching funds, in combination. See KELLEY & GRAHAM, *supra* note 7, at 15.
- 13 D.C. Code § 1-1163.32d.
- 14 *Id.*
- 15 For example, with the Fair Election Program’s 5-to-1 matching payments formula, a \$50 contribution given by a D.C. resident to a Fair Elections candidate for a Council ward seat would be matched with \$250 in public funds, raising the contribution’s total value to \$300.
- 16 D.C. Code § 1-1163.32e(a)-(b).
- 17 *Id.* §§ 1-1161.01(47a); 1-1163.32b(a).
- 18 *Qualifications to be Certified*, D.C. OFFICE OF CAMPAIGN FIN., https://ocf.dc.gov/sites/default/files/dc/sites/ocf/release_content/attachments/Qualifications%20to%20be%20Certified%20%282%29_1.pdf. The maximum amount of matching funds payments is set at 110% of the average expenditures for candidates for the relevant covered office in the last four election cycles, § 1-1163.32e(d).
- 19 D.C. Code § 1-1163.32c.
- 20 § 1-1163.32c(a)(1).
- 21 *Id.*
- 22 *Id.* § 1-1163.32f(a), (a)(1)-(2).
- 23 *Id.* § 1-1163.32f(a), (a)(6).
- 24 *Id.* § 1-1163.32f(a), (a)(3).
- 25 *Id.* §§ 1-1163.32f(a)(3); 1-1161.01(22a).
- 26 *Id.* § 1-1163.32f(d).
- 27 *Id.* § 1-1163.32g.
- 28 *Id.* § 1-1163.32h.
- 29 D.C. COUNCIL COMM. ON THE JUDICIARY & PUB. SAFETY, *REPORT ON B22-0192, THE “FAIR ELECTIONS AMENDMENT ACT OF 2017” 6* (2017), https://lims.dccouncil.us/downloads/LIMS/37693/Committee_Report/B22-0192-CommitteeReport1.pdf (hereinafter JUDICIARY COMMITTEE REPORT).
- 30 *Id.* at 4.
- 31 ZACH WEINSTEIN, U.S. PIRG, *EMPOWERING SMALL DONORS IN DC ELECTIONS* (2016), <https://uspirg.org/sites/pirg/files/reports/Empowering%20Small%20Donors%20in%20DC%20Elections.pdf>.
- 32 MCELWEE, *supra* note 1, at 7-8, 10.
- 33 JUDICIARY COMMITTEE REPORT, *supra* note 29, at 5.
- 34 Patrick Madden, *The Cost of D.C. Council’s Power Over Contracts*, WAMU 88.5 (Oct. 2014), <https://wamu.org/projects/paytoplay/#/story>.
- 35 Paul Schwartzman, *As D.C. leaders tout reforms, latest ethics scandal evokes city's history of corruption*, WASH. POST (Mar. 23, 2019), https://www.washingtonpost.com/local/dc-politics/as-dc-leaders-tout-reforms-latest-ethics-scandal-evokes-citys-history-of-corruption/2019/03/22/bc6dd13e-4bf3-11e9-9663-00ac73f49662_story.html (discussing both recent and historic examples of corruption involving D.C. elected officials).
- 36 JUDICIARY COMMITTEE REPORT, *supra* note 29, at 6.
- 37 *Id.* at 2, 3.
- 38 Other jurisdictions have experienced significant progress in terms of the number and diversity of candidates, as well as in electoral competitiveness, after introducing public financing programs. See, e.g., J. MIJN CHA & MILES RAPOPORT, DEMOS, *FRESH START: THE IMPACT OF PUBLIC CAMPAIGN FINANCING IN CONNECTICUT* 13 (2013), https://www.demos.org/sites/default/files/publications/FreshStart_PublicFinancingCT_0.pdf (finding that Connecticut’s Citizens’ Elections Program helped to boost the number of Latinos and women elected to the state legislature); Kenneth R. Mayer et al., *Do Public Funding Programs Enhance Electoral Competition?* IN THE MARKETPLACE OF DEMOCRACY: ELECTORAL COMPETITION & AMERICAN POLITICS 245, 247-49 (Michael P. McDonald & John Samples eds., 2006) (finding that Maine’s public financing program may have increased several measures of electoral competition, including decreasing incumbents’ reelection rates).
- 39 JUDICIARY COMMITTEE REPORT, *supra* note 29, at 2.
- 40 *Id.*
- 41 *Id.* at 3.

- 42 See, e.g., David Roberts, *Political donors in the US are whiter, wealthier, and more conservative than voters*, vox (Dec. 9, 2019), <https://www.vox.com/policy-and-politics/2016/12/9/13875096/us-political-donors>.
