Fair Elections Program Amplifies "Voices of Everyday Voters"

August 2, 2021

A report by Fors Marsh Group LLC for the Office of the District of Columbia Auditor

Audit Team
Fors Marsh Group LLC

Office of the District of Columbia Auditor

Kathleen Patterson, District of Columbia Auditor
www.dcauditor.org

August 2, 2021

The Hon. Muriel Bowser
Mayor of the District of Columbia
The John A. Wilson Building
Washington, DC 20004

The Hon. Phil Mendelson
Chairman, Council of the District of Columbia
The John A. Wilson Building
Washington, DC 20004

Dear Mayor Bowser and Chairman Mendelson:

I am pleased to share this report, Fair Elections Program Amplifies "Voices of Everyday Voters," the first of three reports evaluating the 2020 elections in the District of Columbia. The report by the Fors Marsh Group (FMG) assesses the implementation of the Fair Elections Program including the extent to which the goals were met and the performance of the Office of Campaign Finance. The program was authorized in 2018 to "strengthen the District's democracy, amplify the voices of everyday voters" and curb "the outsized influence of wealthy and corporate contributors in District elections" through public financing of campaigns.

The FMG elections research team is completing a second study that evaluates the overall administration of elections in 2020, looking at the use of mail ballots, early voting, and production of final results during the pandemic year. A third report, to be undertaken by members of the ODCA staff, is an audit of the use of funds in the Fair Elections Program.

We appreciate the cooperation of the Office of Campaign Finance and the D.C. Board of Elections as well as the many candidates, campaign staff members, and other community stakeholders who shared their views on the Fair Elections Program and the conduct of the 2020 elections. We are grateful for the expertise on elections demonstrated by the FMG team. And we hope the findings and recommendations in this series of reports will assist District policymakers in continuing to improve access to elections and the overall experience of voters as they meet the critical responsibility of the democratic process.

Sincerely yours,

Kathy Patterson

Kathleen Patterson
District of Columbia Auditor

cc: D.C. Councilmembers

REPORT

District of Columbia Fair Elections Program

August 2, 2021

FORS|MARSH GROUP

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EXECUTIVE SUMMARY

The Office of the District of Columbia Auditor (ODCA) partnered with Fors Marsh Group (FMG) to conduct an assessment of the initial implementation of the District's Fair Elections Program (FEP) during the 2020 election cycle. FMG conducted a quantitative analysis of contribution and other data, as well as in-depth interviews (IDI) with candidates and staff at the Office of Campaign Finance (OCF), to determine how well FEP met its intended goals, which included:

- Increasing candidate participation.
- Increasing citizen engagement and donor diversity.
- Amplifying small donors.
- Stimulating civic participation.
- Reducing the importance of fundraising in District elections.

This report finds that despite an unusual election year due to the COVID-19 pandemic, and challenges associated with starting up any new program, FEP was indeed associated—at least after its first implementation cycle—with a positive impact on all of its goals. According to the Council of the District of Columbia (the Council), Committee on the Judiciary and Public Safety committee report,[1] "The purpose of [the Fair Elections Act] is to strengthen the District's democracy, amplify the voices of everyday voters, and reign [sic] in the outsized influence of wealthy and corporate contributors in District elections."

To qualify for FEP financing, participating candidates must agree to a lower contribution limit for individuals, a total ban on corporate and political action committee (PAC) contributions, restrictions on the amount candidates and their immediate family may contribute to their campaign, and to participation in candidate debates. In doing so, the program aimed to:

- Provide an incentive for more candidates to compete in the electoral process and engage with everyday citizens and their neighbors to seek financial support instead of relying on large contributions from special interests.
- Amplify the voices of residents by matching qualified small dollar contributions at a 5:1 ratio.
- Encourage greater civic participation in the electoral process by the small donor.
- Free candidates from the rigors of fundraising to communicate more with their constituents.

That said, the assessment also identified a few questions that the District may want to consider, including:

- How can FEP processes and procedures, specifically around reporting contributions, be streamlined?
- What opportunities are there to market FEP more broadly, especially to first-time candidates?
- What resources are available to increase OCF's capacity to implement FEP?

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[1] Committee on the Judiciary and Public Safety. (2017). Report on B22-0192, The Fair Elections Amendment Act of 2017. https://lims.dccouncil.us/downloads/LIMS/37693/Committee_Report/B22-0192-CommitteeReport1.pdf

FEP BACKGROUND

Passage

On May 5, 2018, the District of Columbia amended its campaign finance laws with the enactment of the Fair Elections Amendment Act of 2018. The law created a voluntary system of public campaign financing, known as the Fair Elections Program, or FEP, for District elections.

As enacted, the program aims to:

- Encourage candidate participation in elections.
- Amplify the voices of residents using a system of matching funds.
- Stimulate greater civic participation from small donors.[2]

FEP allows participating candidates to receive public funding in the form of "base amount payments" and a 5:1 match on Qualified Small Dollar Contributions (QSDC) from District residents. QSDCs must come from individuals and may not exceed the amounts shown in Figure 1 below. Candidates participating in FEP must agree to not accept donations from businesses, corporations, and PACS; limit self-contributions and contributions from immediate family members; and participate in candidate debates.

Figure 1: Contribution Limits for FEP Participants

Office	Contribution Limit
Mayor	$200
Attorney General	$200
Council Chairman	$200
At-Large Councilmember	$100
Ward Councilmember & At-Large State Board of Education Member	$50
Ward State Board of Education Member	$20

To qualify for FEP participation, candidates must obtain a required number of QSDCs meeting the thresholds shown in Figure 2. The amount of matching funds that candidates may receive is limited to 110% of the average expenditures of all winning candidates for the office sought in the last two elections.

[2] DC Office of Campaign Finance, "Public Financing Program," https://ocf.dc.gov/sites/default/files/dc/sites/ocf/publication/attachments/Fact%20Sheet%20for%20FEP%20Program%202022%20Election%205-21-2021.pdf

Figure 2: Qualifications for Participation in FEP

Office	Minimum Amount	Number of QSDCs
Mayor	$40,000	1,000
Attorney General	$20,000	500
Council Chairman	$15,000	300
At-Large Councilmember	$12,000	250
Ward Councilmember & At-Large State Board of Education Member	$5,000	150
Ward State Board of Education Member	$1,000	50

Policy Goals

The Council was clear in its desire to use public campaign financing to reshape the playing field for District elections, saying this about the bill that ultimately became the FEP:[3]

> The purpose of B22-0192 is to strengthen the District's democracy, amplify the voices of everyday voters, and reign in the outsized influence of wealthy and corporate contributors in District elections. The Committee Print amends the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.*), to establish a voluntary Fair Elections Program (the "Program") within the Office of Campaign Finance ("OCF"), which will provide public funding to qualified "participating candidates" through base grants and matching payments received for "qualified small-dollar contributions" ("QSDCs"). To participate in the Program, candidates must forgo campaign contributions from corporations and traditional political action committees and instead solicit small-dollar contributions from individual District residents. The Program, thus, incentivizes candidates to focus their time on connecting and engaging with a wide-range of constituents rather than targeting a smaller number of wealthy and corporate contributors.[1] This, in turn, creates the opportunity for more diverse voices to be heard. The Program created in the Committee Print ultimately strives to usher in truly representative and inclusive District elections.

These goals—participation, small dollar contributions, donor diversity, reducing fundraising time, and increased competitiveness—track with similar efforts nationwide. Across the United States, nearly 50 cities, counties, and states—as well as the federal government in presidential elections—have implemented some version of public financing for elections. There are multiple forms of public financing programs, including matching, clean elections,[4] tax benefits, vouchers, and hybrid systems. These programs generally aim to create a more representative group of donors, reduce the dependence of candidates on large and corporate donors, and foster increased communication between elected officials and the communities they represent. Other reforms, such as ranked-choice voting, can accompany public financing of elections in an effort to improve the electoral process.

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[3] Committee on the Judiciary and Public Safety. (2017). Report on B22-0192, The Fair Elections Amendment Act of 2017. https://lims.dccouncil.us/downloads/LIMS/37693/Committee_Report/B22-0192-CommitteeReport1.pdf

[4] Clean Elections are a type of public campaign financing where candidates must collect small contributions from a number of citizens to demonstrate support. The candidate then receives a sum of money equal to the set expenditure limit, while agreeing to take no new contributions.

We first assess here how well the FEP has succeeded in meeting these goals before turning to a detailed comparative analysis of different jurisdictions' programs and best practices later in this report.

QUANTITATIVE ANALYSIS

FMG used a variety of quantitative analysis methods to measure how well the FEP met the Council's goals to "amplify the voices of everyday voters and reign [sic] in the outsized influence of wealthy and corporate contributors in District elections."[5]

Methodology

The quantitative analysis sought to understand the impact of the FEP on the number and types of candidates running for public office, the dynamics of campaign finance, including the total amount of funds candidates received from various sources, and the extent to which the FEP increases both the financial and the electoral competitiveness of District elections.

To assess these factors, FMG collected and analyzed data from several sources. Transactional data about contributions made to each campaign from 2012 to 2020 were obtained from OCF. Data on contributions for the 2020 election used in the analysis is current as of March 2, 2021. OCF also provided data on candidates participating in the FEP and their funding sources, including the amount of public funds each candidate received. Data on candidates that qualified for the ballot in races, including primary and general elections during the regular election cycle as well as special elections, were obtained from the District of Columbia Board of Elections (DCBOE). Election results data, including the number of votes cast in each race, as well as the number of votes won by each candidate, were also obtained from DCBOE.

Unless otherwise specified, analysis presented here is limited to candidates who qualified for the ballot and received at least one vote in the primary or general elections for D.C. Councilmember or a Board of Education seat between 2012 and 2020. Where relevant, these races are further broken down into At-Large versus Ward races.

The reason that primary candidates are included in these analyses is that in many cases, primary races are more competitive in the District than are the subsequent general races. The Democratic Ward primaries for the Council, for example, are often very competitive and have multiple candidates who receive votes. The winning candidate in these Democratic primaries usually go on to win the general election with a wide margin of victory.

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[5] Committee on the Judiciary and Public Safety. (2017). Report on B22-0192, The Fair Elections Amendment Act of 2017, p.2 https://lims.dccouncil.us/downloads/LIMS/37693/Committee_Report/B22-0192-CommitteeReport1.pdf

Finally, campaign funding can be obtained through several methods and this report sometimes will break down different types of contributions. The following should serve as a glossary of the terms used throughout the analysis:

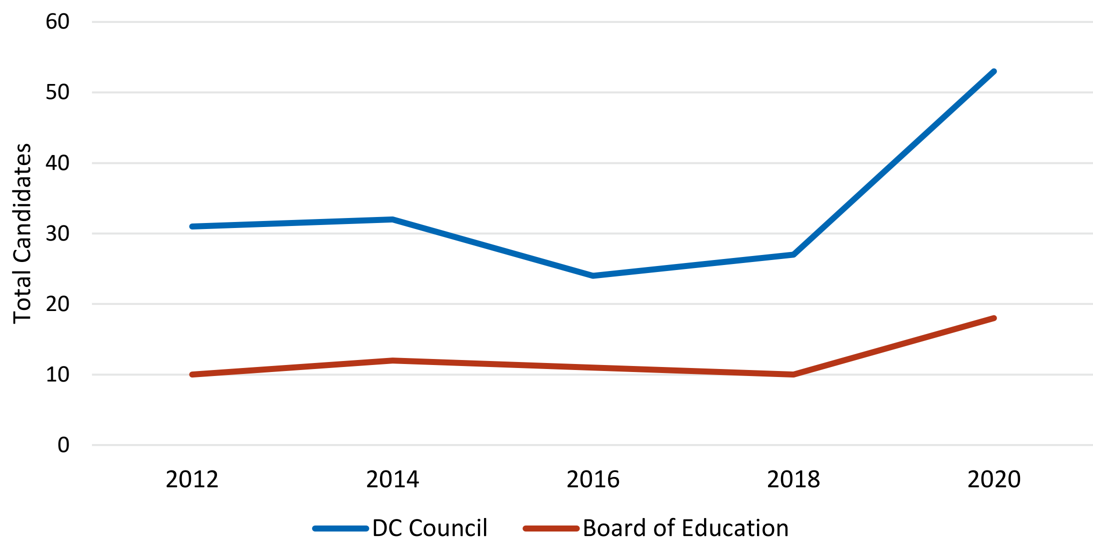
- Total Funds: The total amount of money obtained by a campaign independently of the source.
    - Private Funds: Money received by a campaign from private entities. These funds can further be broken down to the following:
        - Personal Contributions: Contributions made by the candidate or their immediate family members to the candidate's campaign.
        - Individual Contributions: Contributions made by individuals to a candidate's campaign.
        - Corporate Contributions: Contributions from corporations.
        - Other Contributions: Contributions from labor unions, PACs, nonprofit organizations, and other groups.
    - Public Funds: Funds provided by the FEP that can be broken down into the following:
        - Base Payments: Amounts paid by the FEP in contested elections to certified participating candidates to help start up their campaigns.
        - Matching Payments: Amounts paid in a 5:1 ratio to those Qualifying Small Dollar Contributions for FEP-certified candidates.

Results

Candidate Participation

From 2012 to 2020 there was an increase of 31 candidates seeking elected office in the District. As shown in Figure 3, between 2012 and 2018, the overall number of candidates who qualified for either the primary or general election ballot in races for D.C. Council or the Board of Education remained relatively unchanged: there were 44 candidates in 2014 and 35 candidates in 2016. In previous election cycles, the number of candidates in races for D.C. Council seats ranged from 24 candidates in 2016 to 32 candidates in 2014. In 2020, however, 53 candidates were on the ballot in D.C. Council races.

Figure 3: Number of Candidates on Ballot by Election Year[6]



The largest increase was in the number of candidates running for At-Large seats for the D.C. Council and the Board of Education. Among D.C. Council races, although the number of candidates for D.C. Council Ward seats increased in 2020, the rise was not as pronounced as the increase of candidates for the At-Large D.C. Council races (from 10 At-Large candidates in 2012 to 24 in 2020). The number of candidates running for the Board of Education At-Large seat also increased from 2012 to 2020 (from two to six), although no such increase was observed among the number of candidates running for Ward seats on the Board of Education.[7]

Of course, there are several factors that might have contributed to the increase in the number of total candidates in 2020. Increased interest and mobilization efforts during presidential election years might have encouraged greater candidate participation. However, there were not parallel spikes in the number of District candidates during the 2012 or 2016 election cycles, when candidate participation was similar to that observed during both the 2014 and 2018 midterm/mayoral elections. Increased candidate participation in 2020, therefore, cannot be wholly attributed to mobilization associated with the presidential election.

Candidates participating in the FEP account for much of the difference in the number of candidates in 2020 versus during prior election cycles. As shown in Figure 3 above, in 2012, 41 candidates made it to the ballot for either D.C. Council or the Board of Education, with similar numbers of candidates seen in 2014 (44), 2016 (35), and 2018 (37). Thirty-three (33) candidates ran comparable, non-FEP campaigns in the 2020 election (see Figure 4).

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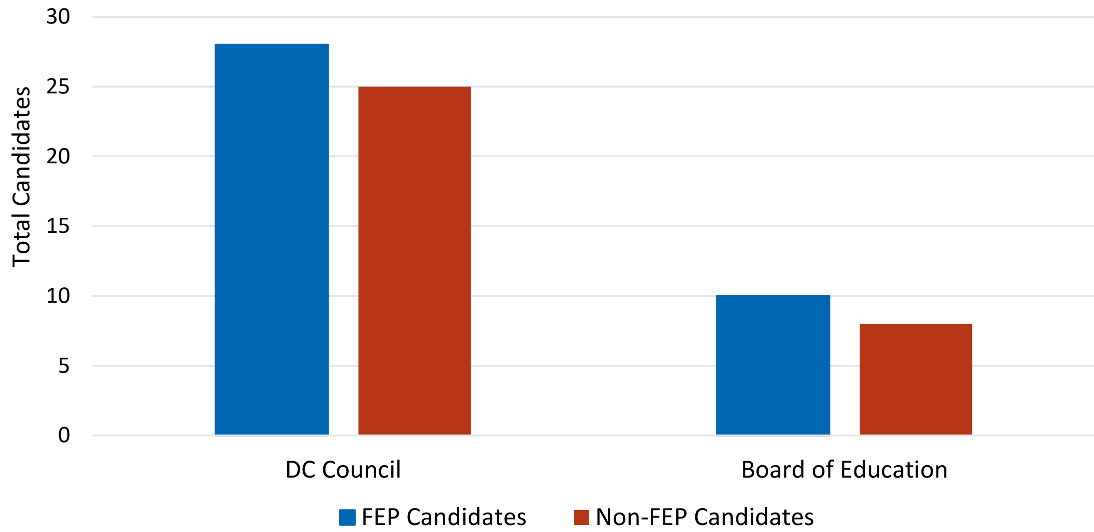
[6] Candidates on ballot includes candidates that were on the ballot in the primary and/or general election.
[7] A detailed table showing the number of candidates by contest and election year can be found in Appendix A.

Figure 4: Number of Candidates on the 2020 Ballot by FEP Status[8]



Not only did FEP candidates outnumber non-FEP candidates, but they also enjoyed greater electoral success than their non-FEP competitors, ultimately winning three of the six D.C. Council races and four of the five Board of Education races on the ballot during the 2020 election cycle.[9]

Another factor that may have played a role in attracting more candidates for D.C. offices in 2020 was the high number of open seats available. Historically, races for open seats attract greater candidate participation than do races for which an incumbent is on the ballot. In 2020, there were several races for both the D.C. Council and Board of Education without an incumbent on the ballot, including one of the At-Large D.C. Council seats as well as the At-Large and Wards 2, 4, and 8 seats on the Board of Education.[10] Although some of the increase in overall candidate participation in 2020 would be expected given the number of races without an incumbent, these races attracted more candidates than did open seats in previous elections cycles. For example, in 2020, 24 candidates (including one incumbent) competed for one of the open seats for D.C. Council At-Large. This was an increase from the 2012 election when 10 candidates competed for the seats, and the 2016 election when eight candidates competed (including one incumbent) for the seats. Additionally, six candidates made the ballot in the primary or general elections in 2020 for the open At-Large Board of Education seat. This was a marked

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[8] Candidates on ballot includes candidates that were on the ballot in the primary and/or general election.

[9] The seven winning FEP candidates included Christina Henderson for the D.C. Council At-Large seat, Janeese Lewis George for the Ward 4 Council seat, Trayon White for the Ward 8 Council seat, Allister Chang for the Ward 2 BOE seat, Frazier O'Leary for the Ward 4 BOE seat, Eboni Thompson for the Ward 7 BOE seat, and Carlene Reid for the Ward 8 BOE seat. More details on the 2020 candidates by contest and FEP status can be found in Appendix B.

[10] Ward 2 of the D.C. Council held a Special Election on June 16, 2020, to fill the position that Jack Evans resigned after a series of ethics violations. Evans ran in the Democratic Primary Election for Ward 2 but finished seventh and thus did not compete in the general election. The winner of the Democratic Primary and Special Election, Brooke Pinto, ended up winning the general election for the Ward 2 D.C. Council seat. Brooke Pinto is considered an incumbent for the November general election in this report, as she served in D.C. Council Ward 2 from June to November 2020.

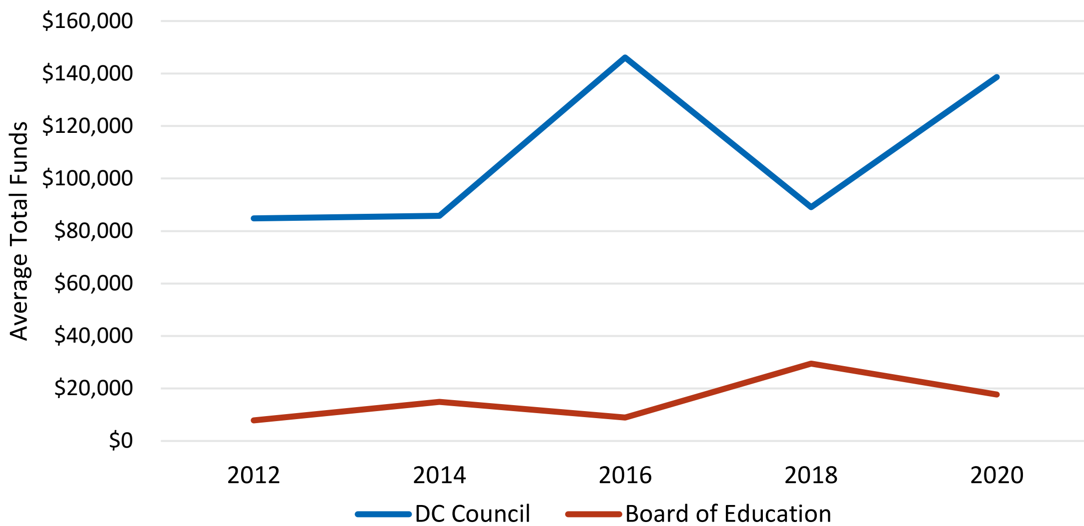
increase from previous election cycles.[11] For example, only two candidates competed for an open At-Large seat for the Board of Education in 2012.

