

COUNCIL OF THE DISTRICT OF COLUMBIA

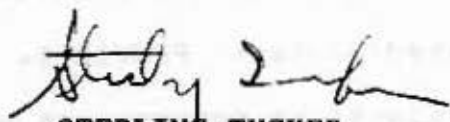
August 23, 1978

D.C LAW 2-101

"Full Political Participation Act
of 1978"

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act (PL 93-198), the Act, the Council of the District of Columbia adopted Bill No. 2-218 on first and second readings May 2, 1978, and May 16, 1978, respectively. Following the signature of the Mayor on June 15, 1978, this legislation was assigned Act No. 2-207, published in the July 14, 1978, edition of the D.C. Register, and transmitted to both Houses of Congress for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired and, therefore, cites the following legislation as D. C. Law 2-101, effective August 18, 1978.


STERLING TUCKER
Chairman of the Council

(Vol. 25, D.C. Register, 257. July 14, 1978)

D.C. LAW

2-101

TO THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 18, 1978

To amend the election and conflict of interest laws of the District of Columbia, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Full Political Participation Act of 1978".

Sec. 2. The Act entitled "An Act to regulate the election of delegates representing the District of Columbia to national political conventions, and for other purposes", approved August 12, 1955 (59 Stat. 699; D.C. Code, sec. 1-1101 et seq.), as amended, is further amended as follows:

(a) Paragraph (2) of section (1) (D.C. Code, sec. 1-1101(2)) is amended to read as follows:

"(2) Delegates to conventions and conferences of political parties including delegates to nominate candidates for the Presidency and Vice Presidency of the United States: PROVIDED, That all elections for delegates to conventions and conferences of political parties, upon the request of the said party, shall be scheduled at the same time as primary, general, or

special elections already scheduled for other purposes.".

(b) Subsection (c) of section 3 (D.C. Code, sec. 1-1103(c)) is amended to read as follows: "A member may be reappointed, and, if not reappointed, the member shall serve until his successor has been appointed and qualifies.".

(c) Subsection (c) of section 4 (D.C. Code, sec. 1-1104(c)) is amended to read as follows:

"(c)(1) Each member of the Board, excluding the Chairman, shall receive compensation at the rate of one hundred dollars (\$100) for each eight-hour period or twelve dollars and fifty cents (\$12.50) per hour, whichever provides less, while actually in the service of the Board, not to exceed the sum of twelve thousand five hundred dollars (\$12,500) per annum.

"(2) The Chairman of the Board shall receive compensation at the rate of one hundred dollars (\$100) for each eight-hour period or twelve dollars and fifty cents (\$12.50) per hour, whichever provides less, while actually in the service of the Board, not to exceed the sum of twenty-six thousand five hundred dollars (\$26,500) per annum.".

(d) Section 5 (D.C. Code, sec. 1-1105) is amended as follows:

(1) subsection (a) (D.C. Code, sec. 1-1105(a)) is amended as follows:

(A) paragraph "(13)" is amended by striking "and";

(B) paragraph "(14)" is redesignated as paragraph "(15)"; and

(C) inserting a new paragraph "(14)" to read as follows:

"(14) take reasonable steps to facilitate voting by blind, physically handicapped, and developmentally disabled persons, qualified to vote under this Act, and to authorize such persons to cast a ballot with the assistance of a person of their own choosing; and"; and

(2) subsection (e) (D.C. Code, sec. 1-1105(e)) is amended by adding immediately following "control of the Director" the following clause: "and may not be reassigned without the concurrence of the Director".

(e) Section 7 (D.C. Code, sec. 1-1107) is amended as follows:

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(1) subsection (d) (D.C. Code, sec. 1-1107(d)) is amended by striking the last sentence thereof;

(2) a new subsection is added at the end thereof to read as follows:

"(h) The Board shall cause a current copy of the list of qualified electors registered to vote to be placed in public buildings of the District of Columbia for a period of not less than fourteen (14) days preceding each election held under this Act as follows: (1) a city-wide list shall be placed in the main public library; and (2) a ward list for the ward shall be placed in every branch library located within the respective ward."

(f) Subsection (g) of section 9 (D.C. Code, sec. 1-1109(g)) is amended by striking the word "runoff".

(g) Subsection (e) of section 10 (D.C. Code, sec. 1-1110(e)) is amended by striking the phrase "the fourth Monday in January next following the date" and inserting in lieu thereof "noon of the thirtieth day after the Board of Elections and Ethics certifies the results".