- 43 See CHA & RAPOPORT, *supra* note 38. Demos found that White residents of D.C. accounted for 37% of the city's total population but comprised more than 60% of the donor pool for D.C. mayoral and Council candidates in 2014. Women, meanwhile, contributed at lower rates than men in D.C.'s 2014 election despite making up 54% of the city's population. *Id.*
- 44 For example, an analysis of New York City's Matching Funds Program by the Brennan Center for Justice found that, after the implementation of 6-to-1 public matching funds rate for NYC residents' contributions of \$175 or less, over 89% of New York City's census-block groups contained at least one "small donor" (defined as an individual contributing \$175 or less) to a candidate for City Council in 2009; by comparison, only 30% of NYC's census-block groups had at least one donor of \$175 or less to 2010 State Assembly candidates, who are ineligible for the city's public financing program. ELISABETH GENN ET AL., BRENNAN CTR. FOR JUSTICE, *DONOR DIVERSITY THROUGH PUBLIC MATCHING FUNDS 10, 14* (2012), https://www.brennancenter.org/sites/default/files/2019-08/Report_DonorDiversity-public-matching-funds.PDF. In addition, the Brennan Center determined that NYC census-block groups with at least one small donor were, on average, less affluent, and more racially diverse than census-block groups with at least one large donor (defined as an individual contributing \$1,000 or more) to a City Council candidate. *Id.*
- 45 The findings in this section incorporate contributions received by Renee Bowser, who was certified as a participating Fair Elections candidate but dropped out of the Ward 4 race before the 2020 primary election.
- 46 For the findings in this section, the terms "contribution" and "donation" refer to itemized contributions that candidates disclosed in reports to OCF. Thus, the findings are not based on the number of unique contributors to candidates, and it is likely some donors made multiple contributions to a candidate.
- 47 This figure accounts only for nonparticipating candidates who reported campaign finance data: of the 31 nonparticipating candidates who qualified for the D.C. ballot in 2020, 23 filed reports with OCF.
- 48 All quotes cited in this report from Jordan Grossman were from January 29, 2021, or February 5, 2021.
- 49 In the contribution data, 15 contributions made in 2016 were marked that the candidate had requested the address of the donor, meaning it is not clear whether they came from D.C. residents or out-of-state donors. Accordingly, those contributions are not reflected in the figure for D.C. resident or out-of-state contributions.
- 50 Seven candidates also ran in the June 16 special election for Ward 2; all seven of those candidates ran in the Democratic primary earlier that month as well. Four of these candidates were certified Fair Elections participants for the special election.
- 51 See Fenit Nirappil, *Progressive David Grosso will not seek reelection to D.C. Council in 2020*, WASH. POST (Nov. 5, 2019), https://www.washingtonpost.com/local/dc-politics/progressive-david-grosso-will-not-seek-reelection-to-dc-council-in-2020/2019/11/05/f748daf2-0010-11ea-8bab-0fc209e065a8_story.html
- 52 See Ferit Nirappil, *D.C. Council member Jack Evans to resign over ethics violations*, WASH. POST (Jan. 10, 2020), https://www.washingtonpost.com/local/dc-politics/dc-council-to-hold-hearing-on-expelling-jack-evans-over-ethics-violations/2020/01/06/c65ea0de-30b2-11ea-a053-dc6d944ba776_story.html.
- 53 Andrew Giambrone, *Meet the Women Who Will Turn the D.C. Council Majority-Female For The First Time In Decades*, DCIST (Nov. 19, 2020), <https://dcist.com/story/20/11/19/meet-the-women-who-will-turn-the-d-c-council-majority-female-for-the-first-time-in-decades/>.
- 54 ZIP codes are among the information candidates must report about their contributors. D.C. Code § 1-1163.09(c)(2). To understand how contributions were distributed across ZIP codes, we matched the ZIP codes associated with each reported contribution to demographic and economic data from the 2019 ACS 5-year Estimates Subject Tables aggregated at the level of ZIP Code Tabulation Areas (ZCTA). See ZIP Code Tabulation Areas (ZCTAs), U.S. Census Bureau, <https://www.census.gov/programs-surveys/geography/guidance/geo-areas/zctas.html>. This analysis is limited to contributions from standard ZIP codes that serve a sizeable residential population and omits contributions from any reported ZIP code outside of D.C., that serves a P.O. Box or unique address, or that has no significant residential population.
- 55 D.C. OFFICE OF CAMPAIGN FIN., *POST-ELECTION REPORT 20-22* (Mar. 2021).
- 56 D.C. Code Mun. Regs. tit. 3, §§ 4207.1, 4208.7.
- 57 D.C. Code Mun. Regs. tit. 3, § 4300.
- 58 D.C. Code Mun. Regs. tit. 3, §§ 4212.2, 4213.
- 59 See, e.g., D.C. Code Mun. Regs. tit. 3, §§ 3709.2 (describing hearing process for violations of Fair Elections Program's disclosure requirements), 3711.4 (describing the schedule of fines for violations of the Fair Elections Program).
- 60 D.C. Office of Campaign Finance, *Post-Election Report (Part I) at 13-14* (Mar. 2021).
- 61 See D.C. Code § 1-1163.32g.