In races in which an incumbent was on the ballot, the traditional advantage held by incumbents was less strong in 2020 than in previous cycles. Between 2012 and 2018, incumbents won 77.3% of their elections for D.C. offices. In 2020, two of the six incumbents running for office were unseated by challengers. Of that total, the two who lost were defeated by FEP candidates, one of the four incumbents that won re-election was an FEP participant, and three of the four non-FEP candidates who won their general election races were incumbents.

Total Campaign Funding

Among the FEP's goals is to create greater parity of funding across candidates and, therefore, lessen the funding advantage held by wealthy and well-connected candidates. Since 2012, the total amount of funding received by candidates for D.C. Council and Board of Education has increased slightly. As shown in Figure 5, the average amount of funding that candidates for D.C. office have raised has varied across election cycles since 2012, while Board of Education candidate funding increased slightly in the past two election cycles.

Figure 5: Average Candidate Funding Amount by Election Year[12]



Although the total amount of funding candidates raise has not shown consistent patterns of change since 2012, the distribution of funds across candidates has shifted noticeably over time. Figure 6 shows the minimum and maximum amount of funding raised by candidates, and the overall range across candidates for D.C. Council and Board of Education from 2012 to 2020. Much like the average total

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[11] There was a temporary change in the number of signatures required for candidates to run in D.C. elections for the 2020 election. This temporary change reflected in the Ballot Access Reform Temporary Amendment Act of 2020 aimed to address potential difficulties in collecting signatures caused by the pandemic and allowed for electronic petition sheets and lowered the number of signatures required to run for office. For example, D.C. Council Ward candidates needed to collect 150 signatures instead of the 500 signatures required in the past.

[12] Does not include candidates that reported $0 in total funds raised.

funding received by candidates, the minimum and maximum amounts of funding received have varied across elections. In 2020, the difference between the funding raised by the candidate with the lowest amount of funding (Perry Redd, $400) and the candidate with the highest funding level (Ed Lazere, $512,069.90) was higher than in previous election cycles. The maximum funding among candidates for D.C. Council was raised by Ed Lazere, a candidate who participated in the FEP, and that amount was higher than the best-funded candidate in any election since 2012. Among Board of Education candidates, the candidate with the lowest amount of funding in 2020 (Dorothy Douglas, $1,920) had more than double the amount of funding of the least-funded candidate in 2012 (Marvin Tucker, $940).[13]

Figure 6: Variation in Total Candidate Funding by Election Year[14]

	2012	2014	2016	2018	2020
D.C. Council Minimum	$50.00	$150.00	$351.00	$25.00	$400.00
D.C. Council Maximum	$370,102.00	$384,955.00	$454,929.00	$315,757.00	$512,069.90
RANGE	$370,052.00	$384,805.00	$454,578.00	$315,732.00	$511,669.90
Board of Education Minimum	$940.00	$100.00	$165.00	$700.00	$1,920.00
Board of Education Maximum	$19,556.00	$42,437.00	$20,378.00	$68,177.00	$ 32,726.00
RANGE	$18,616.00	$42,337.00	$20,213.00	$67,477.00	$30,806.00

Additionally, Figure 7 shows that for FEP candidates, the median amount of total funding was higher than for non-FEP candidates in races for both D.C. Council and the Board of Education. Unlike the average funding, which can be skewed by campaigns receiving very large or very small amounts of total funding, the median shows funding levels for middle-of-the-pack candidates. Furthermore, there are notably large differences in median amounts between FEP and non-FEP candidates for both D.C. Council ($90,226.00) and Board of Education ($9,105.81) elections. These factors all suggest that the FEP created greater access to funding for participating candidates.

Figure 7: Comparison of FEP and Non-FEP Average and Median Funding Amounts in 2020

	Average	Median
FEP D.C. Council	$162,513.70	$130,108.00
Non-FEP D.C. Council	$106,441.60	$39,882.00
FEP Board of Education	$22,197.30	$19,818.81
Non-FEP Board of Education	$11,875.29	$10,713.00

As shown in Figure 8 below, the average amount of funding received by FEP candidates was slightly higher than that among candidates not participating in the program. For D.C. Council candidates, this funding advantage held by FEP candidates was observed primarily in the race for the D.C. Council At-Large seat and was driven in part by Ed Lazere, who participated in the FEP and whose campaign raised more total funds than any other D.C. Council candidate not only in 2020 but any election cycle since

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[13] Lowest-funded candidate excludes candidates who reported $0 in total funds raised.
[14] Minimum funding excludes candidates reporting $0 in total funds raised. More details on the distribution of funding by contest can be found in Appendix C.

2012. FEP candidates for Board of Education had a slight overall funding advantage in races for both At-Large and Ward seats.

Figure 8: Average 2020 Funding Amounts by FEP Status

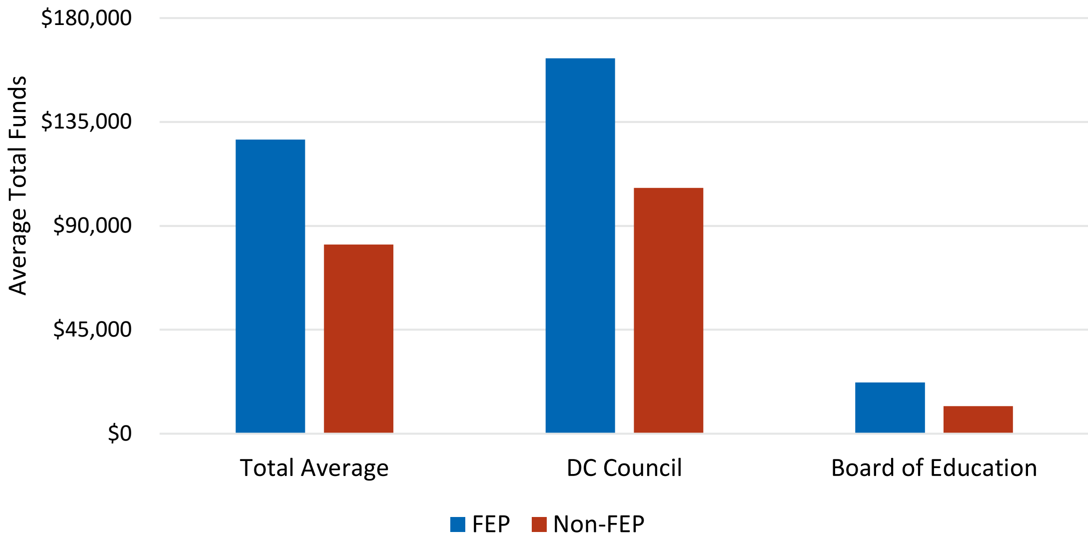
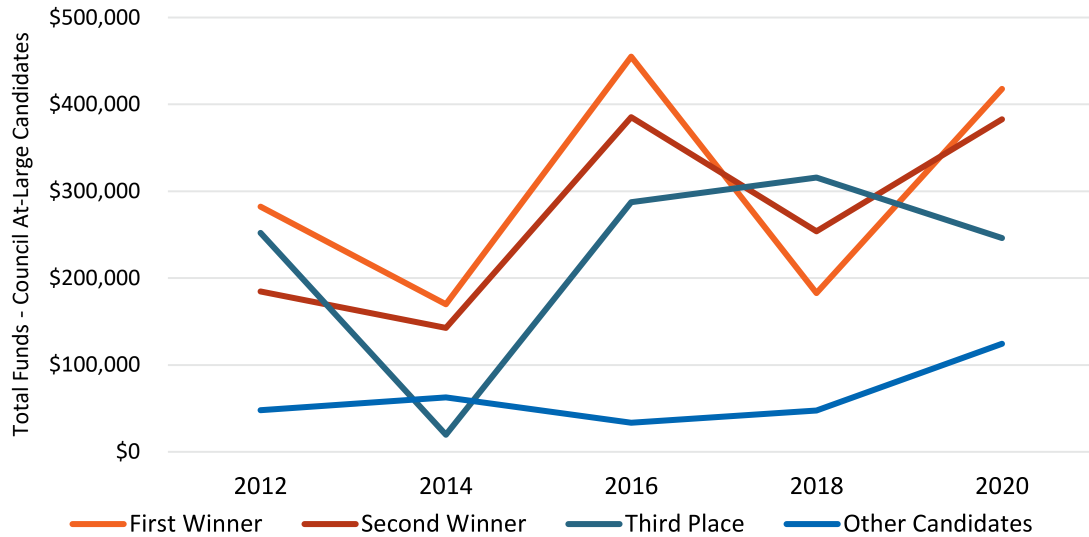


Figure 9 on the following page shows average total funding raised by candidates who won, came in second or third, or lost in races for D.C. Council.[15]

[15] "Third place" includes candidates from both general and primary elections. Whichever candidate has the largest total number of votes, and did not win, is considered the "Third place". For example, in 2016, Vincent Orange had more votes in his loss in the Democratic primaries (37,009) than the third place candidate in the general election, G. Lee Aikin (29,165), so the total funds represented in the graph for "Third Place" in 2016 are from Vincent Orange. Other approaches such as using percentage of votes were tested and yielded similar results. The current approach was selected as being more parsimonious.

Figure 9: D.C. Council At-Large Candidate Funding Amount by Election Year and Electoral Outcome[16]



In At-Large Council races each cycle, there are two winners: the individual coming in first and the individual coming in second. The average funding raised by first and second place winners for the D.C. Council At-Large seats has varied over time—higher in presidential election years than during mayoral elections. First place-winning candidates raised greater overall funding than second place-winning candidates in every election, apart from the 2018 election. Third place runners-up for the Council At-Large seat display some variance in financial competitiveness with winning candidates. For example, in the 2012 election, third place Michael A. Brown raised $252,122.00 compared to second place winner David Grosso's $184,453. In the 2018 election, third place Dionne Bussey-Reeder raised $315,757.00, which was substantially more than first place Anita Bond's $182,727.00 and second place Elissa Silverman's $253,977.00 in total funding.

During the 2014, 2016, and 2020 elections, the difference between the first-place winner and the third-place runner-up in these races exceeded $150,000. For other candidates who ran for the At-Large Council seat, average total funding levels are substantially lower than winners and third-place candidates, hovering around $50,000 for all elections between the 2012 and 2018 elections, with the exception of the 2014 election when third place runner-up Michael D. Brown raised $19,666.00. In the 2020 election cycle, average funding for other candidates increased to $124,378.60. This marked increase for the average candidate, combined with a decrease in the amount raised by the third-place candidate, indicates a greater financial competitiveness. However, the difference between the top two candidates and the average of all other candidates remains significant due to the top two candidates also increasing the amount received in the 2020 election.

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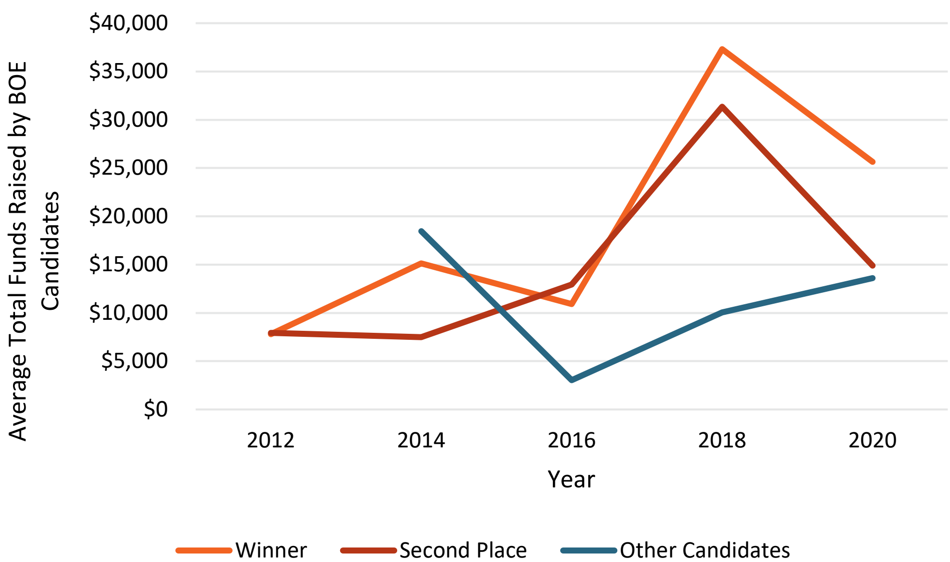
[16] The category showing "Other Candidates" represents the average total funds among those candidates that did not place among the first three in the election.

Candidates also show notable differences in the amount of funding raised depending on their electoral outcome in races for D.C. Council Ward seats. Winning candidates consistently raised at least $75,000 more in total funding than runners-up, and $100,000 more than other non-winning candidates in almost all Ward races in elections prior to 2020. Additionally, when comparing the runners-up to other non-winning candidates, both saw a notable increase in total funding during the 2020 election relative to previous election years, receiving $192,982.00 and $93,507.47, respectively. These increases were also accompanied by a decrease in the funding advantage of winning candidates, who received approximately $10,000 more than runners-up, and $105,000 more than other candidates in races for D.C. Council Ward seats.

Unlike with the D.C. Council campaigns for Ward seats, there was no clear pattern of change in the average total funding raised by winning candidates, by those placing second, and by other candidates in Board of Education races. As shown in Figure 10, winning candidates and those placing second raised similar average amounts of total funding in every election cycle from 2012 to 2018, with an average difference of about $4,000 across those election years. Disparities in funding between the winners of Board of Education races and other candidates not placing in the top two are inconsistent. In 2012, candidates not placing in the top two in their respective races reported not receiving any funds but were better funded on average than winners in the 2014 election.

Figure 10: Board of Education Candidate Funding Amount by Election Year and Electoral Outcome[17]



Sources of Funding

The FEP aims not only to facilitate competitive elections by providing a funding source for candidates who might not otherwise be able to finance their campaigns, but also to shift how campaigns are funded in the District. This is evident in the 2017 Committee Report on the legislation, indicating that the purpose of the FEP is to amplify the voices of everyday voters, and rein in the outsize influence of

[17] For the 2012 Election there were no funds recorded for any candidate not finishing in one of the top two places for any of the Board of Education races. This graph only uses candidates that received funds for their campaigns.

wealthy and corporate contributors in District elections. This section examines sources of funding for FEP and non-FEP candidates in the 2020 election as well as previous election cycles to determine if FEP did have the intended results.

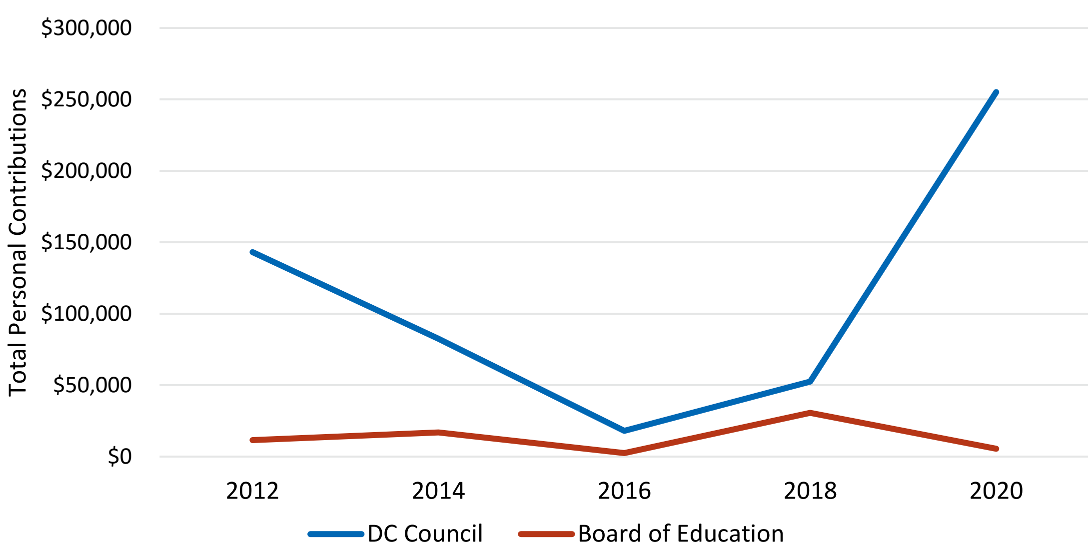
Personal Contributions

FEP limits the ability of participating candidates to "self-fund" their campaigns by using their own money or contributions from family members. In doing so, the Council sought to "reduce barriers for candidates, particularly grassroots candidates who may not have access to vast personal wealth."[18]

There is no reliable source of information about the personal wealth of candidates for office in the District, but one proxy for this is the amount of money a candidate and their family contribute directly to their campaign. Although an imperfect indicator, this measure provides some insight into the extent to which candidates' personal wealth influences their campaigns.

Figure 11 shows that the total amount of money per campaign committee that candidates, or their immediate family, contributed to their own campaign in 2020 was higher than in previous election cycles in races for D.C. Council seats. However, this amount was driven almost entirely by a few candidates contributing large sums to their own campaigns. In fact, three candidates—Marlena Edwards, who ran in the primary for Council in Ward 4; Fred Hill, who ran for Council in Ward 8; and Rick Murphree, who ran for the At-Large Council seat—provided more than $50,000 in personal contributions to their campaigns. By contrast, almost one-third of candidates, whether or not they participated in the FEP, had no personal or family contributions to their 2020 campaigns.

Figure 11: Total Personal Contribution Amount by Election Year



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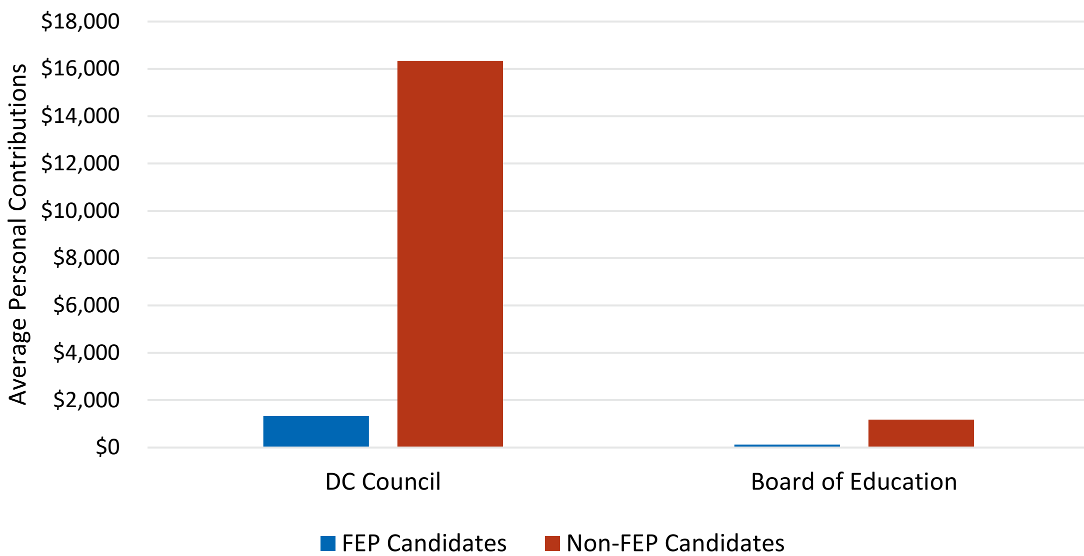
[18] Committee on the Judiciary and Public Safety. (2017). Report on B22-0192, The Fair Elections Amendment Act of 2017, p.17 https://lims.dccouncil.us/downloads/LIMS/37693/Committee_Report/B22-0192-CommitteeReport1.pdf

Candidates participating in the FEP are restricted in the amount of money their campaign can receive from themselves and their immediate family. Perhaps not surprisingly, then, FEP candidates receive about one-10th as much money from personal contributions as non-FEP candidates, as shown in Figure 12. This difference across participating and non-participating candidates is seen for both for D.C. Council and Board of Education candidates. Despite limitations on self-financing, candidates participating in FEP, on average, had better funded campaigns, perhaps as a result of the FEP 5:1 matching ratio for qualified small dollar contributions from District residents.

Figure 12: Average 2020 Personal Contribution Amount by FEP Status



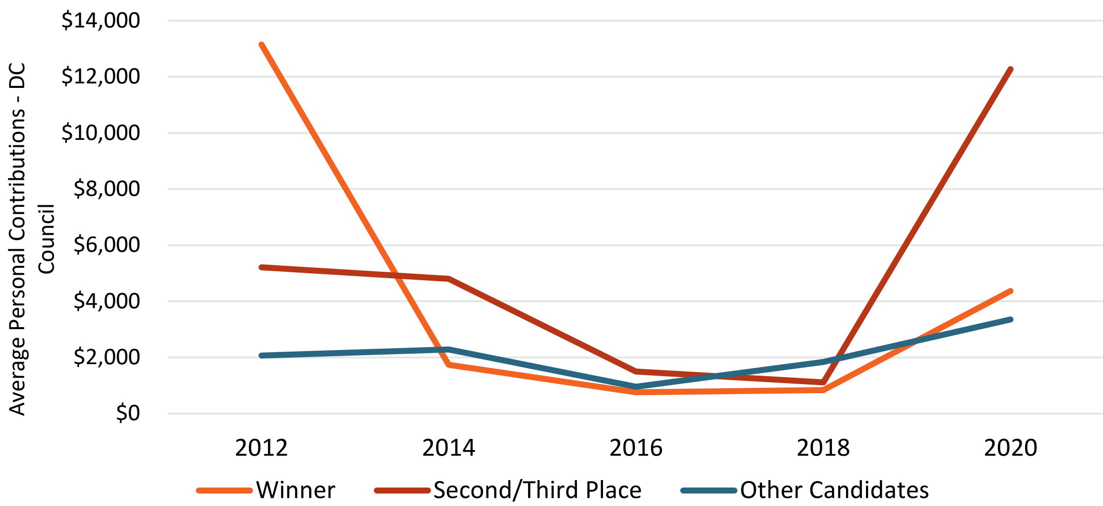
Although the FEP has limited the amount of money participating candidates can contribute to their own campaigns, self-financing actually *increased* among some non-participating candidates. Four non-FEP candidates in 2020 contributed more than $20,000 of their own money to their campaigns.[19] By comparison, in 2012 and 2014, only one candidate made contributions of that size in each election year, and none contributed more than $20,000 in 2016 or 2018. This distinction hints at the possibility that the implementation of the FEP might have motivated non-FEP candidates to contribute larger sums of their own personal finances to remain competitive with public funding.