(h) Subsection (b) of section 11 (D.C. Code, sec. 1-1111(b)) is amended by striking the phrase "in violation of this Act" and inserting in lieu thereof "or the willful receipt of contributions in violation of the District of

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Columbia Campaign Finance Reform and Conflict of Interest Act (D.C. Code, sec. 1-1121 et seq.),".

(i) Section 14 (D.C. Code, sec. 1-1114) is amended by striking the phrase "in violation of this Act" and inserting in lieu thereof "in violation of the District of Columbia Campaign Finance Reform and Conflict of Interest Act (D.C. Code, sec. 1-1121 et seq.)".

(j) Section 15 (D.C. Code, sec. 1-1115) is amended as follows:

(1) subsection (a) (D.C. Code, sec. 1-1115(a)) is amended by rewording the first sentence to read as follows:

"No person shall be a candidate for more than one office on the Board of Education or the Council or Mayor in any election for the members of the Board of Education or the Council or Mayor, and no person shall be a candidate for more than one office on the Council or for the Mayor in any primary election."; and

(2) subsection (b) (D.C. Code, sec. 1-1115(b)) is amended to read as follows:

"(b) Notwithstanding the provisions of paragraph (a), a person holding the office of Mayor, Delegate, Chairman or Member of the Council, or member of the Board of Education shall, while holding such office, be eligible as a candidate for any other of such

offices in any primary or general election. In the event that said person is elected in a general election to the office for which he or she is a candidate, that person shall, within 24 hours of the date that the Board of Elections and Ethics certifies said person's election, pursuant to subsection (a)(10) of section 5 of this Act (D.C. Code, sec. 1-1105(a)(10)), either resign from the office that person currently holds or shall decline to accept the office for which he or she was a candidate. In the event that said person elects to resign, said resignation shall be effective not later than 24 hours before the date upon which that person would assume the office to which he or she has been elected."

Sec. 3. The District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 447; D.C. Code, sec. 1-1121 et seq.), as amended, is further amended as follows:

(a) Section 102 (D.C. Code, sec. 1-1121) is amended as follows:

(1) subsection (a) (D.C. Code, sec. 1-1121(a)) is amended by striking the word "runoff,";

(2) subsection (f) (D.C. Code, sec. 1-1121(f)) is amended as follows:

(A) paragraph (1) (D.C. Code, sec. 1-1121(f)(1)) is amended by inserting immediately following the phrase "dues, loan" the clause "(except a loan made in the regular course of business by a business engaged in the business of making loans)";

(B) paragraph (4) (D.C. Code, sec. 1-1121(f)(4)) is amended by:

(i) inserting immediately following the phrase "compensation, by individuals" the phrase "(including accountants and attorneys)";

(ii) striking the word "or" immediately following the phrase "any candidate for office,"; and

(iii) adding the following clauses at the end thereof to read as follows:

"(F) services of an informational or polling nature, and related thereto, designed to seek the opinion(s) of voters concerning the possible candidacy of qualified electors for public office, prior to such qualified elector's becoming a candidate as provided in this Act,

(G) the use of real or personal property, and the costs of

invitations, food and beverages voluntarily provided by an individual to a candidate in rendering voluntary personal services on the individual's residential premises for related activities, or (H) the sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge if such charge for use in a candidate's campaign is at least equal to the cost of such food or beverage to the vendor; to the extent that the provisions of (G) and (H) do not exceed \$500 each with respect to any candidate's election.";

(3) paragraph (4) of subsection (g) (D.C. Code, sec. 1-1121(g)(4)) is amended by adding the following clause at the end thereof:

"or the use of real or personal property and the cost of any food or beverage voluntarily provided by an individual to a candidate in

rendering voluntary personal services on the individual's residential premises for candidate related activity if the cumulative value of such activities by such individual on behalf of any candidate do not exceed \$500 with respect to any election."; and

(4) subsection (h) (D.C. Code, sec. 1-1121(h)) is amended by striking the word "association,".