- 62 D.C. OFFICE OF CAMPAIGN FIN., *POST-ELECTION REPORT at 16-17*.
- 63 *Id.* at 17.
- 64 *Id.* at 22-23.
- 65 *Id.* at 23.
- 66 *Id.* at 23-24.
- 67 *Id.*
- 68 *Id.* at 24.
- 69 See, e.g., *Fair Elections Process*, D.C. OFFICE OF CAMPAIGN FIN. (Mar. 2021), <https://ocf.dc.gov/sites/default/files/dc/sites/ocf/publication/attachments/FE%20Process%20for%20Participants.pdf>; *Public Financing Program Training*, D.C. OFFICE OF CAMPAIGN FIN., https://ocf.dc.gov/sites/default/files/dc/sites/ocf/page_content/attachments/Public%20Finance%20%20Program_Training_.pdf.
- 70 See ARIZ. CITIZENS CLEAN ELECTIONS COMM'N, *CANDIDATE GUIDE 2020*, https://storage.googleapis.com.usgovcloudapi.net/public/docs/550-Candidate-Guide-2020_fullguide.pdf; N.Y.C. CAMPAIGN FIN. BD., *CAMPAIGN FINANCE HANDBOOK 2021 ELECTION CYCLE* (Jan. 2021), <https://www.nycfcfb.info/candidate-services/handbook/>; *Seattle Ethics & Elections Comm'n, Democracy Voucher Program 2021 Candidate Toolkit*, SEATTLE ETHICS & ELECTIONS COMM'N (Nov. 2020), http://www.seattle.gov/Documents/Departments/EthicsElections/DemocracyVoucher/DVP_Candidate_Toolkit_Final_12_09_2020.pdf; S.F. ETHICS COMM'N, *SUPPLEMENTAL GUIDE FOR PUBLIC FINANCING - CANDIDATES FOR BOARD OF SUPERVISORS (2020)*, <https://sfethics.org/wp-content/uploads/2020/03/Supplemental-Guide-for-BOS-Candidates-Final-r-1.2020.pdf>.
- 71 See NYC Votes-Contribute, <https://www.nycvotes.org/>.
- 72 See Cal. Gov't Code § 89512(i); Colo. Rev. Stat. § 1-45-103.7(6.5); Minn. Stat. § 10A.01(subd. 26); N.H. Rev. Stat. § 664:2(VIII); N.J. Stat. 19:44A-11.2(d); N.Y. Elec. Law § 14-130(3)(xi); Utah Stat. § 20-11-104(2)(n). For example, California's Political Reform Act now allows state candidates to spend campaign funds for "reasonable and necessary childcare expenses for a dependent child resulting directly from the candidate engaging in campaign activities." Cal. Gov't Code § 89512(i). California's law further defines the scope of permissible "childcare expenses" by candidates. *Id.*
- 73 See *Democracy Voucher Outreach Fund*, SEATTLE ETHICS & ELECTIONS COMM'N, <http://www.seattle.gov/democracyvoucher/info-for-organizations/democracy-voucher-outreach-fund>.
- 74 SEATTLE ETHICS & ELECTIONS COMM'N, *DEMOCRACY VOUCHER PROGRAM BIENNIAL REPORT 2019*, [https://www.seattle.gov/Documents/Departments/EthicsElections/DemocracyVoucher/2019_Biennial_Report\(0\).pdf](https://www.seattle.gov/Documents/Departments/EthicsElections/DemocracyVoucher/2019_Biennial_Report(0).pdf)
- 75 See ACS Demographic and Housing Estimates, Table DP05, [https://data.census.gov/cedsci/table?q=D P05&g=0400000US11.860000&tid=ACSDP5Y2019.DP05&hidePreview=false; Median Income in the Past 12 Months \(In 2019 Inflation-Adjusted Dollars\), Table S1903, https://data.census.gov/cedsci/table?q=ACSST1Y2019.S1903&g=0400000US11.860000&tid=ACSST5Y2019.S1903&hidePreview=true; Poverty Status in the Past 12 Months, Table S1701, https://data.census.gov/cedsci/table?q=S1701&g=0400000US11.860000&tid=ACSST5Y2019.S1701&hidePreview=true](https://data.census.gov/cedsci/table?q=D P05&g=0400000US11.860000&tid=ACSDP5Y2019.DP05&hidePreview=false; Median Income in the Past 12 Months (In 2019 Inflation-Adjusted Dollars), Table S1903, https://data.census.gov/cedsci/table?q=ACSST1Y2019.S1903&g=0400000US11.860000&tid=ACSST5Y2019.S1903&hidePreview=true; Poverty Status in the Past 12 Months, Table S1701, https://data.census.gov/cedsci/table?q=S1701&g=0400000US11.860000&tid=ACSST5Y2019.S1701&hidePreview=true).



CLC

ADVANCING
DEMOCRACY
THROUGH LAW

Campaign Legal Center
1101 14th St. NW, Suite 400
Washington, DC 20005
campaignlegal.org