The amount candidates contribute to their own campaigns varies across election years and is not a strong predictor for electoral success in campaigns for D.C. Council. As shown in Figure 13, with the notable exception of the 2012 election, in which winning candidates contributed an average of $13,149.67 to their own campaigns, winning candidates consistently contributed less than $2,000 to their own campaigns between 2014 and 2018. This amount rose to $4,366.45 in the 2020 election. Second and third place candidates contributed larger amounts of money to their own campaigns than winners in every election from 2014 to 2020. Indeed, the difference between the amount personally contributed to their own campaigns for runners-up and winning candidates in the 2020 election is

[19] The candidates that contributed more than $20,000 in Personal Contributions were: Brooke Pinto, Marlena Edwards, Fred Hill, and Rick Murphree.

$7,906.15. The average of other candidates, meanwhile, does not differ notably from winning candidates in any election other than in the 2012 election.

Figure 13: D.C. Council Candidate Average Personal Contribution Amount by Election Year and Electoral Outcome[20]



Much like in D.C. Council races, there is no consistent pattern of advantage related to the amount of funding that candidates for the Board of Education contribute to their own campaigns. Winning candidates contributed notably larger amounts of their own money to their campaigns than did runners-up or other candidates in the 2018 election, but contributed similar amounts in 2014, 2016, and 2020. Based on this lack of a pattern, amounts of personal contributions do not appear related to electoral outcomes.

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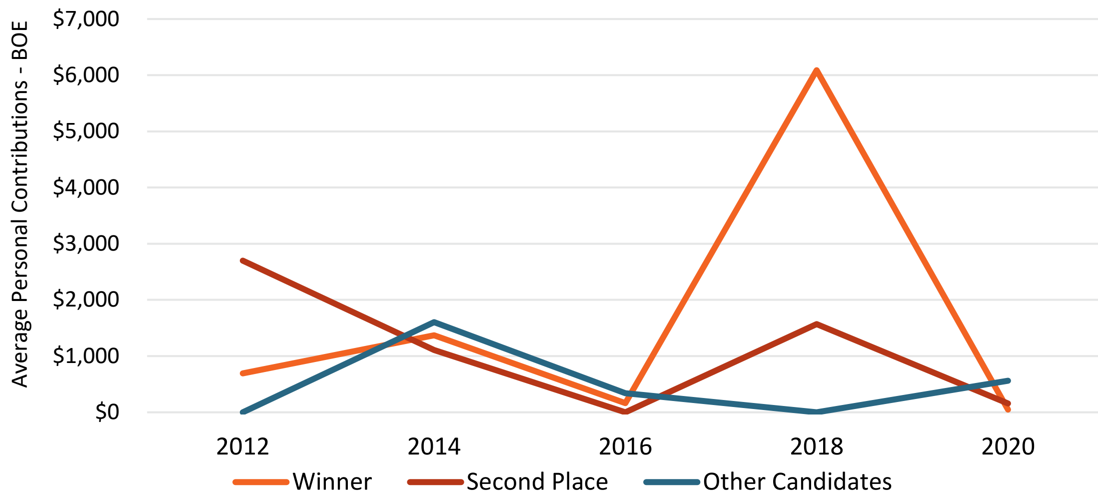
[20] The second/third place categories refer to candidate ending in second place for all races except for D.C. Council At-Large where the first and second place candidates win a seat on the Council. The category "Other Candidates" refers to the rest of the candidates not candidates not covered in the previous categories.

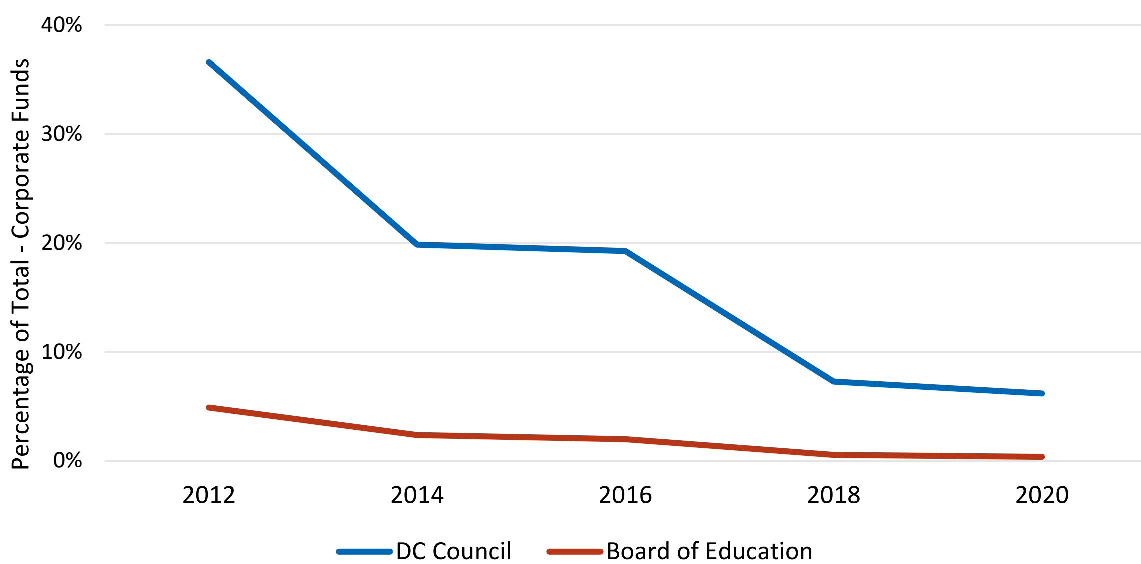
Figure 14: Board of Education Candidate Average Personal Contribution Amount by Election Year and Electoral Outcome



Corporate Contributions

Another FEP goal is reducing the influence of powerful interest groups by forbidding all participating candidates from receiving contributions from sources such as corporations, labor unions, PACs, and nonprofit organizations. FEP candidates may not receive contributions from any organization except a Fair Elections Committee; however, none had been established by the time of the 2020 election. This requirement may have helped to continue the steady decline in the percentage of total funds that came from corporations. As shown in Figure 15, the percentage of campaign funding that came from corporate contributions has dropped notably since 2012 among both campaigns for D.C. Council and for the Board of Education. Even before the implementation of the FEP, corporate influence over D.C. elections seems to have been in decline.

Figure 15: Corporate Contributions as Percentage of Total Funding by Election Year



Although on the decline overall, the role of corporate contributions may have an outsized influence on the campaign funding for candidates not participating in the FEP. Figure 16 shows the average percentage of campaign funds that came from corporate contributions since 2012, with only non-FEP candidates included in the 2020 percentages. Corporate contributions made up 6.0% of total contributions to non-FEP candidates running for D.C. Council in 2020, which is similar to the percentage during the 2018 election. This similar percentage might simply be a result of candidates not likely to seek out corporate money self-selecting into the FEP candidate group.

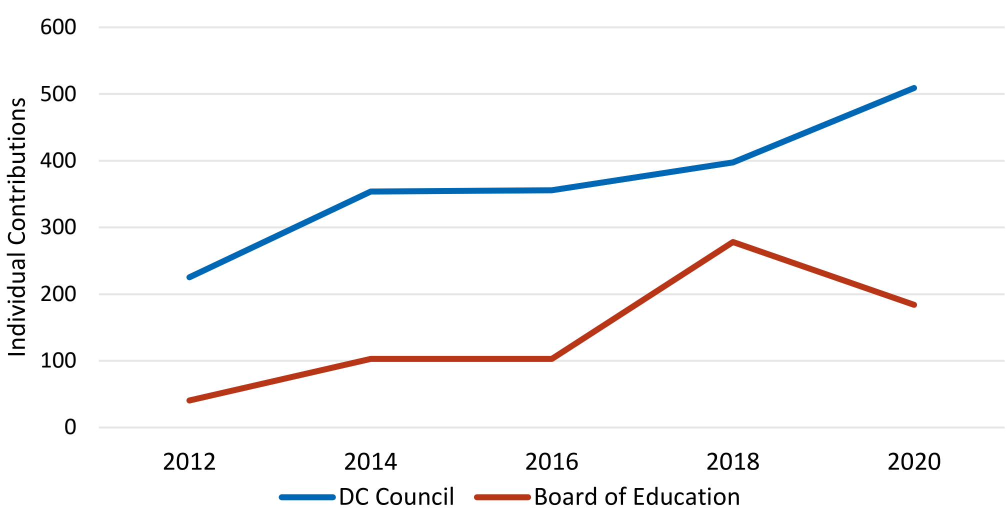
Figure 16: Corporate Contributions as Percentage of Total Funding by Election Year (non-FEP candidates)

	2012	2014	2016	2018	2020 Non-FEP
Total	36.01%	18.83%	18.75%	6.46%	5.96%
D.C. Council	36.60%	19.85%	19.27%	7.28%	6.18%
Board of Education	4.89%	2.37%	1.97%	0.54%	0.36%

Number of Individual Contributions

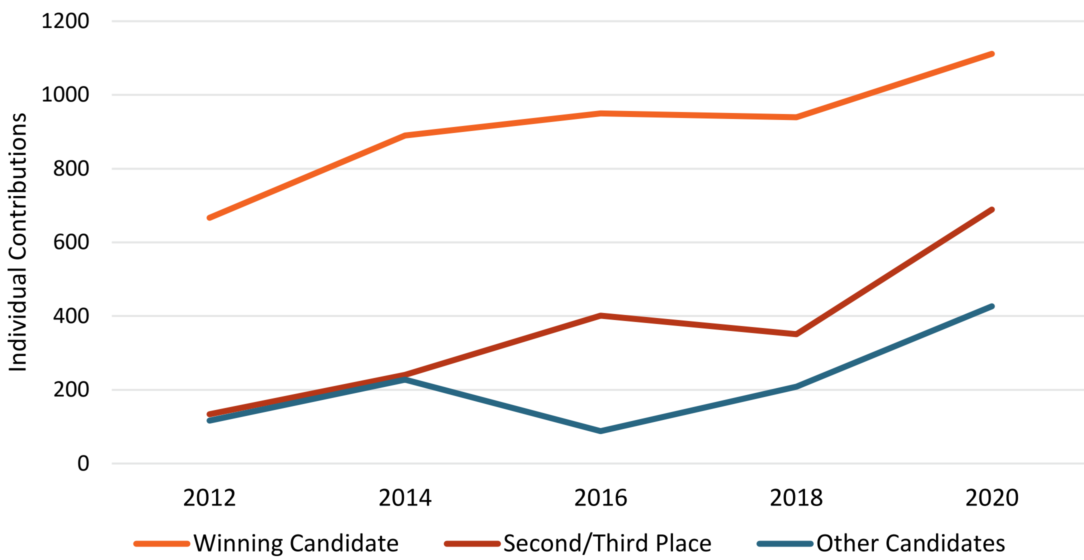
FEP aims not only to change how campaigns are funded—by reducing the relative impact of large corporate and special interests—but also to encourage greater candidate engagement with the community. As shown in Figure 17, the average number of individual contributions has increased steadily over this time period for both D.C. Council and Board of Education contests. This continuous rise suggests that multiple factors may have played a role. The implementation of the FEP for the 2020 election may have contributed to this increase between 2018 and 2020 for D.C. Council. Indeed, the difference in average number of individual contributions between 2018 and 2020 is greater than the difference in the average number of individual contributions between any other two elections since 2014 for D.C. Council. However, it is worth noting that there was a slight decrease in the average number of individual contributions among the Board of Education campaigns. One potential explanation for this decrease is the fact that with FEP's 5:1 matching ratio, Board of Education candidates needed fewer contributions to raise enough money to be competitive.

Figure 17: Average Number of Individual Contributions by Election Year



The steady increase in the number of individual contributions to campaigns is consistently seen among winning candidates, candidates placing second (or third in the case of the D.C. Council At-Large race), and other candidates, as seen in Figure 18.[21] Over the last five election cycles, winning candidates in D.C. Council races have consistently received a larger number of individual contributions than have candidates placing second (or third in the case of the D.C. Council At-Large race), or other losing candidates, suggesting that the number of contributions received is somewhat predictive of electoral outcomes. This same trend is also seen among campaigns for Board of Education, although the difference between the number of individual contributions to winning candidates and second-place candidates is relatively small.

Figure 18: Average Number of Individual Contributions by Election Year and Electoral Outcome



As seen in Figure 19, this increase in individual contributions was heavily driven by FEP candidates, who received more than 560 individual contributions on average, as compared to non-FEP candidates who received 263.2 individual contributions on average.

[21] The two candidates with the best results earn a seat in the race for the D.C. Council At-Large; thus, for this race, it specifies third place candidates, since the interest is in the candidate with the best results among those who did not win the race. "Other candidates" refers to the rest of the losing candidates for a race.

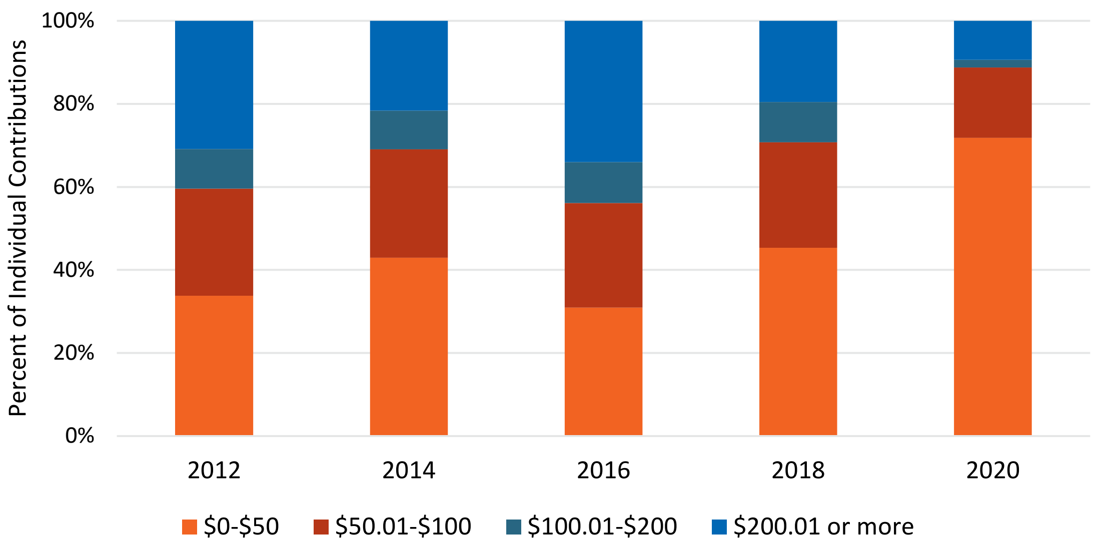
Figure 19: Mean and Median Number of Individual Contributions to 2020 Candidates by FEP Status

	FEP	Non-FEP
Mean for All Offices	568.4	263.2
Median for All Offices	419	19
D.C. Council Mean	688.9	307.4
D.C. Council Median	508	13
Board of Education Mean	230.9	125
Board of Education Median	158.5	77

Number of Individual Contributions by Size

In addition to the sizable increase in the number of individual contributions candidates received during the 2020 election, the amounts of those individual contributions have changed notably since 2012. As shown in Figure 20, the percentage of individual contributions that are small individual contributions has increased since 2012 whereas the percentage of individual contributions that are large individual contributions has declined. In 2020, just 9.4% of the individual contributions were larger than $200.

Figure 20: Percentage of Individual Contributions by Contribution Amount and Election Year



The shift toward reliance on smaller, individual contributions was apparent across D.C. Council and Board of Education races. Figures 21 and 22 show the percentage of individual contributions that have come from contributions of various sizes for D.C. Council At-Large and Ward seats. The 2020 increase in the percentage of individual contributions coming from individual contributions that do not surpass the FEP matching fund cap—which is $50 for Council Ward and $100 for At-Large seats—is substantial, accounting for over 80% of the total number of individual contributions that candidates received.

Figure 21: Percentage of Individual Contributions to D.C. Council At-Large Candidates by Contribution Amount and Election Year

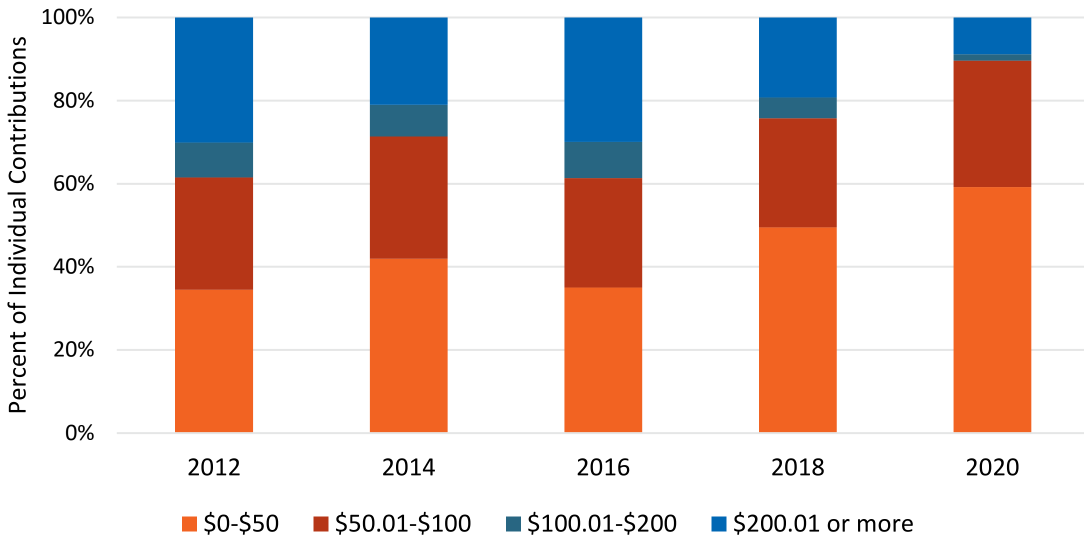
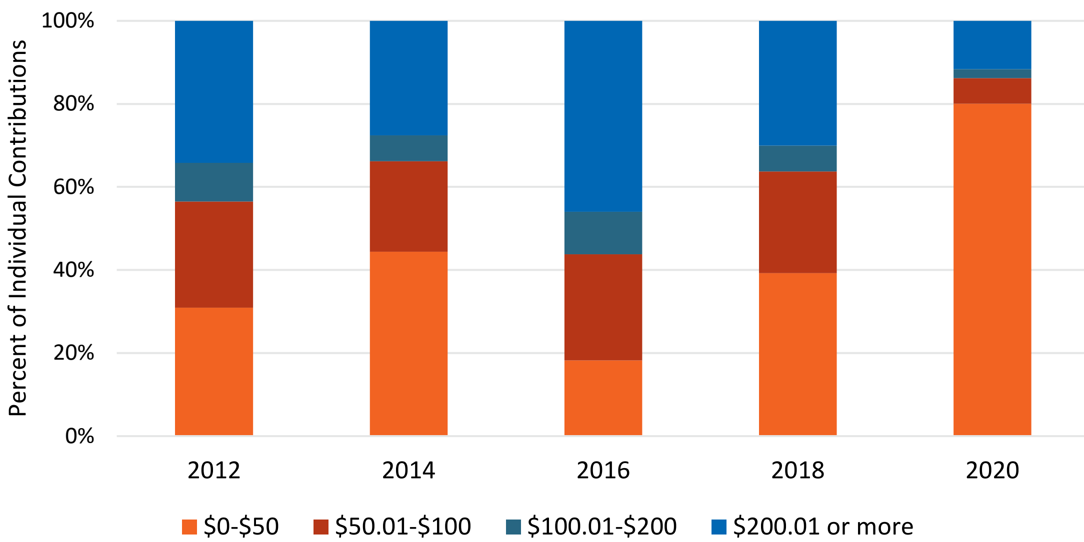


Figure 22: Percentage of Individual Contributions to D.C. Council Ward Candidates by Contribution Amount and Election Year



Board of Education campaigns also show a substantial increase in the number of smaller dollar value contributions over time. The percentage of contributions to Board of Education Ward seat campaigns that are $20 or less increased from 6.2% in 2018 to 84.3% in 2020. The shift in the percentage of contributions that are $50 or less for Board of Education At-Large seats between the 2016 and 2020 election is also notable. Just as observed in D.C. Council races, the increase in the number of smaller contributions aligns closely with the FEP matching fund cap, which is $50 for At-Large seats and $20 for Board of Education Ward seats. By 2020, almost 85% of contributions to campaigns for Board of Education Ward seats were $20 or under. This shift hints at the notable effect that the implementation of the FEP had on the amounts of individual contributions, encouraging greater reliance on contributions that qualify for matching funds.