(b) Section 203 (D.C. Code, sec. 1-1133) is amended as follows:

(1) subsection (a) (D. C. Code, sec. 1-1133(a)) is amended by:

(A) striking the words "national bank" and inserting in lieu thereof the phrase "one or more national banks";

(B) inserting the words "or depositories" immediately following the word "depository" wherever it appears in the subsection; and

(C) inserting the words "or accounts" immediately following the word "account"; and

(2) subsection (b) (D.C. Code, sec. 1-1133(b)) is amended by striking the phrase "maintained at the campaign depository of such political committee or candidate" and inserting in lieu thereof "or accounts maintained at a

campaign depository of such political committee or candidate".

(c) Paragraph (9) of subsection (b) of section 204 (D.C. Code, sec. 1-1134(b)(9)) is amended by:

(1) inserting the words "or banks" immediately following the word "bank"; and

(2) inserting the words "or depositories" immediately following the word "depository" wherever it appears in the paragraph.

(d) Subsection (b) of section 205 (D.C. Code, sec. 1-1135(b)) is amended by inserting the words "or depositories" immediately following the word "depository" wherever it appears in the subsection.

(e) Section 206 (D.C. Code, sec. 1-1136) is amended as follows:

(1) subsection (a) (D.C. Code, sec. 1-1136(a)) is amended by striking the phrase "fifteenth and fifth days" and inserting in lieu thereof "eighth day"; and

(2) subsection (d) (D.C. Code, sec. 1-1136(d)) is repealed.

(f) Subsection (a) of section 208 (D.C. Code, sec. 1-1138(a)) is amended by striking the clause ", taken before any officer authorized to administer oaths".

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(g) Section 211 (D.C. Code, sec. 1-1141) is amended to read as follows:

"No provision of this Act shall be construed as creating liability on the part of any candidate for any financial obligation incurred by a political committee. For the purposes of this Act, and the Act to regulate the election of delegates representing the District of Columbia to national political conventions, and for other purposes, approved August 12, 1955 (69 Stat. 699; D.C. Code, sec. 1-1101 et seq.), actions of an agent acting for a candidate shall be imputed to the candidate: PROVIDED, However, That the actions of such agent may not be imputed to the candidate in the presence of a provision of law requiring a willful and knowing violation of the Acts, unless the agency relationship to engage in such an act is shown by clear and convincing evidence."

(h) Subsection (c) of section 301 (D.C. Code, sec. 1-1151(c)) is amended by:

(1) striking out the phrase "In any appropriate case where the Board upon its own motion or upon recommendation of the Director makes a finding of an apparent violation of this chapter," and inserting in

lieu thereof the following "Where the Board, following the presentation by the Director of evidence constituting an apparent violation of this Act, makes a finding of an apparent violation of this Act,"; and

(2) adding the following sentence at the end of the subsection to read as follows:

"The Director shall have no authority concerning the enforcement of provisions of the Act to regulate the election of delegates representing the District of Columbia to national political conventions, and for other purposes (D.C. Code, sec. 1-1101 et seq.), and recommendations of criminal or civil, or both, violations under that Act shall be presented by the General Counsel to the Board in accordance with the rules and regulations of general application adopted by the Board in accordance with the provisions of the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1-1501 et seq.). Upon the direction of the Board, the Director may be called upon to investigate allegations of violations of the elections laws in accord with the provisions of this subsection."

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(i) Section 302 (D.C. Code, sec. 1-1152) is amended as follows:

(1) subsection (a) (D.C. Code, sec. 1-1152(a)) is amended by (A) deleting "and" at the end of paragraph (5); (B) deleting "." at the end of paragraph (6) and inserting in lieu thereof ";"; and (C) adding a new subsection to read as follows:

"(7) to institute or conduct, on his or her own motion, an informal hearing on alleged violations of the reporting requirements contained in this Act. Where the Director, in his or her discretion, determines that such violation has occurred, the Director may issue an order to the offending party or parties to cease and desist such violations within the five (5) day period immediately following the issuance of such order. Should the offending party or parties fail to comply with said order, the Director shall present evidence of such failure to the Board. Following the presentation of said evidence to the Board by the Director, in an adversary proceeding and an open hearing, the Board may refer such matter to the United States Attorney for the

District of Columbia in accordance with the provisions of section 301(c) of this Act (D.C. Code, sec. 1-1151(c)) or may dismiss the action."; and

(2) adding a new subsection "(c)" to read as follows:

"(c) All investigations of alleged violations of this Act shall be made by the Director in his or her discretion, in accordance with procedures of general applicability issued by the Director in accordance with the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1-1501 et seq.). All allegations of violations of this Act which shall be presented to the Board in writing, shall be transmitted to the Director without action by the Board. In a reasonable time, the Director shall cause evidence concerning the alleged violation of this Act to be presented to the Board, if he or she believes that sufficient evidence exists constituting an apparent violation of this Act. Following the presentation of such evidence to the Board by the Director, in an adversary proceeding and

an open hearing, the Board may refer such matter to the United States Attorney for the District of Columbia in accordance with the provisions of section 301(c) of this Act (D.C. Code, sec. 1-1151(c)), or may dismiss the action. In no case may the Board refer information concerning an alleged violation of this Act to the United States Attorney for the District of Columbia without the presentation herein provided by the Director. Should the Director fail to present a matter or advise the Board that insufficient evidence exists to present such a matter, or that an additional period of time is needed to investigate the matter further, within ninety (90) days of its receipt by the Board or the Director, the Board may order the Director to present the matter as herein provided. The provisions of this subsection shall in no manner limit the authority of the United States Attorney for the District of Columbia."

(j) Section 306 (D.C. Code, sec. 1-1156) is amended as follows:

(1) subsection (b) (D.C. Code, sec. 1-1156(b)) is amended by designating paragraph "(3)" as "(4)" and inserting a new paragraph "(3)" to read as follows:

"(3) Notwithstanding the provisions of paragraph (2) of this subsection, the Board may issue a schedule of fines for violations of this Act, which may be imposed ministerially by the Director. A civil penalty imposed under the authority of this paragraph may be reviewed by the Board in accordance with the provisions of paragraph (2). The aggregate set of penalties imposed under the authority of this paragraph may not exceed \$500."; and

(2) subsection (c) (D.C. Code, sec. 1-1156(c)) is amended by:

(A) striking the phrase "through its General Counsel";

(B) inserting the following sentences immediately following the phrase "the Board has primary jurisdiction.":

"The Board shall publish a concise statement of each request for an advisory opinion, without identifying the person seeking such

opinion, in the District of Columbia Register within twenty (20) days of its receipt by the Board. Comments upon such requested opinions shall be received by the Board for a period of at least fifteen (15) days following publication in the District of Columbia Register. The Board may waive the advance notice and public comment provisions, following a finding that the issuance of such advisory opinion constitutes an emergency necessary for the immediate preservation of the public peace, health, safety, welfare or morals."; and

(C) adding the following sentence at the end of the subsection to read as follows:

"When issued according to rules of the Board, an advisory opinion shall be deemed to be an order of the Board, reviewable in the Superior Court of the District of Columbia by any interested person adversely affected thereby."

(k) Section 401 (D.C. Code, sec. 1-1161) is amended as follows:

(1) subsection (a) (D.C. Code, sec. 1-1161(a)) is repealed;

(2) subsection (b) (D.C. Code, sec. 1-1161(b)) is amended by striking the phrases "(other than an individual with respect to whom subsection (a) applies)"; "(other than such an individual)"; "and in the case of a runoff election, an additional \$400"; and ", and in the case of a runoff election, an additional \$200"; and

(3) subsection (c) (D.C. Code, sec. 1-1161(c)) is amended by:

(A) striking the word "individual" and inserting in lieu thereof the word "person";

(B) inserting immediately following "election" the phrase "for the Mayor, the Chairman of the Council, each member of the Council, and each member of the Board of Education (including primary, general, and special elections as appropriate)"; and

(C) striking the figure "\$2,000" and inserting in lieu thereof "\$4,000".

(1) Section 501 (D.C. Code, sec. 1-1171) is amended as follows:

(1) subsection (a) (D.C. Code, sec. 1-1171(a)) is amended by:

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(A) striking the phrase "to promulgate an issuance within the Administrative Issuance System (except individual personnel matters)."; and

(B) striking the words "to undertake" and inserting in lieu thereof the phrase "to cause to be undertaken";

(2) subsection (b) (D.C. Code, sec. 1-1171(b)) is amended to read as follows:

"(b) The term 'compensation' means any money or an exchange of value received, regardless of its form, by a person acting as a lobbyist.";

(3) subparagraph (E) of paragraph (2) of subsection (f) (D.C. Code, sec. 1-1171(f)(2)(E)) is amended by inserting immediately following the words "general circulation" the phrase "or a publication whose primary audience is the organization's membership";