Figure 23: Percentage of Individual Contributions to Board of Education At-Large Candidates by Contribution Amount and Election Year

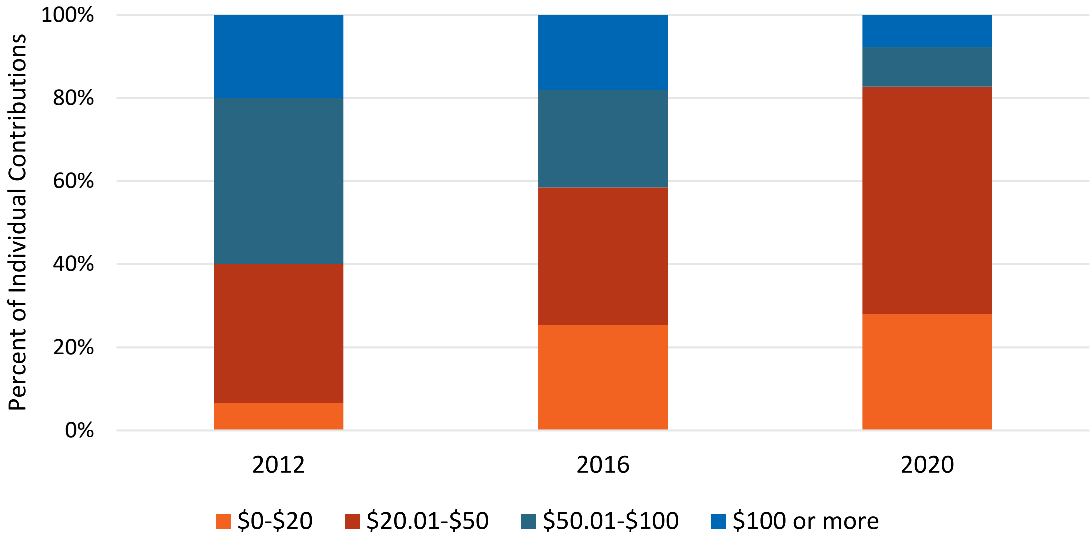
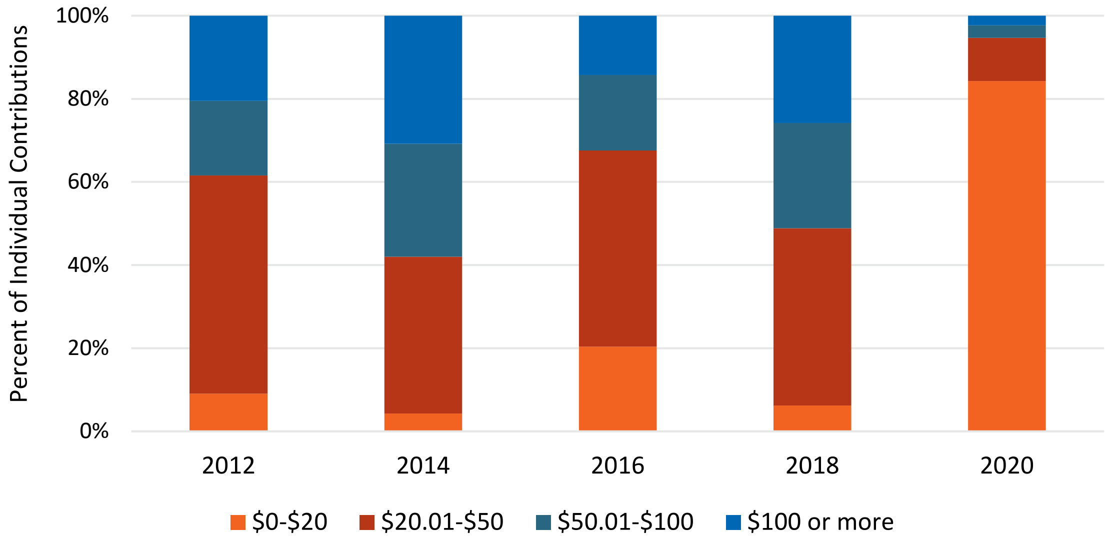


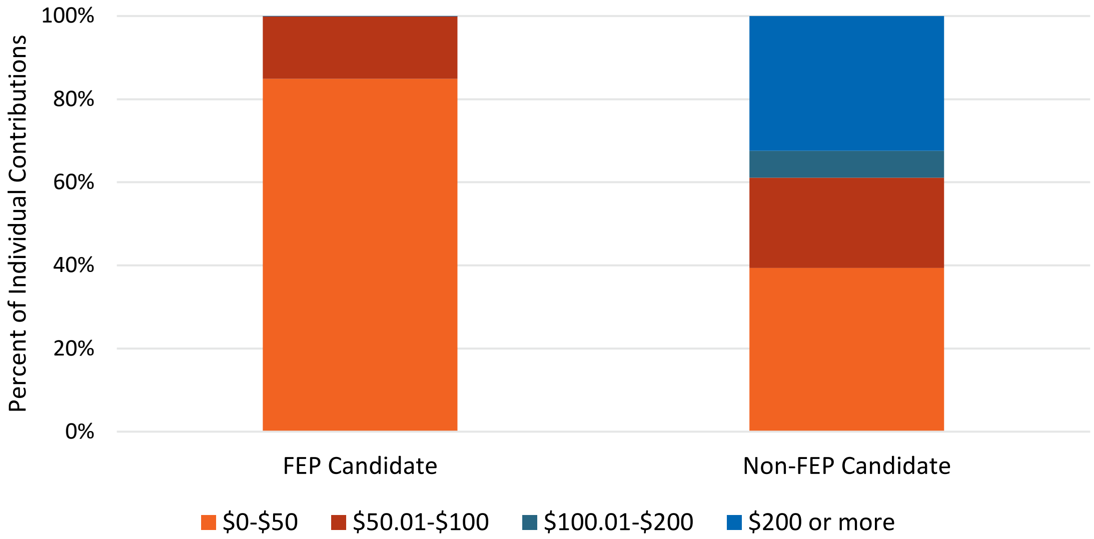
Figure 24: Percentage of Individual Contributions to Board of Education Ward Candidates by Contribution Amount and Election Year



Analysis of contributions shows that between 2012 and 2020, the percentage of small contributions under $100 increased notably, whereas the number of large contributions dropped. Looking exclusively at the campaigns for At-Large and Ward seats on the D.C. Council and the Board of Education shows that this increase reflects the contribution cap placed on each of these campaigns by the FEP.

Limitations on the dollar amount of contributions eligible for matching funds under the FEP provides motivation for candidates to pursue grassroots funding. Figure 25 compares the percentage of individual contributions by contribution amount for FEP candidates versus non-FEP candidates. More than twice as many individual contributions to FEP candidates than non-FEP candidates are $50 or under. Additionally, less than 1% of contributions to FEP candidates are over $100, and 15% are between $50.01 and $100, whereas FEP candidates received almost no contributions over $200. This stands in sharp contrast with individual contributions to non-FEP candidates in 2020, for whom a majority of contributions were over the amount of $50, with almost 40% of all individual contributions being over $100. This analysis shows that overall, FEP candidates are much more likely to receive smaller contribution amounts than are non-FEP candidates.

Figure 25: Percentage of Individual Contributions to 2020 Candidates by Contribution Amount and FEP Status



Contributions from Inside vs. Outside Washington, D.C.

As expressed in the criteria for qualified small dollar contributions, one major goal of the FEP is to encourage greater engagement with District residents and less reliance on outside sources of campaign funding. The percentage of individual contributions coming from D.C. residents has changed little since 2012, staying consistently at about 60%, both in terms of the percentage of individual contributions and the percentage of funding dollars that come from inside the District, with the exception of Board of Education contests, which have seen an increase of over 10 percentage points in both the total amount and the number of individual contributions from D.C. residents.[22]

However, in 2020, FEP candidates did rely more heavily on District residents for funding than did candidates not participating in the program. Figure 26 shows that FEP candidates received a larger percentage of total campaign funds from District residents than did non-participating candidates. In

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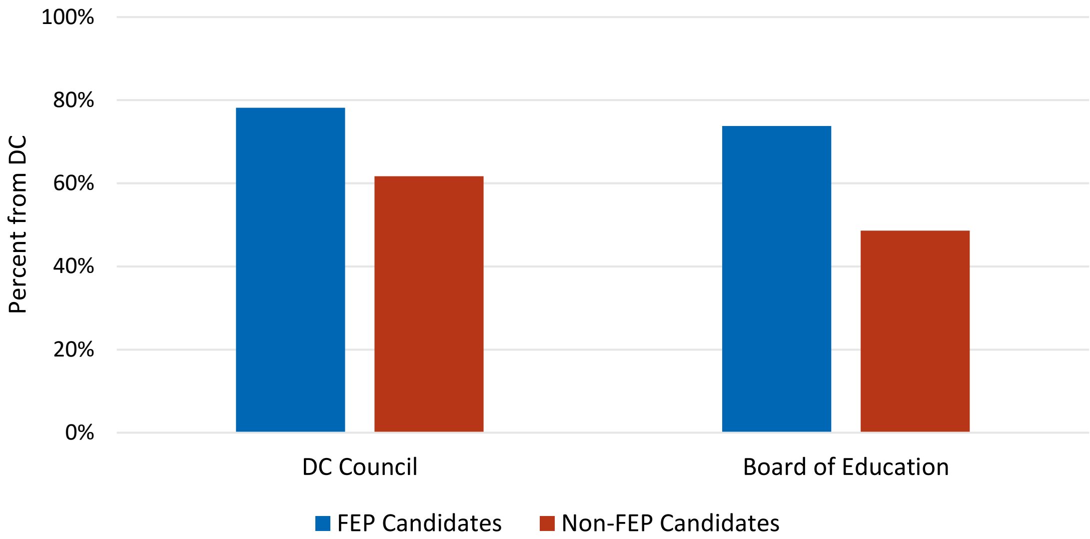
[22] Figures showing contributions from District residents by election year can be found in Appendix D.

addition, a higher percentage of individual contributions to FEP candidates than to non-FEP candidates came from inside D.C.

Figure 26: Percentage of Individual Contribution Funding from D.C. Residents in 2020 by FEP Status

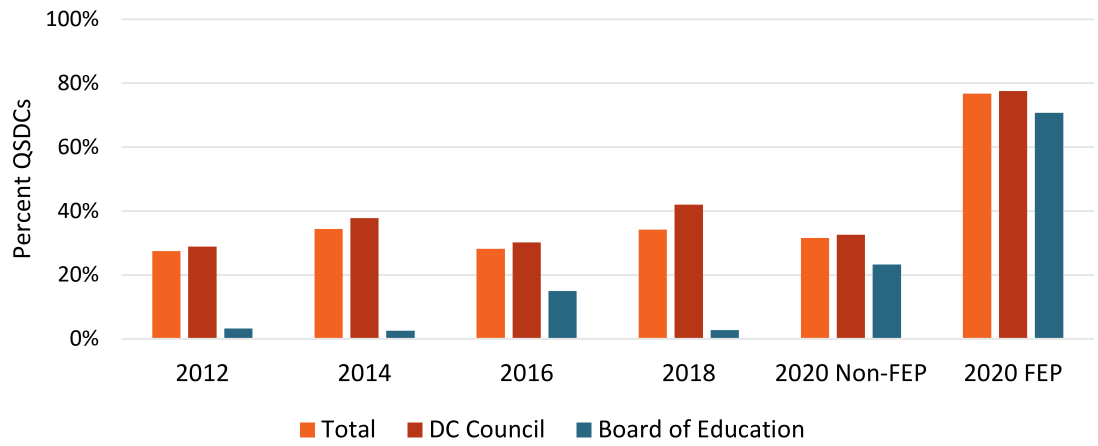


Qualified Small Dollar Contributions

One of the Fair Election Act's primary goals is to increase the number of contributions under a certain amount of money originating from D.C. residents. The Fair Elections Act established specific criteria for the maximum number of contributions for each type of election. Contributions that did not exceed this amount and which came from District residents are considered qualified small dollar contributions, or QSDCs. An analysis of the number of contributions that meet the QSDC criteria shows that prior to 2020, about three in 10 contributions would have met the requirements if the FEP had been in place for an earlier election. This number doubles to more than six in 10 contributions meeting the requirements for QSDC during the 2020 election cycle.

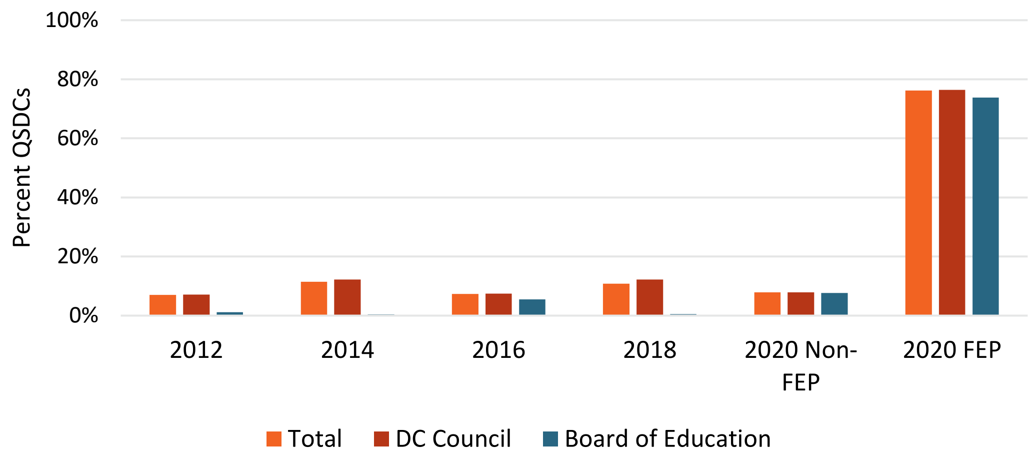
As seen in Figure 27, about 30% of contributions to D.C. Council campaigns between 2012 and 2018, and for non-FEP candidates in the 2020 election, meet the criteria of QSDCs. Among Board of Education candidates, the percentage of contributions that would be considered QSDCs increased from about one percent in 2012, 2014 and 2018 elections to 23.3% for non-FEP campaigns and 70.7% for FEP campaigns in the 2020 election.

Figure 27: Percentage of Individual Contributions from QSDCs by Election Year



QSDCs also make up a larger percentage of the overall amount of individual contributions raised for the 2020 election than in previous elections. Much like the total number of individual contributions, the percentage of total amount increases notably between 2018 and 2020. QSDCs make up a notably smaller *proportion* of the total amount raised than of the total *number* of individual contributions because they are small. Campaigns for Board of Education display similar trends, receiving less than 10% of their total funds from contributions that would meet the criteria of small dollar contributions, as seen below in Figure 28. During the 2012–2018 elections, and among non-FEP candidates in the 2020 election, about 10% of individual contributions to D.C. Council candidates meet the criteria of qualified small dollar contributions. However, for 2020 candidates participating in the FEP, QSDCs account for 76.4% of the total amount raised from individual contributions, 10 times more than their non-FEP counterparts.

Figure 28: Percentage of Individual Contribution Funding from QSDCs by Election Year



Comparing the number of QSDCs that FEP and non-FEP candidates received in the 2020 election further articulates the effect that the FEP had on increasing the number of QSDCs. Looking across both types of elections, FEP candidates receive a much larger share of small dollar contributions than do non-FEP candidates. This difference is likely due to the public funding requirements for FEP candidates.

The difference between FEP and non-FEP candidates in terms of the amount of money raised that comes from QSDCs is particularly stark. Although these small contributions consistently make up about seven in 10 of contributions to FEP candidates, they make up only about 8% of the total amount raised by non-FEP candidates. This percentage amount is consistent with the amount seen for candidates in the 2012–2018 elections. This suggests that the implementation of the FEP led candidates attempting to receive public financing to seek out contributions from District residents that do not exceed the maximum contribution amount.

Candidate Comparisons

Another strategy to isolate the FEP’s impact is to compare the behavior of individual candidates across elections. For candidates who ran both in 2020 and during previous election cycles, the total funding and sources of funds can be compared to see if the expected changes are more pronounced among those who participated in the FEP than those who continued to use traditional campaign finance strategies.

Looking at the total dollar amount of contributions from D.C. residents for candidates who ran both in 2020 and in previous elections (Figures 29 and 30) shows that two FEP candidates for the D.C. Council Ward 2 seat, Jack Evans and Kishan Putta, received a notably larger percentage of individual contributions from District residents in 2020 than in previous elections. Evans’ amount of individual contributions coming from D.C. increased by about 13 percentage points, whereas Putta’s rose by over 50 points. However, for other candidates, whether or not they participated in FEP in 2020, there was no substantial change in the percentage of individual contributions they received from District residents with the exception of Kathy Henderson, who did not participate in the FEP in 2020 but who received all of her 13 individual contributions from D.C. residents.

Figure 29: Percentage of Individual Contribution Funding from District Residents for FEP and Non-FEP D.C. Council Candidates (2012-2018 vs. 2020)

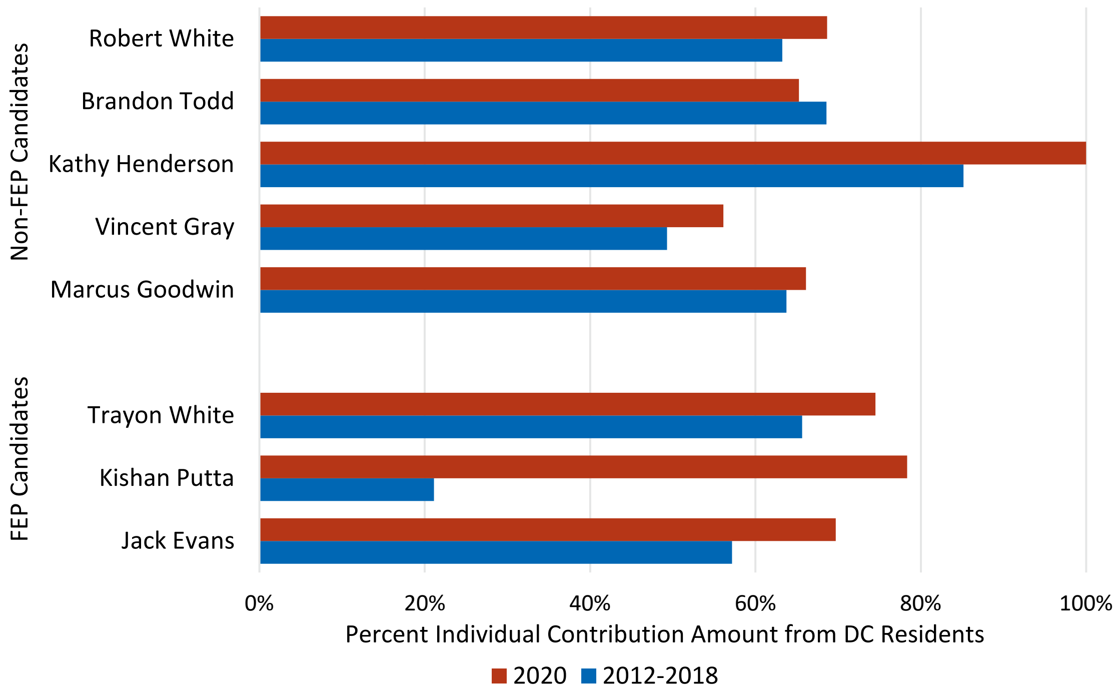
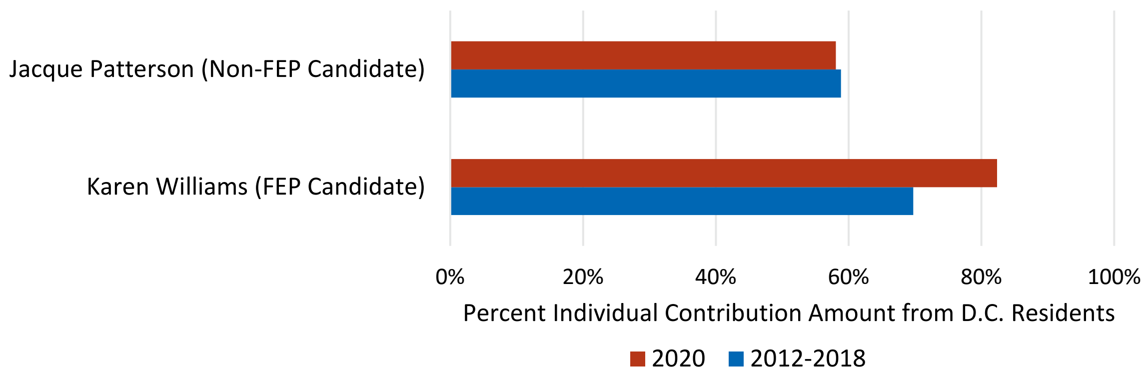


Figure 30: Percentage of Individual Contribution Funding from District Residents for FEP and non-FEP Board of Education Candidates (2012-2018 vs. 2020)



A similar phenomenon is seen when comparing contribution size before and during the 2020 election. Ninety percent or more of contributions made to each of the four FEP candidates in 2020 were for amounts of $50 or less; and for all four candidates, this was substantially higher than the percentage of contributions of this size received during previous campaigns—Karen Williams (97 percentage points), Jack Evans (82 percentage points), Trayon White (65 percentage points), and Kishan Putta (61 percentage points). None of the non-FEP candidates saw a comparable increase in the number of $0–$50 contributions, with Marcus Goodwin showing the largest increase (a rise of 19 percentage points compared to contributions received during previous election cycles).

Figure 31: Percentage of Individual Contributions to FEP and non-FEP Candidates for D.C. Council by Contribution Amount (2012–2018 vs. 2020)

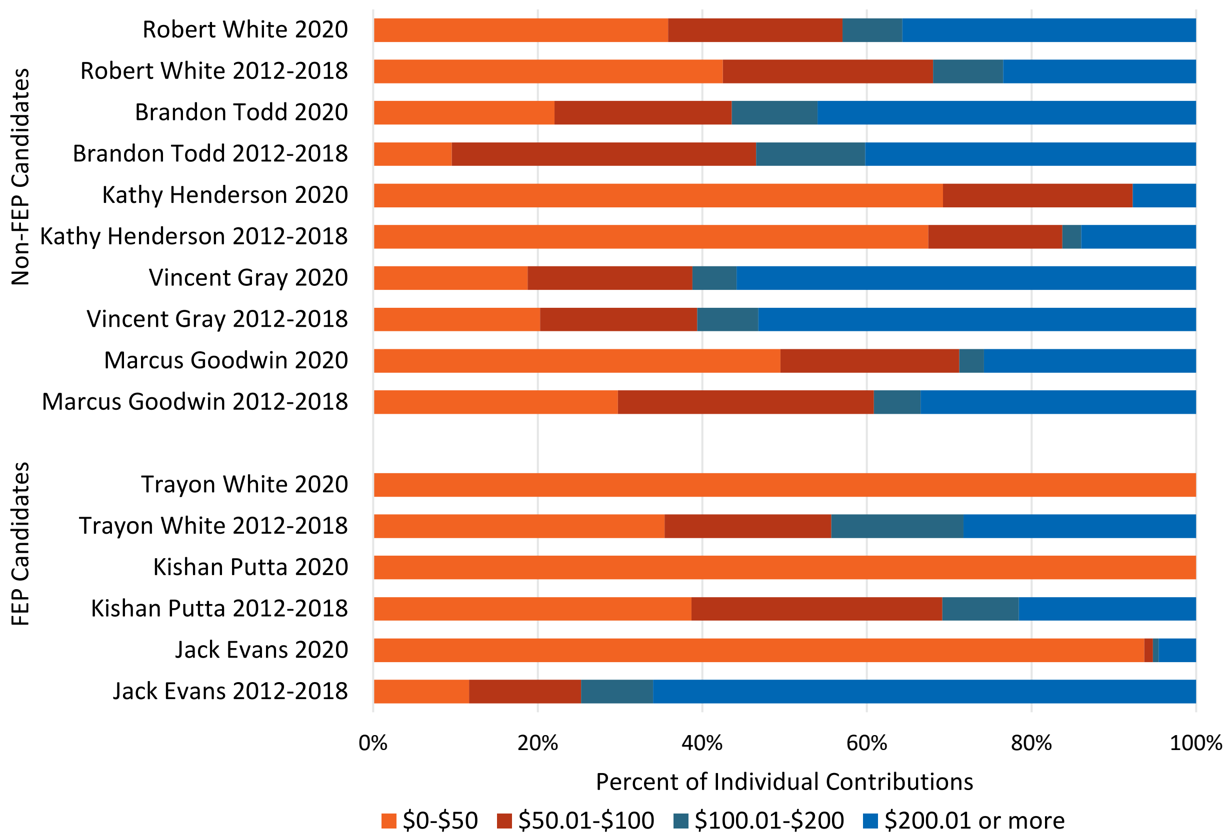
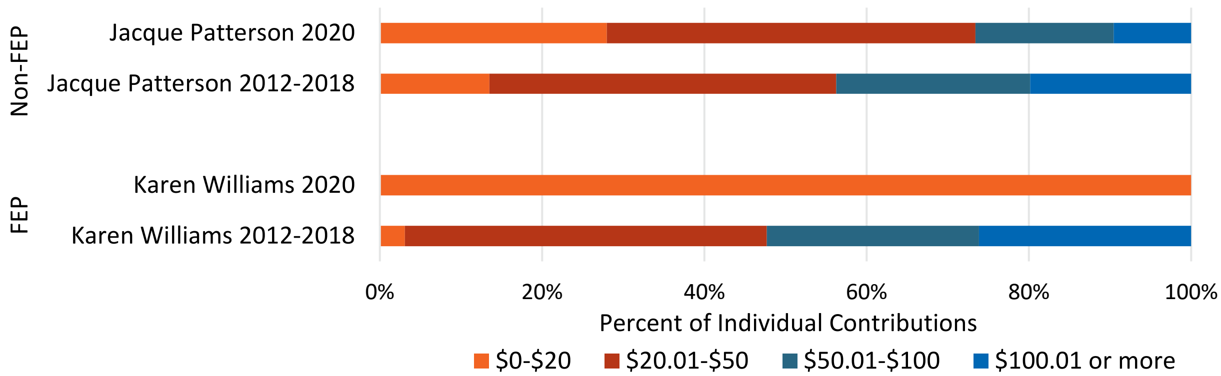


Figure 32: Percentage of Individual Contributions to FEP and non-FEP Candidates for Board of Education by Contribution Amount (2012–2018 vs. 2020)



The Effect of the FEP on Electoral Competition

One goal of the Fair Elections Act is to increase competition among political candidates by increasing the contributions available to candidates through mechanisms such as 5:1 matching and lump sums. To the degree that the FEP is effective in achieving this goal, we would consequently expect financing to be more equally distributed among candidates in a given race in 2020, when the FEP was in effect, relative to previous elections. To the extent that a candidate's electoral competitiveness is closely associated with their access to funding, then more broadly distributed access to campaign funds should be associated with votes that are more evenly distributed across candidates during the 2020 election relative to previous elections when the FEP was not in effect. This section of the report analyzes these two hypotheses through an evaluation of donations and votes from the 2020, and previous, election cycles.

Data

To measure how concentrated or dispersed financing and votes are across candidates in a given race, we use three different measures of contest-level concentration for both donations and votes.

1. The first measure is the share of contributions (in dollars) or votes for a given contest received by the candidate with the highest share of donations or votes in that contest.
2. The second is the level of donations or votes received by the candidate with the most donations or votes as a fraction of the total donations or votes of the top two candidates in the contest.
3. Finally, we use the Herfindahl-Hirschman Index (HHI), which is the sum of the *squared* share of contributions or votes across all candidates in a given race; this can be interpreted as the probability that any two randomly selected dollars in donation or votes in a general election go to the same candidate.

All three of these indices tend to increase as contributions are funneled to the top candidate (in terms of donations), although they are differentially sensitive with respect to the distribution of contributions among the less well-resourced candidates.

We calculate each of these measures for candidates who were on the ballot in the primary and/or general election in contests for D.C. Council and Board of Education; in other words, those that were likely affected by the FEP due to candidates who are eligible for campaign matching through the FEP. Data about financial contributions and public funds distributed to candidates comes from the Office of Campaign Finance (OCF) database, whereas data about the number of votes received by each candidate comes from the D.C. Board of Elections (DCBOE).[23]

The Effect of FEP on Electoral Competition-Results

Contest-average contribution and vote concentration measures by election year are presented in Figure 33.[24] Generally speaking, these measures suggest a more even distribution in both financial contributions and votes across candidates in 2020 than during most of the previous election cycles. The *max share* percentages suggest that in 2020, the candidate with the highest contributions received, on average, 50% of all contributions given to candidates in that race, and 66% of contributions went to the top two candidates. Similarly, in 2020, the top-winning candidate received, on average, 64% of all votes cast in a given race, and 76% of votes went to the top two candidates. The HHI suggests that, in 2020,

[23] More detailed description of the methodology used for this analysis can be found in Appendix E.

[24] Detailed tables showing vote totals by contest and election year can be found in Appendix F.

two randomly selected contributions had a 41% chance of having gone to the same candidate and two randomly selected votes had a 55% chance of having gone to the same candidate.

Figure 33: Concentration of Contributions and Votes, 2012–2020

	2012	2014	2016	2018	2020
Contributions					
Max Share	82%	72%	75%	61%	50%
Max Top Two Share	88%	78%	80%	69%	66%
Herfindahl-Hirschman Index (HHI)	74%	65%	67%	50%	41%
Votes					
Max Share	79%	69%	77%	67%	64%
Max Top Two Share	84%	78%	82%	72%	76%
Herfindahl-Hirschman Index (HHI)	73%	60%	72%	56%	55%

Although the 2020 measures of concentration are generally lower than the equivalent measures in most previous election cycles, there are other important trends in electoral competition indicated by these measures. Concentration in both contributions and votes is generally high across all election years. Contributions were most concentrated during the 2012 election, when the top candidate received, on average, 82% of all contributions and 79% of all votes, according to the *max share* concentration metric. This is approximately 32 percentage points higher than the contribution percentage, and approximately 16 percentage points higher than the vote percentage, that top candidates in 2020 received.

However, there is variability in contribution and vote concentration across election years, and concentration has been generally higher in presidential election years than in midterm/mayoral elections. In fact, the least concentrated pre-FEP presidential years were still more concentrated, both in terms of contributions and votes, than the midterm/mayoral election years with the highest levels of concentration. Focusing on the *max share* metrics, the lowest pre-FEP presidential year concentration of contributions was 75% (2016), which is higher than the 72% concentration in 2014, the most concentrated midterm/mayoral year. The same pattern applies to votes (79% in 2012 vs. 69% in 2018) and for the other two concentration metrics.

Additionally, there was some change in levels of concentration between elections of the same type (i.e., presidential vs. midterm/mayoral election years). For presidential elections, the level of financial concentration generally fell, and thus the level of electoral competitiveness increased between 2012 and 2016. For example, the average shares of contributions going to the top recipients in a given contest decreased from 82% in 2012 to 75% in 2016. The same was true for votes, where the contest-average *max share* decreased from 79% to 77% between 2012 and 2016. Changes were also observed across midterm/mayoral elections, where the contest-average *max share* for contributions decreased from 72% to 61% between 2014 and 2018, whereas the equivalent vote concentration metric decreased slightly from 69% to 67%.

These patterns are important to determine the extent to which the relatively low levels of concentration observed in 2020 might be attributed to the FEP versus reflecting other changes or patterns in the electoral landscape. Although patterns are not consistent, the variability in concentration of campaign contributions and votes across elections suggests that some change might be expected in 2020, even without the FEP. Thus, in order to assess to what degree, if any, shifts in contribution and vote concentration following the implementation of the FEP were in fact due to the program, it is also necessary to account for changes that might be expected even without the program.

To calculate the impact of the FEP we thus must look not only at the change in concentration observed in 2020 compared to previous elections, but also how concentration levels might have been expected to change based on unrelated trends in concentration. Baseline change in concentration is the difference between 2020 and 2016—the most recent election cycle wherein the same races were on the ballot. This baseline change is shown in the first column of Figure 34. On each measure of concentration, 2020 is lower than what was observed during the 2016 general election cycle.

Figure 34: Percentage Point Change in 2020 Concentration Levels from Expected Levels Based on Trends from Previous Election Years

	Baseline Change, 2016 to 2020	Adjusted for Presidential Year Trends	Adjusted for Midterm/Mayoral Trends
Contributions			
Max Share	-25	-18	-14
Max Top Two Share	-14	-6	-6
Herfindahl-Hirschman Index (HHI)	-27	-20	-12
Votes			
Max Share	-13	-10	-11
Max Top Two Share	-6	-4	0
Herfindahl-Hirschman Index (HHI)	-18	-17	-13

To account for the change that might have been observed absent the FEP had trends in concentration continued, the baseline change is adjusted for trends observed in the previous two presidential election (2012–2016) and midterm/mayoral election (2014–2018) cycles. These adjusted changes are shown in the second and third columns of Figure 34. All estimated impact measures except for the midterm/mayoral adjustment for the *max top two share* of votes are negative, regardless of whether the outcome related to contributions or votes, the measure of concentration used, or which method is used to estimate pre-trends. For example, the *max share* measure of concentration suggests that absent the FEP, the 2020 percentage of contributions received by the top candidate would have been, on average, 18 percentage points higher based on historical presidential election year. Similarly, the results imply that the average winning candidate would have receive a 10-percentage-point higher share of votes had trends continued and the FEP had not been implemented for the 2020 election. Overall, these results are consistent with the FEP creating a more equitable distribution of contributions across candidates and, thus, more competitive races.

Of course, differences in competitiveness across elections may reflect the particular candidates or contest types on the ballot, national candidates and political dynamics, or other factors in the broader electoral landscape. To further isolate the impact of the FEP on electoral competition we compare D.C. trends to those observed in Baltimore City Council races. Certainly, differences in demographics, demographic changes, and local election dynamics may make Baltimore's vote concentration trends an imperfect substitute for what D.C.'s trends would have been absent FEP. However, in addition to its proximity to Washington, D.C., Baltimore provides a useful comparison case because although it recently adopted a public funding law similar to FEP, its changes do not go into effect until the 2022 election-cycle, and therefore cannot have affected the 2012–2020 election cycles.

To get a sense of whether the District has an especially high vote concentration, we can compare D.C. vote concentration metrics to those of Baltimore, which had city council elections in the same years. The 2016 and 2020 vote concentration metrics for Baltimore City Council races presented in Figure 35 show high levels of vote concentration, with the top candidate(s) typically receiving 88% or more of votes across measures. These concentration metrics are higher than those observed for D.C. elections, suggesting that although D.C. vote concentration metrics are high in absolute magnitude, they are not necessarily higher than similar contests in comparable cities.

Figure 35: Vote Concentration Measures–Baltimore, Maryland

	Baltimore, MD		Baseline Change, Baltimore 2016 to 2020	D.C. 2020 Change, Adjusted for Baltimore Trends
	2016	2020		
Max Share	88%	91%	3	-16
Max Top Two Share	88%	91%	3	-9
Herfindahl-Hirschman Index (HHI)	81%	86%	5	-23

Additionally, unlike D.C., vote concentration in Baltimore City Council races increased between 2016 and 2020. The change observed in Baltimore elections can also be used to adjust the D.C. 2020 change in concentration to take into account broader trends that might affect concentration levels in both cities. The final column of Figure 35 shows the 2020 D.C. change in vote concentration adjusted for trends observed in Baltimore City Council races. Just as when concentration is adjusted for trends observed in previous races within the District, results indicate that the 2020 vote was less concentrated among the top candidates than it might have been without the FEP to counteract trends.

Overall, results of this analysis are consistent with program goals; that is, the FEP appears to be associated with a more equitable distribution of financial contributions across candidates. Moreover, candidates are not just more financially viable but also better able to run competitive campaigns that attract voters at the ballot box.

THE CANDIDATE EXPERIENCE

In addition to a review of relevant data and literature, the Office of the District of Columbia Auditor (ODCA) tasked FMG with conducting in-depth interviews (IDI) with candidates who participated in the FEP during the 2020 election cycle to understand their experiences.

Key goals for the research effort included:

- Candidates’ decision to file for public funds and its effect on their candidacies.
- Candidates’ perception of the obstacles and requirements in obtaining FEP funds.
- Thoughts about the process of obtaining funds and reporting expenditures.
- Assessment of how the FEP affected candidates’ campaigns, particularly time spent fundraising once the public funding was received.
- Candidates’ sense of the impact of the additional funds on their ability to reach voters and increase voter participation.

This section describes key findings from this research effort, along with recommendations based on those findings for how to improve the FEP in the future. Supporting information about the methodology and each finding is in the Key Findings and Recommendation sections below.

Methodology

The research team conducted 10 IDIs with candidates remotely via Zoom from January 14 to 22, 2021. These participants included candidates for offices such as State Board of Education and D.C. Council (both Ward and At-Large). Participants selected for interviews also represented a mix of first-time candidates, incumbents, and candidates with previous campaign experience who participated in a primary, general, or special election in the 2020 cycle.

Recruitment

FMG selected specific FEP candidates and contacted them by email to schedule an interview. Once a date and time was confirmed, FMG provided the candidate the necessary Zoom login information for the call.

Data Collection

Each interview session was approximately 60 minutes in duration. The moderator followed a structured moderator guide to ensure consistency in delivery across participants; however, the moderator had the flexibility to use follow-up probes when necessary to better understand a participant's perspective.[25] The moderator guide had the following structure:

- Candidates' general knowledge of FEP.
- Experience with the FEP application process.
- Overall experience with the FEP reporting process.
- Impact of FEP funding on candidates' overall fundraising.

Each interview was facilitated by a moderator, and a note-taker documented feedback during each Zoom call.

In addition, FMG researchers had the opportunity to speak directly with the OCF Director and staff in January 2021 to gain deeper insight into their experience implementing the FEP. FMG identified a number of topics from this meeting that connected directly to the feedback received from candidates, which have been integrated throughout this section.

Analysis

Upon completion of the interviews, the research team compiled all notes into one tracker, so that the team could review key words, phrases, or topics that were discussed across all 10 interviews and identify key themes and trends. Commonalities across candidate responses formed the basis of the findings in the following section.

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[25] The complete moderator guide is presented in Appendix G.

Key Findings

Key Finding 1: FEP funding kept candidates competitive and increased participation

Interviewed candidates indicated that the FEP was key to increasing their participation and viability, fulfilling a key goal of the program. Many candidates noted that they would not have mounted a campaign for public office if they had not had access to FEP funding. Specifically, candidates highlighted that the 5:1 matching and lump sums were key drivers to jumpstarting their campaign infrastructure early on. One candidate noted that "*[FEP funding] really jumpstarted my campaign. I don't know where I would be if the program wasn't in place."* These findings are supported by feedback provided by OCF, which indicated that candidates who participated in the FEP won four out of five Board of Education seats, and three FEP candidates won D.C. Council seats, including a Ward 4 FEP candidate who defeated a well-funded incumbent.

Additionally, first-time candidates indicated that FEP funding was key to mounting a competitive campaign and getting their message out to constituents. In many cases, these two factors were linked: many candidates indicated that soliciting donations from a broad group of small donors throughout Washington, D.C., also provided an opportunity for lesser-known candidates to get their message out to a wider audience. For example, one candidate indicated that "*Instead of focusing on a few people who would give a large chunk of money, I focused more on small donors. It pushed me to think about a broader diversity of people to solicit from and it really focused my efforts on D.C..*" These findings suggest that FEP funding presented an opportunity for candidates to not only jumpstart their campaign, but to also integrate fundraising strategies that encouraged more small dollar donations from across the District.

Although candidates had highly positive feedback about the impact of the FEP on candidate participation, there were areas where they suggested improvements. Candidates recommended that future FEP iterations continue to be marketed as an opportunity for first-time candidates. Respondent feedback indicates that the FEP was a key driver for first-time candidates to consider running for office in the 2020 election cycle, as well as electing fresh faces to many offices across the District. In future election cycles, candidates noted, marketing this program as an incentive for first-time, or lesser-known, candidates would continue to create opportunities for a broad coalition of candidates from diverse economic and social backgrounds to run for public office.

Key Finding 2: Candidates reported positive experiences with OCF

Candidates reported positive experiences with FEP administrative processes and procedures. They consistently reported that OCF was a valuable resource for questions or clarifications about the FEP, as well as being extremely responsive to candidate needs. Multiple candidates commented positively on OCF employees' responsiveness, their dedication for finding solutions for them, and the incremental improvements they saw throughout the program. Two candidates indicated that "…*the staff was very responsive to answering my questions. I could email or call, and they would respond.*" And *"It was hard to find assistance myself, but the office helped point me in the right direction."* Candidates also noted that OCF community engagement initiatives, such as brown bag meetings and presentations at Advisory Neighborhood Commission meetings, were beneficial in learning more information about the FEP and its requirements. These interview findings support that general FEP processes and procedures were clear to most participating candidates, and that candidates were able to easily identify resources to seek guidance or support where needed.

Candidates also provided recommendations during their conversations in ways to improve the overall administration of the FEP. First, although candidates consistently highlighted how helpful OCF was, they also noted that it would have been beneficial to speak with subject matter experts when they had more nuanced questions about the program. For example, candidates recommended pointing out key staff within OCF who should be contacted for questions related to various aspects of the FEP. First-time candidates also suggested one-on-one training sessions with OCF staff members to walk them through the rules and reporting requirements of the program as another way for candidates to engage with subject matter experts. Candidates said they appreciated the training materials created by OCF but noted that differences in learning styles and experience with campaigns make a one-size-fits-all training an imperfect approach. It was also suggested that OCF take a more customer service-related approach, since first-time candidates may be less informed on filing processes and procedures. For example, "Frequently Asked Questions" documents and additional guidance from OCF on how to set up a bank account for campaign funds were two areas where first-time candidates indicated that more information would have been helpful.