(4) subsection (h) (88 Stat. 462; D.C. Code, sec. 1-1171(h)) is amended by striking out "1-1182(b)(2)(A)" and inserting "1-1182(b)(1)" in lieu thereof;

(5) subsection (i) (88 Stat. 462; D.C. Code, sec. 1-1171(i)) is amended by:

(A) striking out "GS-15" and inserting "GS-13" in lieu thereof; and

(B) striking out "1-1182(b)(2)(A)" and inserting "1-1182(b)(1)" in lieu thereof; and

(6) adding new definitions thereto in the appropriate alphabetical sequence to read as follows:

"The term 'registrant' means a person who is required to register as a lobbyist under the provisions of section 502 of this Act (D.C. Code, sec. 1-1172).

"The term 'expenditure' means any money or an exchange of value regardless of its form."

(m) Section 502 (D.C. Code, sec. 1-1172) is amended to read as follows:

"Except as provided in section 503 of this Act (D.C. Code, sec. 1-1173), a person shall register with the Director pursuant to section 504 of this Act (D.C. Code, sec. 1-1174) if such person receives compensation or expends funds in an amount of \$250 or more in any three consecutive calendar month period for lobbying. A person who receives compensation from more than one source shall register under this section if such person receives an aggregate amount of \$250 or more in any three

consecutive calendar month period for
lobbying.".

(n) Section 503 (D.C. Code, sec. 1-1173) is amended by adding the following at the end thereof to read as follows:

"(d) any entity specified in section 1 of title I of the 'District of Columbia Income and Franchise Tax Act of 1947', approved July 16, 1947 (61 Stat. 334; D.C. Code, sec. 47-1554(d)), no activities of which include lobbying, the result of which shall inure to the financial gain or benefit of the entity.

Any person who is exempt from registration under any provision of this section, except a person exempt from registration under the provisions of subsection (a) of this section, may be a registrant for other purposes under this Act: PROVIDED, However, That no such activity engaged in by such person shall constitute a conflict of interest under the provisions of title VI of this Act (D.C. Code, sec. 1-1181 et seq.). Registrants have no obligation to report activities in furtherance of exempt activities under this section in activity reports required under section 505 of this Act (D.C. Code, sec. 1-1175).".

(o) Paragraph (E) of subsection (a) of section 505 (D.C. Code, sec. 1-1175(a)(E)) is amended by striking the phrase "and the nature of the communication".

(p) Section 506 (D.C. Code, sec. 1-1176) is amended as follows:

(1) subsection (a) (D.C. Code, sec. 1-1176(a)) is amended by adding the following sentence at the end thereof:

"This section shall not be construed to restrict in any manner contributions authorized in sections 401 and 402 of this Act (D.C. Code, secs. 1-1161 and 1-1162)."; and

(2) subsection (e) (D.C. Code, sec. 1-1176(e)) is amended by adding the following clause at the end thereof:", except as provided in section 503 of this Act (D.C. Code, sec. 1-1173)."

(q) Section 601 (D.C. Code, sec. 1-1181) is amended as follows:

(1) subsection (b) (D.C. Code, sec. 1-1181(b)) is amended by adding the following at the end thereof:

"This subsection shall not affect a vote by a public official (1) on any matter which affects a class of persons (such a class shall include no less than fifty persons) of which such public official is a member if the financial gain to be realized is de minimus; or (2) on any matter relating to such public official's compensation as authorized by law; or (3) regarding any elections law. If an action is taken by any department, agency, board or commission of the District of Columbia, except by the Council of the District

of Columbia, in violation of this section, such action may be set aside and declared void and of no effect, upon a proper order of a court of competent jurisdiction."; and

(2) subsection (h) (D.C. Code, sec. 1-1181(h)) is amended by adding the following clause between the word "capacity" and the "." (period) at the end of the subsection:

"or to the appearance by a member of the Council (not the Chairman) licensed to practice law in the District of Columbia, before any court or non-District of Columbia regulatory agency in any matter which does not affect his or her official position.";

(3) paragraph (1) of subsection (i) (D.C. Code, sec. 1-1181(i)(1)) is amended as follows:

(A) by redesignating "(D)" as "(E)" and inserting after item "(C)" the following clause:

"(D) a member of the Zoning Commission or the Board of Zoning Adjustment;" and

(B) by adding the following clause at the end thereof:

"(F) and each member of a board or commission who makes field decisions as provided in paragraph (1) of subsection (b) of section 602 (D.C. Code, sec. 1-1182 (b)(1)).".