Finally, candidates also recommended increasing public awareness of program details. Lack of public awareness during the 2020 election cycle led to candidates having to return donations and following up with cash donors to fill out donation declaration forms. This is consistent with information that OCF shared with the FMG research team in January, indicating that candidates had the most difficulty understanding the process for submitting contribution cards and affirmation statements. Additionally, candidates indicated that many constituents were not aware of the FEP, which made explaining the significance of the 5:1 matching grant more difficult. For example, one candidate said that *"…there needs to be more education around these programs to the wider population. I think senior citizens didn't know what the 5:1 matching was. You had to have a lot of time on the phone explaining that to them."* Moving forward, increasing public education on the FEP would reduce burdens on campaigns, and permit more focus on candidates getting their message out to constituents.

Key Finding 3: Candidates struggled with the FEP reporting process

Although candidate feedback supports that the FEP did have its intended impact on campaigns and voter participation, many candidates indicated frustration with the process to submit reports and especially around manual donation entry. Two candidates indicated that they themselves were the primary person for data input and submitting reports, whereas three candidates mentioned that they had the assistance of campaign staffers, such as a treasurer, or other campaign volunteers for data input. One candidate spoke to these frustrations: *"I remember being unable to upload the donation information in batches through Excel. With this program, you are getting a lot more donations because the dollar amounts are less. So, this process was incredibly time consuming. We had to retype all the information from [online fundraising platforms like] ActBlue."* Additionally, candidates associated a high level of effort with the reporting requirements; for example, one candidate said it took their campaign "*at least 150 hours,*" whereas another described it as *"an extreme effort."*

When asked what OCF could have done to improve the reporting process, candidates noted that OCF's portal should be compatible with large donation platforms such as ActBlue, to alleviate manual labor involved in the reporting process. Candidates also suggested that if OCF identified deficiencies when reviewing reports, then it would be helpful to identify the specific deficiencies. In many cases, candidates indicated spending multiple hours trying to identify the deficiency in their reports so it could be corrected. For example, one candidate stated that "*It would have been helpful for OCF to denote what deficiencies there were with a donation that was sent back to us."*

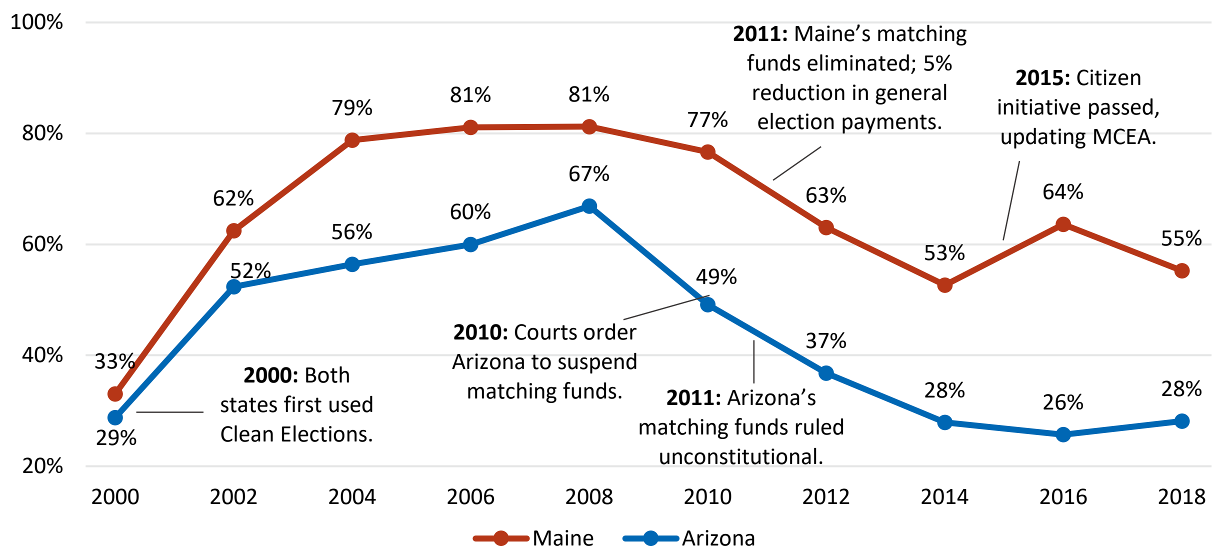
JURISDICTION COMPARISON AND BEST PRACTICES

Many states and localities across the United States have implemented campaign finance programs similar to the FEP in recent years, all with the intended goal of bridging the gap between candidates and the constituents that they represent. FMG undertook a review of these programs to understand how the FEP aligns, or differs, in program implementation and intended outcomes, and to identify best practices that could potentially be incorporated into future iterations of the FEP. The results of this review are outlined in the sections below.

Best Practices

Participation is measured in several forms by various jurisdictions. The most popular measure is percent of candidates participating in the program, with percent of elected officials elected as participants also used. Participation is generally measured over time, as some jurisdictions[26] do not see their program being widely used in the first several elections. Jurisdictions also face drops in participation due to reduced funding, rule changes, and other factors.[27] Shifts in participation over time can also indicate that changes need to be made to the program to incentivize participation.[28] Figure 36 shows how these factors can affect participation in public financing programs.

Figure 36: Candidates Participating in the Maine and Arizona Clean Elections Programs



[26] Maine Clean Election Act Overview 2002–2018 https://www.maine.gov/ethics/sites/maine.gov.ethics/files/inline-files/2018%20Maine%20Clean%20Eleciton%20Act%20Overview.pdf

[27] A Study Report of the Maine Clean Election Act Public Financing Program for Political Candidates for the 2012–2018 Elections, Maine Commission on Governmental Ethics and Election Practices, 2019, https://www.maine.gov/ethics/sites/maine.gov.ethics/files/inline-files/Final 2019 MCEA Report.pdf

[28] Maine "Clean Elections" Initiative, Question 1 (2015), Ballotpedia, https://ballotpedia.org/Maine_%22Clean_Elections%22_Initiative,_Question_1_(2015)

Many jurisdictions use public campaign financing programs to **elevate small dollar donors.** The FEP explicitly seeks to "amplify the voices of residents by matching qualified small dollar contributions at a 5:1 ratio."[29] Other jurisdictions like Los Angeles[30] and Denver[31] have the same or similar goals.

New York City's popular matching fund program has increased the role of small dollar donors. A study compared the 1997 NYC Council Election, which used a 1:1 matching ratio, with the 2001–2009 elections, where the match was increased to 4:1 from 2001 to 2005, and then 6:1 in 2009. The percentage of private contributions coming from small (up to $250) donors increased among all candidates by 40%, with an even larger increase for "challengers" seeking to unseat an incumbent. When including the additional public matching funds, the percentage of contributions from small donors increased by 60% from 1997 levels. The change in the number of small donors is more complicated. There was a 9% increase in contributors, but a 7% decrease in contributors for challengers. It was hypothesized that this was due to an increase in candidates. When limiting the sample to competitive candidates (defined as receiving at least half as many votes as the winning candidate in a primary or general), there is a 29% increase in small donors, with a 56% increase in small donors to competitive challengers.[32] Although this study shows that New York City's matching program both increases the share of contributions from small donors and the number of small donors, there are still limitations. Due to insufficient data, the study compared the 1:1 match in 1997 to the multiple matches used from 2001 to 2007, instead of an election where no public funding was available.

Participating candidates in New York City are much more reliant on small donors, according to interviews with multiple candidates conducted by the Brennan Center for Justice.[33] Under the matching program, candidates are able to combine fundraising with voter outreach. Small, local fundraisers are more common as they serve as a chance to both meet community members and raise money. Other candidates reported an increased enthusiasm among contributors when they learned their contribution would be multiplied sixfold. [34]

Connecticut's Citizens' Election Program (CEP) also has had success increasing the role of the small individual donors. In 2006, before the CEP went into effect, just over half of the contributions made to

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[29] D.C. Office of Campaign Finance, "Public Financing Program," https://ocf.dc.gov/sites/default/files/dc/sites/ocf/page_content/attachments/Public%20Finance%20%20Program_Training_.pdf;

[30] Los Angeles City Charter § 471, https://ethics.lacity.org/wp-content/uploads/Laws-Campaigns-Matching-Funds-Charter-471.pdf

[31] Denver Code of Ordinances §§ 15-31, https://library.municode.com/co/denver/codes/code_of_ordinances?nodeId=TITIIREMUCO_CH15EL_ARTIIICAFI

[32] Malbin, Michael, et. al., "Small Donors, Big Democracy: New York City's Matching Funds as a Model for the Nation and States," Election Law Journal, 2012, http://www.cfinst.org/pdf/state/nyc-as-a-model_elj_as-published_march2012.pdf

[33] Migally, Angela & Liss, Susan, "Small Donor Matching Funds: The NYC Election Experience," Brennan Center for Justice, https://www.brennancenter.org/sites/default/files/2019-08/Report_Small-Donor-Matching-Funds-NYC-Experience.pdf

[34] Ibid.

General Assembly candidates came from lobbyists, special interests, and other sources, with the rest coming from individuals. By 2018, 99% of contributions came from individuals.[35]

Public financing of elections programs can also seek to encourage **donor diversity**. Jurisdictions and those who study them use race, gender, socioeconomic status, and geography as measures of the diversity of contributors. The effects of public financing on donor diversity are somewhat positive. However, lack of demographic data on contributors makes studying this a challenge.

New York City's matching program, which encourages small donors, has led those who contribute to more closely reflect the overall population of the city. Ninety-two percent of census block groups in the city had at least one donor who contributed between $1 and $250. In these block groups, the median household income was $45,115, 19% lived in poverty, and over half were people of color. Just 29% of New York City census block groups had at least one contributor give between $251 and $999 to a candidate. In these census block groups, the median household was $58,2018, and only 32% of residents were people of color. Policies that encourage more small dollar donations can and do lead to a more representative group of contributors.[36]

Seattle's Democracy Voucher program has seen less drastic results. The program sends all Seattle residents four $25 vouchers that can be allocated to participating candidates. Residents also have the option to make cash contributions. An analysis of the program's first election in 2017 found that voucher users on average earned less than those who opted to make cash donations. They were also slightly more likely to live in less wealthy neighborhoods. In terms of racial diversity, voucher users and cash users were nearly the same. When comparing voucher users with all registered voters in Seattle, voucher users, like cash donors, were more likely to be wealthy, white, and older.[37]

Public financing schemes can also seek to limit how much time candidates at all levels spend **fundraising**. The FEP aims to "free candidates from the rigors of fundraising" with its base amount payments and matching funds. Other jurisdictions[38,39] also aim to reduce the need for extensive fundraising, giving candidates more time to communicate with the electorate. In New York City, candidates have said that matching funds help combine fundraising with voter outreach, since they must focus on getting small dollar contributions instead of large contributions from special interests.[40]

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[35] Amplifying Small-Dollar Donors in the Citizens United Era: Connecticut's Citizens' Election Program Shifted the Balance of Power to the People, Common Cause, https://www.commoncause.org/wp-content/uploads/2020/09/CT_SmallDonorDollar_Report_WEB.pdf

[36] Malbin, Michael, et. al., "Small Donors, Big Democracy: New York City's Matching Funds as a Model for the Nation and States," Election Law Journal, 2012, http://www.cfinst.org/pdf/state/nyc-as-a-model_elj_as-published_march2012.pdf

[37] Expanding Participation in Municipal Elections: Assessing the Impact of Seattle's Democracy Voucher Program, University of Washington Center for Studies in Demography & Ecology, https://csde.washington.edu/wp-content/uploads/2018/04/Seattle-Voucher-4.03.pdf

[38] Los Angeles City Charter § 471, https://ethics.lacity.org/wp-content/uploads/Laws-Campaigns-Matching-Funds-Charter-471.pdf

[39] Citizens Clean Elections Act, A.R.S., Title 16, Chapter 6, Article 2, §16-940 Findings and Declarations.

[40] Migally, Angela & Liss, Susan, "Small Donor Matching Funds: The NYC Election Experience," Brennan Center for Justice, https://www.brennancenter.org/sites/default/files/2019-08/Report_Small-Donor-Matching-Funds-NYC-Experience.pdf

Jurisdictions also use public election financing to increase the **competitiveness** of their elections and reduce the advantage enjoyed by incumbent candidates.[41,42] Connecticut's CEP increased competition immediately after going into effect. In 2004, the state had a level of competition typical in the United States. When CEP was first used in 2008, the state became the eighth most monetarily competitive[43] state in the country. Monetary competition compares the funds raised by the top loser to the funds raised by the winner.[44] Much as observed in D.C. following implementation of the FEP, Connecticut saw decreased concentration of candidate funding since CEP was implemented and has remained a leader in monetary competition.[45]

Connecticut also has seen the average margin of victory shrink with CEP. In 2006, the average margin of victory was 32% in the Senate and 33% in the House. In the first election with CEP, the margins of victory dropped to 21% and 23%, respectively.[46] Even with this limited sample size, CEP's effects are evident.

In New York City, competition also increased thanks to matching funds. In 2009, nearly half of primaries saw two or more candidates spend 90% of their spending limits. The same year, 12 challengers spent within 10% of their incumbent opponent. Candidates noticed this effect as well, with some attributing increased competition, particularly from challengers, to the matching funds.[47,48]

POLICY IMPLICATIONS

Although there were some difficulties in the program's processes and procedures, candidates thought that the intention and purpose behind the FEP was key to diversifying the field of candidates across Washington, D.C., races, and could increase voter participation. Additionally, the FEP was instrumental in ensuring that new candidates had the financial footing to launch viable campaigns. Having this financial capital led lesser-known or first-time candidates to run viable campaigns, and in many cases led to these candidates winning races against better-funded candidates and incumbents. This feedback, and overall positive feedback of the program, indicates that the FEP could be a viable mechanism to

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[41] Citizens Clean Elections Act, A.R.S., Title 16, Chapter 6, Article 2, §16-940 Findings and Declarations.

[42] Los Angeles City Charter § 471, https://ethics.lacity.org/wp-content/uploads/Laws-Campaigns-Matching-Funds-Charter-471.pdf

[43] "Monetary competition measures competition by comparing the winner(s)' fundraising against the losing candidate(s) who raised the most among the losers." https://www.followthemoney.org/help/glossary/glossary-for-competitiveness-index

[44] Competitiveness Glossary, FollowTheMoney.org, https://www.followthemoney.org/help/glossary/glossary-for-competitiveness-index

[45] Amplifying Small-Dollar Donors in the Citizens United Era: Connecticut's Citizens' Election Program Shifted the Balance of Power to the People, Common Cause, https://www.commoncause.org/wp-content/uploads/2020/09/CT_SmallDonorDollar_Report_WEB.pdf

[46] Connecticut – Reclaiming Democracy: The Inaugural Run of the Citizens' Election Program for the 2008 Election Cycle, State Elections Enforcement Commission, October 2009, https://seec.ct.gov/Portal/data/Publications/Reports/2008_cep_report_reclaiming_democracy_102709.pdf

[47] Migally, Angela & Liss, Susan, "Small Donor Matching Funds: The NYC Election Experience," Brennan Center for Justice, https://www.brennancenter.org/sites/default/files/2019-08/Report_Small-Donor-Matching-Funds-NYC-Experience.pdf

[48] New York City adopted Ranked Choice Voting (RCV) for 2021 Mayoral election. This system also has implications for electoral competitiveness as related to campaign finance. Considerations related to RCV are discussed in detail in Appendix H.

encourage more first-time candidates to mount viable campaigns in future election cycles, and increase the diversity of candidates across the board.

Looking to the future, the following questions merit study as the FEP continues to evolve:

How can processes and procedures, specifically around reporting contributions, be streamlined? Candidates indicated that this was the biggest pain point for them throughout their experience in the FEP, and that finding ways to automate processes, intertwining fundraising platforms with OCF reporting systems, and additional training would be beneficial to mitigating some of the issues campaigns experienced in the 2020 election cycle.

What opportunities are there to market the FEP more broadly? Many first-time candidates indicated that they had to do their own research to learn more about the FEP, and that the support it provided was key to mounting a viable campaign. A study could be undertaken to assess whether marketing the FEP could encourage more unengaged or first-time candidates to participate in the electoral process. Additionally, this marketing could have the potential to increase constituents' overall awareness of the program as well.

Are there opportunities to ensure that the FEP funding is flowing to the most viable campaigns? Although most candidates cited running successful campaigns in the 2020 election cycle, policymakers could consider ways to ensure that they see a return on investment regarding the FEP. For example, one candidate suggested that availability of funding for the primary be separated from the general election. Looking into these opportunities could ensure that taxpayer dollars for this program are being used to their fullest extent, specifically with the most viable candidates.

What resources are available to increase OCF's capacity? In conversations with OCF, they indicated that there was higher-than-expected participation in the FEP in the 2020 election cycle, and that this participation could increase in the future. Candidates indicated that they had an overall positive experience working with OCF, but staff members indicated that the higher-than-expected participation strained their capacity to effectively meet these candidates' needs. Moving forward, policymakers could examine additional resources to ensure that OCF can effectively serve all participating candidates, as well as smoothly execute all program processes and procedures.

APPENDIX A: TOTAL NUMBER OF CANDIDATES ON BALLOT BY ELECTION YEAR

Race	2012	2014	2016	2018	2020
D.C. Council At-Large	10*	19*	8*	9*	24*
D.C. Council Ward 1		4*		5*	
D.C. Council Ward 2	1*		1*		12*
D.C. Council Ward 3		2*		2*	
D.C. Council Ward 4	6*		4*		4*
D.C. Council Ward 5		4*		8*	
D.C. Council Ward 6		3		3*	
D.C. Council Ward 7	8*		6*		6*
D.C. Council Ward 8	6*		5*		7*
BOE At-Large	2		3*		6
BOE Ward 1		5		3	
BOE Ward 2	1		1*		4
BOE Ward 3		4		2*	
BOE Ward 4	1		1		1
BOE Ward 5		1*		3	
BOE Ward 6		2		2*	
BOE Ward 7	4*		3*		4*
BOE Ward 8	2		3		3

Note: "*" in the table above indicates races that included incumbents.

APPENDIX B: 2020 CANDIDATES

Figure 37: D.C. Council 2020 At-Large Candidates

Candidate	Party	FEP Participant	Met FEP Threshold	Winner
A'Shia Howard	IND			
Alex Padro	IND			
Ann C. Wilcox	STG			
Anthony Lamount Dale**	IND	✓	No	
Calvin Gurley	IND			
Chander Jayaraman	IND	✓	Yes	
Christina Diane Henderson	IND	✓	Yes	✓
Claudia Barragan	IND			
Ed Lazere	IND	✓	Yes	
Eric Rogers	IND			
Franklin Garcia	IND	✓	Yes	
Jeanné L. Lewis	IND	✓	Yes	
Joe Bishop-Henchman	LIB			
Kathy Henderson	IND			
Keith Silver	IND	✓	No	
Marcus Goodwin	IND			
Mario Cristaldo	IND	✓	No	
Markus Edward Batchelor	IND	✓	Yes	
Marya Pickering	REP			
Michangelo Scruggs	IND			
Monica Palacio	IND	✓	Yes	
Nate Brown**	DEM	✓	No	
Rick Murphree	IND			
Robert White*	DEM			✓
Vincent Bernard Orange	IND	✓	Yes	
William Russell Merrifield	IND	✓	Yes	

Notes: "*" in the table above indicates races that included incumbents. "**" in the table indicates that candidate raised funds but was not in the ballot for the primary or general election.

Figure 38: D.C. Ward 2020 Candidates

Candidate	Party	Ward	FEP Participant	Met FEP Threshold	Winner
Randy Downs	IND	Ward 2	✓	Yes	
Brooke Pinto*	DEM				✓
Martin Miguel Fernandez	IND		✓	Yes	
Peter Bolton	STG				
Jack Evans	DEM		✓	Yes	
Patrick Kennedy	DEM		✓	Yes	
Kishan Putta	DEM		✓	Yes	
Jordan Grossman	DEM		✓	Yes	
Daniel Hernandez	DEM		✓	No	
Yilin Zhang	DEM		✓	Yes	
John Fanning	DEM		✓	Yes	
Katherine Venice	REP		✓	No	
Perry Redd	STG	Ward 4			
Janeese Lewis George	DEM		✓	Yes	✓
Brandon Todd*	DEM				
Marlena Edwards	DEM				
Renee Bowser**	DEM		✓	Yes	
Vincent Gray*	DEM	Ward 7			✓
Kelvin Brown	DEM		✓	Yes	
Anthony Green	DEM		✓	Yes	
Rebecca Morris	DEM				
Veda Rasheed	DEM				
James Leroy Jennings	DEM				
Clayton Aristotle Rosenberg**	DEM		✓	No	
Trayon White*	DEM	Ward 8	✓	Yes	✓
Fred Hill	IND				
Christopher Cole	IND		✓	No	
Nate Derenge	REP				
Stuart Anderson	DEM		✓	No	
Mike Austin	DEM		✓	Yes	
Yaida Ford	DEM				
Danielle Platt**	DEM		✓	No	
Fria Moore**	DEM		✓	No	
Nelson Jackson**	DEM				
Richard Campbell**	DEM				
Taurus Phillips**	IND		✓	No	

Notes: "*" in the table above indicates races that included incumbents. "**" in the table indicates that candidate raised funds but was not in the ballot for the primary or general election.

Figure 39: D.C. Board of Education 2020 At-Large Candidates

Candidate	FEP Participant	Met FEP Threshold	Winner
Jacque Patterson			✓
Mysiki Valentine	✓	Yes	
Ravi K. Perry			
Chris Martin			
Dorothy Douglas			
Troy Murphy			
Bill Lewis**			
Charles Boston**	✓	No	

Notes: "*" in the table above indicates races that included incumbents. "**" in the table indicates that candidate raised funds but was not in the ballot for the primary or general election.

Figure 40: D.C. Board of Education 2020 Ward Candidates

Candidate	Ward	FEP Participant	Met FEP Threshold	Winner
Allister Chang	Ward 2	✓	Yes	✓
James Harnett		✓	Yes	
Sarah Mehrotra				
Christopher Etesse				
Frazier O'Leary	Ward 4	✓	Yes	✓
Dontrell Smith	Ward 7	✓	Yes	
Charles Boston		✓	No	
Eboni Rose Thompson		✓	Yes	✓
Karen Williams*		✓	Yes	
Patricia Stamper**		✓	No	
Tyrell Holcomb**		✓	No	
Ryan Washington	Ward 8	✓	Yes	
Carlene D. Reid		✓	Yes	✓
Lajoy Johnson-Law				
Darrell Gaston**		✓	No	

Notes: "*" in the table above indicates races that included incumbents. "**" in the table indicates that candidate raised funds but was not in the ballot for the primary or general election.

APPENDIX C: TOTAL FUNDING AMOUNTS, BY RACE

D.C. Council, All Races					
	2012	2014	2016	2018	2020
Mean	$84,819.34	$85,832.57	$146,120.50	$89,124.46	$138,653.20
Minimum	$50.00	$150.00	$351.00	$25.00	$400.00
Maximum	$370,102.00	$384,955.00	$454,929.00	$315,757.00	$512,069.90

D.C. Council, At-Large					
	2012	2014	2016	2018	2020
Mean	$111,921.40	$70,700.61	$161,870.10	$123,733.10	$158,076.60
Minimum	$6,604.00	$1,125.00	$351.00	$7,288.00	$1,242.00
Maximum	$282,368.00	$191,097.00	$454,929.00	$315,757.00	$512,069.90

D.C. Council, Ward					
	2012	2014	2016	2018	2020
Mean	$72,623.40	$113,070.10	$135,620.80	$71,820.13	$124,265.60
Minimum	$50.00	$150.00	$1,013.00	$25.00	$400.00
Maximum	$370,102.00	$384,955.00	$418,326.00	$277,887.00	$495,646.00

Board of Education, All Races					
	2012	2014	2016	2018	2020
Mean	$7,846.33	$14,931.40	$8,963.70	$29,477.30	$17,681.42
Minimum	$940.00	$100.00	$165.00	$700.00	$1,920.00
Maximum	$19,556.00	$42,437.00	$20,378.00	$68,177.00	$32,726.00

Board of Education, At-Large					
	2012	2014	2016	2018	2020
Mean	$3,585.00	N/A	$9,114.67	N/A	$14,434.50
Minimum	$940,00	N/A	$4,763.00	N/A	$1,920.00
Maximum	$6,230.00	N/A	$16,556.00	N/A	$31,359.00

Board of Education, Ward					
	2012	2014	2016	2018	2020
Mean	$9,977.00	$14,931.40	$8,899.00	$29,477.30	$19,157.29
Minimum	$2,660.00	$100.00	$165.00	$700.00	$2,526.00
Maximum	$19,556.00	$42,437.00	$20,378.00	$68,177.00	$32,726.00

APPENDIX D: TOTAL INDIVIDUAL CONTRIBUTIONS FROM D.C.

Figure 41: Percentage of Individual Contribution Funding from D.C. Residents by Election Year

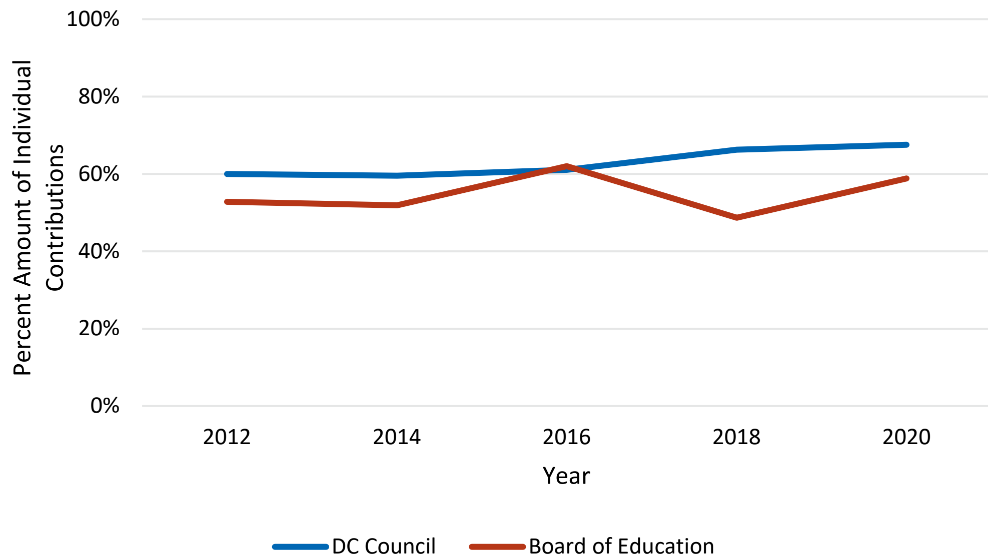
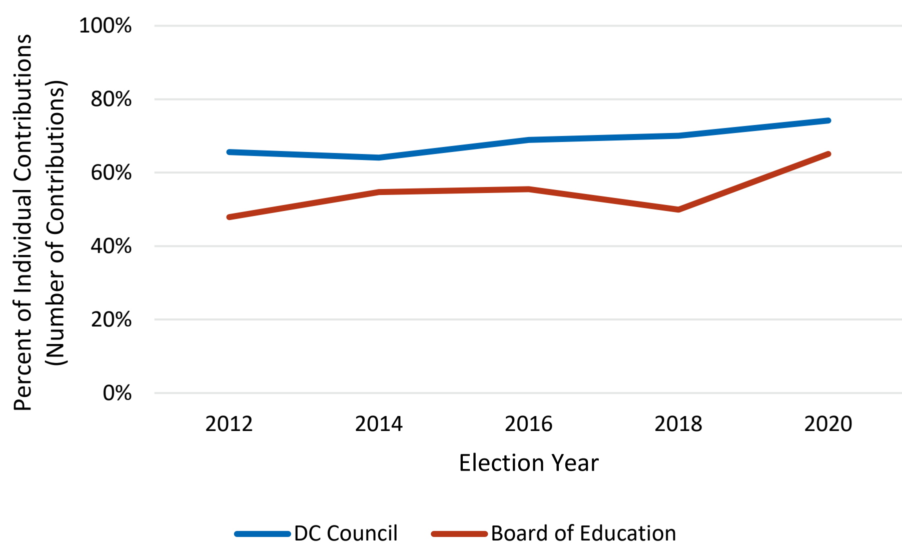


Figure 42: Percentage of Individual Contribution Funding from D.C. Residents by Election Year



APPENDIX E: METHODOLOGY FOR FEP's EFFECT ON ELECTORAL COMPETITION

If we assume that the FEP was effective in increasing financial and electoral competitiveness, for each concentration measure we would expect a decline in average of that measure across all contests in 2020 relative to previous elections, when the FEP was not in effect. However, of most interest is the comparison of average concentration measures between 2020 and 2016, the latest non-FEP presidential election. Prior presidential elections are likely more comparable than prior midterm/mayoral elections with respect to elector competition because the participation rates, the races on the ballot in D.C., and consequently composition of the electorate, differs substantially between midterm/mayoral and presidential elections. Consequently, the change in concentration measures between 2016 and 2020 most likely reflects the effect of the FEP.

One concern with this simple pre-test/post-test comparison is that the change in concentration measures between 2016 and 2020 may reflect long-term trends in levels of competition for donations and votes, rather than the effect of the FEP. To partially address this concern and draw more inferences about the degree to which the FEP plausibly affected elector competition, we compare the change in each competition metric between 2016 and 2020 to the change in these same metrics between 2012 and 2016. Under the assumption that, absent the FEP, the changes in electoral competition observed between 2012 and 2016 would have continued between 2016 and 2020, the differences in these changes are more likely to reflect the effect of the influence of the FEP. Specifically, we would expect to observe a more negative change in donation and vote concentration between 2016 and 2020 than between 2012 and 2016. As an alternative test of the hypothesis that the FEP decreased funding and vote concentration, we also compare the 2016 to 2020 change in concentration to the 2014 to 2018 change in these metrics. Although these latter elections are midterm/mayoral elections and thus the *levels* of concentration may differ from presidential elections, this comparison may still be informative if the *trends* between midterm/mayoral elections are similar to the trends between presidential elections. The 2014 to 2018 period also partially overlaps the 2016 and 2020 period, making the assumption of parallel trends more plausible.

The assumption that the changes between 2012 and 2016 or 2014 and 2018 would have continued into 2020 is a strong one. Given the different sets of candidates and contest types on both the local and national ballots in all three of these general elections, it is plausible that differential changes may reflect differences in candidates and contest types rather than the FEP. To address the differences caused by national candidates, and to estimate D.C. absent vote competition trends between 2016 and 2020, we use the change in vote concentration in City Council races for the City of Baltimore between 2016 and 2020. This city was chosen as a comparison due to its proximity to Washington, D.C., and because it did not undergo a change in campaign finance laws during that period, but rather a recently adopted public funding law similar to the FEP that will go into effect in the 2022 election cycle. We note, however, that differences in demographics, demographic changes, and local election dynamics may make Baltimore's vote concentration trends an imperfect substitute for what D.C.'s trends would have been absent the FEP. This limitation should be kept in mind when interpreting the results.

To calculate the impact of the FEP on measures of financial and vote concentration, over-time changes are adjusted in an effort to take into account non-FEP related factors that might influence levels of these outcome variables. Adjustments assume that the level of concentration in 2020 is the sum of three metrics: a baseline level, changes from the baseline level following the implementation of the FEP not due to the FEP, and changes from the baseline due to the implementation of the FEP, which is the metric of interest. To calculate the impact of the FEP we thus have to subtract the baseline level in concentration and unrelated trends in concentration from the 2020 concentration metric. As a proxy for the baseline level, we use the level of the respective metric in 2016, the last pre-FEP presidential election. As a proxy for changes in concentration between 2016 to 2020 that would have occurred absent the FEP, we use either the change in the respective measure between 2012 and 2016, changes in the measure between 2014 and 2018 or, in the case of votes, the change in vote concentration for general election Baltimore City Council between 2016 and 2020.

APPENDIX F: VOTE TOTALS BY CONTEST

D.C. Council At-Large					
	2012	2014	2016	2018	2020
Total Votes Cast in Contest for Ballot Candidates	384,729	271,397	439,608	339,279	533,998
Votes Received by Top Candidate	148,595	85,575	233,983	152,460	139,208
Votes Received by Second Ranked Candidate	78,123	41,300	108,745	90,589	79,189

D.C. Council Ward 1					
	2012	2014	2016	2018	2020
Total Votes Cast in Contest for Ballot Candidates		19,874		29,513	
Votes Received by Top Candidate		17,024		23,283	
Votes Received by Second Ranked Candidate		2,021		6,230	

D.C. Council Ward 2					
	2012	2014	2016	2018	2020
Total Votes Cast in Contest for Ballot Candidates	23,414		27,534		29,515
Votes Received by Top Candidate	23,414		27,534		20,364
Votes Received by Second Ranked Candidate					6,141

D.C. Council Ward 3					
	2012	2014	2016	2018	2020
Total Votes Cast in Contest for Ballot Candidates		23,254		31,389	
Votes Received by Top Candidate		20,314		23,443	
Votes Received by Second Ranked Candidate		2,940		7,946	

D.C. Council Ward 4					
	2012	2014	2016	2018	2020
Total Votes Cast in Contest for Ballot Candidates	33,045		35,100		41,424
Votes Received by Top Candidate	33,045		35,100		38,990

Votes Received by Second Ranked Candidate					2,434

D.C. Council Ward 5					
	2012	**2014**	**2016**	**2018**	**2020**
Total Votes Cast in Contest for Ballot Candidates		20,778		29,438	
Votes Received by Top Candidate		19,290		23,745	
Votes Received by Second Ranked Candidate		1,488		2,523	

D.C. Council Ward 6					
	2012	**2014**	**2016**	**2018**	**2020**
Total Votes Cast in Contest for Ballot Candidates		26,795		40,078	
Votes Received by Top Candidate		23,668		35,780	
Votes Received by Second Ranked Candidate		3,127		4,298	

D.C. Council Ward 7					
	2012	**2014**	**2016**	**2018**	**2020**
Total Votes Cast in Contest for Ballot Candidates	33,130		32,160		30,790
Votes Received by Top Candidate	29,056		27,956		27,202
Votes Received by Second Ranked Candidate	4,074		2,367		3,588

D.C. Council Ward 8					
	2012	**2014**	**2016**	**2018**	**2020**
Total Votes Cast in Contest for Ballot Candidates	30,790		27,174		31,825
Votes Received by Top Candidate	27,202		27,174		25,340
Votes Received by Second Ranked Candidate	3,588				4,745

Board of Education At-Large					
	2012	**2014**	**2016**	**2018**	**2020**
Total Votes Cast in Contest for Ballot Candidates	30,790		27,174		31,825

Votes Received by Top Candidate	27,202		27,174		25,340
Votes Received by Second Ranked Candidate	3,588				4,745

Board of Education Ward 1					
	2012	2014	2016	2018	2020
Total Votes Cast in Contest for Ballot Candidates		18,709		27,171	
Votes Received by Top Candidate		6,903		14,597	
Votes Received by Second Ranked Candidate		4,704		8,547	

Board of Education Ward 2					
	2012	2014	2016	2018	2020
Total Votes Cast in Contest for Ballot Candidates	18,299		23,176		23,149
Votes Received by Top Candidate	18,299		23,176		11,296
Votes Received by Second Ranked Candidate					7,938

Board of Education Ward 3					
	2012	2014	2016	2018	2020
Total Votes Cast in Contest for Ballot Candidates		20,894		27,417	
Votes Received by Top Candidate		7,869		19,097	
Votes Received by Second Ranked Candidate		6,693		8,320	

Board of Education Ward 4					
	2012	2014	2016	2018	2020
Total Votes Cast in Contest for Ballot Candidates	27,683		31,562		32,352
Votes Received by Top Candidate	27,683		31,562		32,352
Votes Received by Second Ranked Candidate					

Board of Education Ward 5					
	2012	2014	2016	2018	2020
Total Votes Cast in Contest for Ballot Candidates		17,410		27,496	

Votes Received by Top Candidate		17,410		14,558	
Votes Received by Second Ranked Candidate				9,692	

Board of Education Ward 6					
	2012	2014	2016	2018	2020
Total Votes Cast in Contest for Ballot Candidates		20,959		36,423	
Votes Received by Top Candidate		13,225		22,843	
Votes Received by Second Ranked Candidate		7,734		13,580	

Board of Education Ward 7					
	2012	2014	2016	2018	2020
Total Votes Cast in Contest for Ballot Candidates	29,603		28,680		32,955
Votes Received by Top Candidate	12,316		14,057		13,853
Votes Received by Second Ranked Candidate	8,500		10,804		8,659

Board of Education Ward 8					
	2012	2014	2016	2018	2020
Total Votes Cast in Contest for Ballot Candidates	28,635		25,824		28,090
Votes Received by Top Candidate	21,078		9,064		13,155
Votes Received by Second Ranked Candidate	7,557		8,530		7,660

APPENDIX G: CANDIDATE INTERVIEW GUIDE

Introduction (5 minutes)

Thank you for participating in this study today. My name is _______, and I work as a researcher at Fors Marsh Group, a private research firm based out of Arlington, Virginia. Today, we are helping the Office of D.C. Auditor's to understand your campaign's experience, and participation in, the D.C. Fair Elections, or FEP, program.

I will be asking you a series of questions related to your participation in the Fair Elections Program as a [staffer for a] candidate for public office. I am not part of the D.C. government so please do not feel like you have to hold back on your thoughts or opinions. I am simply looking for honest and candid feedback that I can pass along to the research team to help them get a more complete picture of your experience in the FEP program.

The entire session should last about 60 minutes. Do you have any questions so far?

Let's cover a couple things before we get started:

- We are going to make an audio recording during the session today. Only those of us associated with this project will have access to these recordings, and the recordings will not contain any of your personally identifiable information. The recordings are primarily used as a reminder for me so I can go back later to recall what happened during each session.
- There are no wrong answers to the questions that I will be asking.
- There is another researcher listening in with me taking notes during our discussion today and other project members may join the session to observe.
- Your participation is voluntary, and you can stop or withdraw at any time. Also, you do not have to answer any questions you are not comfortable with.
- Your name and other personally identifiable information will not be included in our reports. Your comments will only be used in combination with the feedback that we get from other people.

Do you have any questions before we begin the session?

Okay, great. I'm going to begin the recording. First, I would like to ask you a couple questions to learn about your decision to run for public office.

Section 1: Career Background and Planning (5-10 minutes)

1.1. What led you to run for public office? [What led you to work for a campaign?]

a. What were the primary influences that led you to this decision?

b. What considerations, if any, did you take into account when deciding to run for office? [when you decided to work on this campaign?]

1.2. Had you considered running for office in the past?

1.3. Prior to running for office, did you have any experience with fundraising or soliciting donations?

a. **[If Yes]** What were those experiences?

  i. What, if anything, was challenging about fundraising or soliciting donations?

b. **[If No]** In what ways, if any, did that impact your overall campaign?

1.4. In your opinion, what burdens, if any, does fundraising place on a campaign?

a. How does this affect a campaign's overall strategy?

  i. Are there any disadvantages?

<u>Section 2: General Knowledge of FEP (10 minutes)</u>

2.1. How did you learn about the FEP program?

a. Did anyone from the Office of Campaign Finance (OCF) reach out to your campaign about this program?

  i. If yes, what information did they provide?

    1. Did you continue to remain in contact with them?

b. With whom, if anyone, did you speak to get more information?

  i. Did you seek assistance from anyone within the Office of Campaign Finance (OCF)?

    1. If so, were you able to get the assistance that you needed?

c. What resources, if any, did you use to search for information?

d. Where did you go to search information?

e. What did you read/listen to/watch/attend to learn what the rules were?

f. Were you successful in locating information about FEP?

g. Did you find information about the requirements of the program clear? What, if anything, did you find confusing?

2.2. What factors led you to apply for the program?

a. What were the pros/cons you weighed before deciding to apply for the program?

2.3. To what extent were you aware of the overall requirements associated with FEP like threshold amounts? (moderator note: when they made the decision to run for office under FEP.)

a. What impact, if any, did these requirements have on your decision to participate in the program?

2.4. Based on the information you received about the FEP, what were your initial expectations of the program?

a. Looking back, did FEP meet those expectations?

i. Why/why not?

Section 3: FEP Application Process (5 minutes)

3.1. What were your expectations of the application process?

a. How would you describe the application process for the FEP?

b. Was the application process as you expected it to be?

c. What, if anything, surprised you about the application process?

i. How so?

3.2. What difficulties or barriers, if any, did you experience during the application process?

a. What were some of the main reasons for these difficulties?

b. Did your lack of knowledge of the FEP program and regulations play a role?

c. Were there any aspects of the application process that worked well?

i. For what reasons would you say that?

Section 4: FEP Reporting Process (10 minutes)

4.1. What was your overall experience with the reporting requirements for the FEP?

a. **[IF PREVIOUS CANDIDATE]:** How did this process compare to the reporting requirements in previous campaigns?

4.2. What would you estimate the level of effort was for your campaign to submit the required reports for FEP?

a. What were your initial reactions to the level of data the office was requesting?

i. Was it difficult to compile this information quickly?

1. Why/why not?

ii. Did you have any issues with the reporting process?

1. For what reasons do you think those issues occurred?

b. To what extent, if any, did you experience issues surrounding restrictions on spending?

i. What were the exact impacts of those restrictions? How did you mitigate those issues?

4.3. What members of your campaign staff did you rely on to compile the required reporting information?

a. Did the level of effort required to compile these reports pull these staff away from other campaign activities?

ii. **[If Yes]** What actions did you take to fill that gap?

<u>**Section 5: Impact on Fundraising (10 minutes)**</u>

5.1. To what extent, if any, did the FEP program help you meet your fundraising goal?

a. How did receiving funding from the FEP impact your overall fundraising strategy?

5.2. Did receiving these funds affect the amount of time the campaign spent on strategizing, outreach, and engagement activities?

a. How so?

b. Did it have a positive or negative effect?

5.3. How did the COVID-19 pandemic affect your fundraising strategy?

a. As a result of the pandemic, did the FEP alleviate any funding concerns?

5.4. What impact did the FEP lump sum amounts have on your campaign?

a. To what extent did the lump sums offset the funds you would have received from larger donors?

b. What activities did the base lump sum fund for your campaign? What about the second lump sum?