(r) Section 602 (D.C. Code, sec. 1-1182) is amended as follows:

(1) subsection (a) (D.C. Code, sec. 1-1182 (a)) is amended by striking all that follows the words "Reorganization Act," and inserting the following in lieu thereof "the President and each member of the Board of Education, and the head of each independent and subordinate agency of the District of Columbia government, and each person paid from funds appropriated to the Office of the Mayor or to the Council of District of Columbia who occupies a position which is classified as a GS-13 or higher in the General Schedule under section 5332 of Title 5 of the United States Code, and the City Administrator, and the General Counsel to the District of Columbia Board of Elections and Ethics, and the Director of Campaign Finance of the District of Columbia Board of Elections and Ethics, and the People's Counsel of the District of Columbia, and the Auditor of the District of Columbia, and each member of a board or commission who makes field decisions as provided in subsection (b)(1) of this section regardless of compensation, shall file annually, with the Board a report containing a full and complete statement of--

"(1) the name of each business entity (including sole proprietorships, partnerships and

corporations) transacting any business with the District of Columbia government (including any of its agencies, departments, boards, commissions, or educational bodies) in which such person (or his or her spouse, if property is jointly titled)--

"(A) has a beneficial interest (including those held in such person's own name, in trust, or in the name of a nominee) exceeding in the aggregate \$1,000:

PROVIDED, However, if such interest consists of corporate stocks which are registered and traded upon a recognized national exchange, such aggregate value must exceed \$5000; or

"(B) earns income for services rendered during a calendar year in excess of \$1,000; or

"(C) serves as an officer, director, partner, employee or in any other fiduciary capacity;

"(2) any outstanding individual liability in excess of \$1,000 for borrowing by such person or his or her spouse if such liability is joint, from anyone other than a

federal or state insured or regulated financial institution or a member of such person's immediate family;

"(3) all real property located in the District of Columbia (and its actual location) in which such person or his or her spouse if such property is jointly titled, has an interest with a fair market value in excess of \$5,000: PROVIDED, However, That this provision shall not apply to personal residences actually occupied by such person or his or her spouse;

"(4) all professional or occupational licenses issued by the District of Columbia government held by such person;

"(5) all gifts received in an aggregate value of \$100 in a calendar year by such person from any business entity (including sole proprietorships, partnerships, and corporations) transacting any business with the District of Columbia government (including any of its agencies, departments, boards, commissions, or educational bodies); and

"(6) an affidavit stating that the subject candidate or office holder has not caused title to property to be placed in another person or entity for purposes of avoiding the disclosure requirements of this subsection.

For the purpose of this subsection, the words "immediate family" shall have the same meaning as in section 601 of this Act (D.C. Code, sec. 1-1181). The Board may by rule, provide forms for the submission of the statement required by this subsection in aggregate categories. Information supplied pursuant to this subsection shall be modified by the filer within thirty (30) days of any changes therein, and failure to inform the Board of such modifications, is deemed to be a willful violation of this filing requirement. The Board may, on a case by case basis, provide for certain exemptions to this filing requirement which are deemed to be de minimus by the Board.";

(2) subsection (b) (D.C. Code, sec. 1-1182(b)) is amended as follows:

(A) paragraph (1) (D.C. Code, sec. 1-1182(b)(1)) is repealed;

(B) paragraph (2) (D.C. Code, sec. 1-1182(b)(2)) is amended by:

(i) striking the phrase "Confidential Financial Statement" and inserting in lieu thereof the phrase "Financial Statement as required by this section";

(ii) in subparagraph (A) adding immediately following the word "auditing," the phrase "or affecting the legislative process,";

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(iii) in subparagraph (A) striking the phrase "in paragraph (1) of this subsection" and inserting in lieu thereof the phrase "in subsection (b) of this section";

(iv) in subparagraph (A) striking the words "subsection, within" and inserting in lieu thereof the words "section, within";

(v) in subparagraph (A) striking the word "paragraph" and inserting in lieu thereof the word "subsection";

(vi) striking out the entire subparagraph (B);

(vii) redesignating paragraph "(2)(A)" as paragraph "(1)"; and

(viii) adding a new paragraph "(2)" to read as follows:

"(2) An individual or class of individuals may be exempted from the filing requirements of subsection (a) of this section only upon a determination by the Board that the duties of the individual or class of individuals do not involve decisions in areas specified in

paragraph (1) of this subsection (b).";
and

(C) paragraph (3) (D.C. Code, sec. 1-1182(b)(3)) is amended by striking the phrase "Confidential Personal Financial Disclosure Statement" and inserting in lieu thereof "Financial Statement as required by this section"; and

(3) subsection (d) (D.C. Code, sec. 1-1182(d)) is amended by:

(A) inserting "(1)" immediately following "(d)"; and

(B) by adding a new paragraph "(2)" to read as follows:

"(2) Any report required to be filed with the Director from an employee who is no longer covered under the provisions of this Act on September 1, 1978, shall be returned to such employee or his or her representative on or before January 1, 1979: PROVIDED, However, That should the Director certify that any routine audit or an investigation concerning compliance with the provisions of this Act is currently underway, such reports shall not be returned to such employees, except as otherwise provided in this section."

(s) Section 701 (D.C. Code, sec. 1-1191) is amended by adding a new subsection to read as follows:

"(f) All actions of the Board or of the United States Attorney for the District of Columbia to enforce the provisions of this Act must be initiated within three (3) years of the actual occurrence of the alleged violation of the Act."

Sec. 4. Section 2 of the Act entitled "An Act to fix and regulate the salaries of teachers, school officers and other employees of the board of education of the District of Columbia", approved June 20, 1906 (34 Stat. 316; D.C. Code, sec. 31-101(b)(3)) is amended by striking the phrase "including any runoff election."

Sec. 5. Should a court declare any provision of this act to be beyond the authority of the Council of the District of Columbia or unconstitutional in any part, such court shall declare such provision to be severed and of no effect.

Sec. 6. This act shall take effect as provided for acts of the Council in section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act:

PROVIDED, However, That the amendments effected by sections 2(j)(2), 3(a), (b), (c), (d), (e), (f), (g), (k), (l), (m),

(n), (o), (p), (q), and (s) of this act shall not become effective until January 2, 1979.

RECORD OF OFFICIAL COUNCIL ACTION

Docket No: Bill No. 2-218

First Reading Action: 5-2-78

VOICE VOTE: _____

Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
TUCKER	X				MASON	X				SPAULDING	X			
HARDY	X				MOORE, D.	X				WILSON	X			
BARRY	X				MOORE, J.	X				WINTER	X			
CLARKE			X		ROLARK			X						
DIXON	X				SHACKLETON	X								

X—Indicates Vote A. B.—Absent N. V.—Not Voting

Robert Williams

Secretary to the Council

Amended First Reading Action: _____

VOICE VOTE: _____

Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLARK									
DIXON					SHACKLETON									

X—Indicates Vote A. B.—Absent N. V.—Not Voting

Secretary to the Council

Final Reading or Emergency Action: 5-16-78

VOICE VOTE: Adopted by Majority (Voted present: Rolark, D Moore, Clarke)
(all present)

Robert Williams

Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLARK									
DIXON					SHACKLETON									

X—Indicates Vote A. B.—Absent N. V.—Not Voting

Secretary to the Council

RECORD OF OFFICIAL COUNCIL ACTION (Page 2)

Docket No: Bill No. 2-218

Presented to the Mayor: JUN 1 1978

Robert Williams
Secretary to the Council

Action of the Mayor: 15 JUN 1978

- Approved; Disapproved;
 Disapproved in part --*Reference Document:
 *Budget Actions.

Acton Washington 15 JUN 1978
Mayor of the District of Columbia

Returned Without Action

----- Executive Secretary, D. C.

Enacted without Mayor's Signature _____

----- Secretary to the Council

Council Reenactment: _____

VOICE VOTE: _____

----- Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLARK									
DIXON					SHACKLETON									

I—Indicates Vote A. B.—Absent N. V.—Not Voting

----- Secretary to the Council

Presented to the President: _____

----- Secretary to the Council

Action of the President: _____

- Reenactment Approved
 Mayor's Veto Sustained

----- President of the U. S.

Submitted to the Congress: _____

----- Secretary to the Council

Senate Action: _____
 Resolution Number: _____

House Action: _____
 Resolution Number: _____

Secretary of the Senate

----- Clerk of the House

Enacted Without Congressional Action: _____

D. C. Law No. _____ Effective Date _____

----- Secretary to the Council