5.5. Did your campaign hit the maximum matching cap of payment amounts for your office?

a. How did that impact your campaign?

b. Did that matching cap affect your overall campaign strategy in any way?

5.6. In what ways did this funding affect your campaign's time spent with constituents?

a. **[IF PREVIOUS CAMPAIGN]:** In what ways, if any, did this compare to your previous campaigns?

<u>**Section 6: Recommendations for the Future (5 minutes)**</u>

6.1. Based on your experience with the FEP program, what are some ways that the program can be improved in the future?

6.2. What, if anything, could the OCF do differently in future election cycles?

6.3. Would you participate in this program a second time if you were to run for office again?

a. Why/why not?

b. Would you recommend this program to another campaign?

6.4. Looking back on your experience with FEP, what would you have done differently?

6.5. Based on your experience, should the FEP be implemented in other jurisdictions?

a. **[If Yes]:** How broadly do you think the FEP program should be implemented?
b. **[If Yes]:** What changes would you recommend for other jurisdictions interested in implementing the FEP program?
c. **[If No]:** For what reasons do you say no?

<u>**Section 7: Close Out (5 minutes)**</u>

7.1 What is one thing that I didn't ask that you think I should know?

7.2 Do you have any final thoughts you would like to share with me today?

Thank you very much for participating in this session. I appreciate your time and great feedback.

APPENDIX H: REVIEW OF RANKED CHOICE VOTING

Ranked-choice voting (RCV) is a system in which voters rate candidates by preference. In an RCV election, voters' first-preference candidates are tabulated and if a candidate receives the majority of first-preference votes, then that candidate is declared the winner. If no candidate receives a majority of votes, then the candidate with the fewest first-preference votes is eliminated and voters who chose that candidate as a first preference have their vote redistributed to their second preference. This process repeats until a candidate wins with the majority of the votes.[49]

RCV has been used in elections around the world, including consistent use in Australia, Ireland, and Malta.[50] Though RCV isn't as common in the United States, some states and localities have used it statewide for certain races. In 2020, Maine was the first state to use RCV in a general presidential election. RCV is also used in some city races, such as in St. Paul, Minn., Portland, Ore., and the Bay Area of San Francisco. Local elections in states such as Utah and Virginia have also used RCV, and legislation to bring this to other localities is pending.[51] In some jurisdictions, RCV has been used as a replacement for traditional runoff voting, where instead of a two-step process of conducting a runoff election in case no candidates receive a majority of votes, voters rank candidates in a single election.[52]

Supporters of RCV assert that with this method, a larger percentage of voters end up supporting the winning candidate. Winners of RCV elections are more likely to have broader appeal among voters. In contrast, when a candidate wins through a method that elects the candidate with a plurality of votes, they may be less representative of voters' preferences than majority winners may be. Research suggests that RCV can lead to the election of more moderate candidates,[53] and some studies have suggested the two types of voting can lead to the election of different candidates.[54]

In 2006, Minneapolis approved the use of RCV for municipal office elections, which had 22 seats on the ballot each election cycle. In their first RCV election, Minneapolis election officials required 15 days to manually tabulate the results; however, in subsequent years the number of days required to tabulate

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[49] Nielson, L. (2017). Ranked Choice Voting and Attitudes toward Democracy in the United States: Results from a Survey Experiment. *Politics & Policy, 45*(4), 535-570.
[50] Farrell, D. M., Mackerras, M., & McAllister, I. (1996). *Designing electoral institutions: STV systems and their consequences. Political studies*, *44*(1), 24-43.
[51] National Conference of State Legislatures. (2021). *Ranked-Choice Voting.* Retrieved from https://www.ncsl.org/research/elections-and-campaigns/ranked-choice-voting636934215.aspx
[52] Burnett, C. M., & Kogan, V. (2015). Ballot (and voter) "exhaustion" under Instant Runoff Voting: An examination of four ranked-choice elections. *Electoral Studies*, *37*, 41-49.
[53] Nielson, L. (2017). Ranked Choice Voting and Attitudes toward Democracy in the United States: Results from a Survey Experiment. *Politics & Policy, 45*(4), 535-570.
[54] Burnett, C. M., & Kogan, V. (2015). Ballot (and voter) "exhaustion" under Instant Runoff Voting: An examination of four ranked-choice elections. *Electoral Studies*, *37*, 41-49.

results decreased. In 2017, Minneapolis announced election results within 24 hours of polls closing despite significantly higher voter turnout.[55]

Some proponents also argue that RCV elections can be less costly than traditional elections, especially in the case of instant-runoff voting. Traditionally, after competing in a local primary election, the top two candidates will go on to a runoff to determine a winner. This requires a two-step process, and voter turnout may be lower in the runoff if it is not concurrent with other elections.[56]

On the other hand, some studies suggest that RCV can impose an increased burden on voters. Since voters are required to rank multiple candidates rather than selecting the one they most prefer, this can lead to a relatively difficult decision-making process.[57] Additionally, major changes to the election process may lead to voters having low confidence in its accuracy and fairness. Although research has shown that some voters are able to adapt well to the new system, other research has shown that voters have had difficulties with the RCV ballot, in some cases making errors that invalidate their vote.[58]

Although some argue that RCV reduces the cost of elections, others assert that RCV raises costs. One study of California's use of RCV suggests that cities adopted RCV to increase voter participation and reduce costs by eliminating runoff elections.[59] Although an overall reduction in the number of runoffs was observed, voter turnout remained stable.

The administrative burden of transitioning to an RCV system would require changes in the way ballots are counted. Support for RCV seems to be highest in younger generations, who tend to be more receptive to changes in the election process than older generations.[60]

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[55] Minneapolis City Council/Standing Committee on Elections & Rules. (2015). *The 2017 Municipal Election: Analysis & Recommendations*. Retrieved from https://lims.minneapolismn.gov/Download/RCA/4684/2017%20Municipal%20Election%20Report.pdf

[56] Burnett, C. M., & Kogan, V. (2015). Ballot (and voter) "exhaustion" under Instant Runoff Voting: An examination of four ranked-choice elections. *Electoral Studies*, *37*, 41-49.

[57] Burnett, C. M., & Kogan, V. (2015). Ballot (and voter) "exhaustion" under Instant Runoff Voting: An examination of four ranked-choice elections. *Electoral Studies*, *37*, 41-49.

[58] Nielson, L. (2017). Ranked Choice Voting and Attitudes toward Democracy in the United States: Results from a Survey Experiment. *Politics & Policy, 45*(4), 535-570.

[59] Henry, M. A. (2016). *The implementation and effects of ranked choice voting in California cities* (Master's thesis).

[60] McCarthy, D., & Santucci, J. (2021). Ranked Choice Voting as a Generational Issue in Modern American Politics. *Politics & Policy, 0*, 1-28.

Agency Comments

On July 2, 2021, we sent a draft copy of this report to the District of Columbia Office of Campaign Finance (OCF) for review and written comment. OCF responded with comments on July 16, 2021. Agency comments are included here in their entirety, followed by ODCA's response.

OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS
1015 HALF STREET, SE, SUITE 775 | WASHINGTON, D.C. 20003 | (202) 671-0547

July 16, 2021

Kathleen Patterson
District of Columbia Auditor
Office of the District of Columbia Auditor
717 14th Street NW Suite 900
Washington, DC 20005

Re: The July 2, 2021 Report on the District of Columbia Fair Elections Program, Office of Campaign Finance

Dear DC Auditor Patterson:

Thank you for the opportunity to provide a Response to your Office's July 2, 2021 Report on the District of Columbia Fair Elections Program, established in the Office of Campaign Finance.

The Office of Campaign Finance fervently agrees with the finding of the Report noted in the "Executive Summary" that "despite an unusual election year due to the COVID-19 pandemic, and challenges associated with starting up any new program, FEP was indeed associated – at least after its first implementation cycle – with a positive impact on all of its goals". The Office will address briefly in its Response the four (4) questions identified under the "Policy Implications" of the Report, which you recommend merit study, looking to the future as the Fair Elections Program continues to evolve. First, however, to complete the record, the Office of Campaign Finance is compelled to further elaborate upon the efforts undertaken by the Agency to ensure the successful implementation of the Fair Elections Program during its inaugural election cycle.

Without question, the "Fair Elections Amendment Act of 2018" (the "Fair Elections Act") dramatically changed the mode of financing campaign operations in the District of Columbia by offering candidates for elective office, except for candidates for the Office of Member of an Advisory Neighborhood Commission, the opportunity to qualify for the public funding of their political campaigns. The Fair Elections Program is a voluntary Program and is available to candidates who agree to lower contribution limits, restrictions on the sources of contributions, and a debate requirement in contested city-wide races. The certification of candidates into the Fair Elections Program provides the financial ability and impetus for those individuals who may not have otherwise considered elective office to compete in the electoral process, while also amplifying the voice of the qualified small dollar resident individual contributor whose contribution is matched.

The Fair Elections Act establishes the Fair Elections Program (the "Program") within the Office of Campaign Finance and charges the Agency with the responsibility to administer the laws and regulations governing the Program; to promulgate procedures to govern the audit and verification of qualified small dollar contributions for compliance with the requirements of the Program; to certify qualified candidates into the Program, and authorize the payment of base amount and matching payments from the Fair Elections Fund; to oversee the remission of funds; and to review and evaluate the Program following each election cycle, and submit reports to the Mayor, the Council, and to the public concerning the status of the Program and its effect on campaigns. The Fair Elections Fund is a special non-lapsing fund created for use solely for the distribution of payments to candidates who qualify to participate in the Program, and for the costs of administering the Fair Elections Program. The regulation of the financial operations of those candidates, who do not elect to participate in the Program, remains subject to the existing reporting requirements of the Campaign Finance Act.

The Office of Campaign Finance successfully implemented the Fair Elections Program during the 2020 Election Cycle, the first election cycle of the Program, and the 2020 Special Election Cycle. There were twenty (20) candidates certified as "participating candidates" in the Fair Elections Program for the November 3, 2020 General Election; twelve (12) Candidates certified as "participating candidates" in the June 2, 2020 Primary Election; and four (4) Candidates certified as "participating candidates" in the June 16, 2020 Special Election. A total of 49 candidates registered seeking to participate in the Fair Elections Program during the 2020 Election Cycle, and 17 candidates did not meet the threshold requirements. In addition, a total of six (6) candidates registered seeking to participate in the Program during the 2020 Special Election, and two (2) candidates did not meet the threshold requirements.

Moreover, the following FEP candidates were elected and certified as Winners by the Board of Elections on December 2, 2020 in seven (7) of the eleven (11) seats for covered offices available for election to Public Office in the November 3, 2020 General Election:

1. Christina D. Henderson, At-Large Member of the Council
2. Janeese Lewis George, Ward Four Member of the Council
3. Trayon White, Ward Eight Member of the Council
4. Allister Chang, Ward Two Member of the State Board of Education
5. Frazier O'Leary, Ward Four Member of the State Board of Education
6. Eboni-Rose Thompson, Ward Seven Member of the State Board of Education
7. Carlene D. Reid, Ward Eight Member of the State Board of Education

During the 2020 Election Cycle and the 2020 Special Election Cycle, the total sum of **$4,016,797.64** was disbursed from the Elections Fund in Base Amount ($1,120,000.00) and Matching Payments ($2,896,797.64), to the thirty-six (36) candidates who were certified in the Fair Elections Program to participate in the June 2, 2020 Primary Election, the June 16, 2020 Special Election, and the November 3, 2020 General Election. The 2020 Election Cycle closed on November 3, 2020, and the 2020 Special Election Cycle closed on June 16, 2020. As of June 30, 2021, total funds of **$136,996.85** have been remitted for deposit in the Fair Elections Fund from the campaign operations of Participating Candidates in the June 16, 2020 Special Election, the June 2, 2020 Primary Election, and the November 3, 2020 General Election.

On March 17, 2021, the Office of Campaign Finance published the Post-Election Report of the 2020 Election Cycle and the 2020 Special Election Cycle at the OCF Website. The Report offers an overview of the Election Cycles, the review of the national trends in public funding programs in other jurisdictions, significant data pertaining to both Election Cycles, and lists of Qualified Small Dollar Contributions and Expenditures for all FEP Candidates.

The Fair Elections Division initiated the Post-Election Audit Program for the campaign operations on June 19, 2020 of the ten (10) candidates who were certified and participated in the June 2, 2020

Primary Election, and did not proceed to the November 3, 2020 General Election; on July 6, 2020, for the four (4) candidates who were certified and participated in the June 16, 2020 Special Election; and on March 30, 2021, for the twenty (20) candidates who were certified as participating candidates in the November 3, 2020 General Election. The Audit Process requires the Candidates to submit all their financial records to the Office of Campaign Finance from the date of the registration of the principal campaign committee to the date of the Election participated in. The Audits are ongoing. Consistent with the Standard Operating Procedures of the Fair Elections Program, the post-election field audits of the campaign operations of all candidates certified to participate in the Fair Elections Program are mandatory. The goal of the audit process is to ensure accountability in the use of public funds, which is essential to maintaining the public's confidence in the integrity of the Fair Elections Program, and the ability of the Office of Campaign Finance to administer the Program.

The Office of Campaign Finance also completed and launched the first Phase of the development of the OCF Fair Elections Program E-Filing and Disclosure System for public use on July 26, 2019. Phase I enabled the online submission of financial reports and the upload of supporting documentation at the OCF Web Site by the candidates and committees who register in the Fair Elections Program, and the real time imaging of the financial reports for public view by the residents of the District of Columbia. The first candidate registered in the Fair Elections Program on April 7, 2019, and all candidates who registered in the Program successfully filed their financial reports online at the OCF Website on July 31, 2019, the first filing deadline for the Program.

The development and design of the Second Phase of the E-Filing and Disclosure System for the Fair Elections Program was completed during Fiscal Year 2020 and focused on providing greater public disclosure of campaign related data, and the expansion of the administrative management of the System. Overall, Phase II enables the public at the OCF Website to sort, search, and retrieve contribution and expenditure data; and to view registration disclosures and financial report data, quick statistics, and payout information. The Administrative Modules provide applications which store data pertinent to the audit process, payouts, filings, registrations, and the post-election cycle reports.

Further, the Office of Campaign Finance implemented the OCF Debate Program during Fiscal Year 2020. All candidates running in citywide contested elections, who have been certified as "participating candidates" under the FEP, are mandated by law to participate in debates. Consistent therewith, the Agency hosted the 2020 DC Debates under the Fair Elections Act for the November 3, 2020 General Election city wide contests for the At-Large Member of the Council of the District of Columbia, and the At-Large Member of the State Board of Education. The Debates were presented in a virtual format, and live streamed at 2020dcdebates.com. The 2020 Debates were the inaugural debates under the Fair Elections Program. All Candidates certified in the Fair Elections Program in these city-wide contests were required to participate in the Debates, and all Candidates who achieved ballot access in the Traditional Campaign Finance Program were invited to participate. On September 29, 2020, the At-Large Member of the State Board of Education (SBOE) Candidate Debate was moderated by Perry Stein, the Washington Post Reporter for Education, and a total of **6** Candidates participated. The September 29th and 30th, 2020 Debates for At-Large Member of the Council (CC) were moderated by the Washington Post Reporter, Fenit Nirappil, and a total of **18** Candidates participated.

The Office of Campaign Finance, notwithstanding the challenges of the COVID 19 Pandemic, successfully advertised, scheduled, and hosted the first debates under the Fair Elections Act in a virtual format to provide District Residents with the opportunity to hear directly from the candidates for public office in the November 3, 2020 General Election. American Sign Language (ASL) and Spanish Language Interpreters were provided for all scheduled virtual 2020 DC Debates. Advertisements for the Debates were placed on bus exteriors on various routes throughout the DC area, and on fifteen (15) area radio stations, and digital ads were placed on the internet. For the digital buy – 2.1 million ads were served, and over 2,500 people clicked on the ads taking them to the website, resulting in a solid response. The advertisements prepared for release on the radio stations resulted in 191 spots running for over two weeks. Press Releases and Information on the debates was also posted on the Website at 2020dcdebates.com, and listed the name, headshot photograph, and a brief description of the campaign platform for each registered participant. The Press Releases were disseminated to all candidates appearing on the November 3, 2020 General Election Ballot, and to the public on September 9, 2020, and on September 28, 2020. There were 14 Partners affiliated with the 2020 DC Debates, namely: Fair Budget Coalition; DC

Action for Children; HBCU Collective; Community Enrichment Project; Washington Area Bicyclist Association; Advisory DC Jobs with Justice; Federation of Citizens Associations of the District of Columbia; Dupont Circle Federation of Civic Associations; and Breath DC.

The videos of the 2020 Debates were made available at the OCF 2020 DC Debates Website www.2020dcdebates.com for viewing through the November 3, 2020 General Election. For those Candidates who were unable to participate in the Debates due to technical difficulties, the Agency forwarded Notices to the affected Candidates on October 5, 2020 by email, extending the opportunity for the two (2) affected Candidates to provide responses in writing to the questions posed to the candidates who were present during the debates. The Responses of the Candidates were posted at the OCF Website alongside the video of the debate for which the respective candidates were scheduled. The brand selected for the OCF hosted virtual debates was "2020 DC Debates". The complete list of registered participant candidates for the 2020 DC Debates was published on the Debate Website at 2020dcdebates.com and the OCF Website.

The Office of Campaign Finance has endeavored through the expansion of the OCF Educational Program and Community Outreach Program to fully introduce the Fair Elections Program and inform both potential candidates and the District's residents of its existence. The Agency created educational materials about the Fair Elections Program, which are available for review at the OCF Website, and for dissemination to the public onsite in the Office of Campaign Finance, and at community events. The materials include a pamphlet which explains the Fair Elections Program, how it works, who is eligible to participate and when, titled the "Public Financing Program – Thinking of Running for Office in the District of Columbia? You May Qualify for Public Funding"; PowerPoint presentations offering an analysis of the Fair Elections Amendment Act of 2018; and Brochures titled "The District of Columbia's Fair Election Process" and "Fact Sheet for the Fair Elections Program During the 2020 Election Cycle". The FEP Brochure titled the "Public Financing Program – Thinking of Running for Office in the District of Columbia? You May Qualify for Public Funding" was forwarded to DCTV on May 10, 2019 for posting on DCTV's Bulletin Board Monday through Friday (10:00 am – 11:00 am) and on Sunday (9:00 am – 11:00 am). The Bulletin Board provides information on local programs and events. On May 10, 2019, the Agency confirmed a 30 second Public Service Announcement on the Fair Elections Program to WTOP FM Radio for dissemination for six (6) months to the public; and on June 26, 2019, a Public Service Announcement was recorded by the Fair Elections Program Manager and aired on the DC Cable Channel 16, beginning July 14, 2019, through January 5, 2020. The PSA on WTOP and the PSAs on DCTV and the OCF Brochure on the DCTV's Bulletin Board continued airing through the November 3, 2020 General Election.

The Office of Campaign Finance established the Advisory Neighborhood Commission (ANC) Educational Outreach Initiative to reach a wider audience for the dissemination of information about the new Fair Elections Program. The Office of Campaign Finance partnered with the Office of Advisory Neighborhood Commissions to request the inclusion of the OCF on the public meeting agendas of the 40 ANCs, which consist of the 296 Single Member Districts, located in Wards 1 through 8, to introduce the Fair Elections Program to the community. By email dated March 14, 2019, Gottlieb Simon, the Executive Director of the Office on Advisory Neighborhood Commissions, notified all ANC Chairpersons that the OCF would be in contact to tell them about the new Fair Elections Program. Thereafter the Agency requested by email directed to the ANC Chairpersons to be placed on the respective ANC meeting agendas to inform their constituents about the Public Financing Program. From April 2019 to September 2019, the Office of Campaign Finance successfully presented the highlights of the new Fair Elections Program at the public meetings of 19 ANCs throughout the District of Columbia.

During Fiscal Year 2020, the Agency participated in one (1) ANC community outreach activity (ANC 4D- October 12, 2019), and appeared on the Agendas of three (3) ANCs during October of 2020 (ANC 4A02- October 1, 2019; ANC 2C01 – October 8, 2019; ANC 3B – October 10, 2019), six (6) ANCs during February of 2020 (ANC 8A – February 2, 2020; ANC 6E – February 4, 2020; ANC 4C – February 12, 2020; ANC 3F - February 18, 2020; ANC 7B - February 20, 2020; and ANC 2A – February 24, 2020), and one in March of 2020 (ANC 4A – March 3, 2020) to introduce the Fair Elections Program. Thereafter, due to the COVID Pandemic, the Agency forwarded emails to the 29 Advisory Neighborhood Commissions, previously not visited, and requested that the OCF be placed on the Agendas of the Commissions to attend their virtual meetings and present information on the Fair Elections Program. The Agency participated in one (1) virtual meeting with ANC 4D on September 16, 2020, and continued to use its social media platforms to keep the public informed of the Inaugural Debates scheduled in September 2020 for the city-wide contests, and any other information of interest to the District Residents relative to the activity in the Office of Campaign Finance, including community appearances, filing deadlines, and the availability of financial reports for review online.

The ANC Initiative is an ongoing engagement by the Office of Campaign Finance. The Office of Campaign Finance (OCF) continues to focus its efforts on sharing information about its Traditional Campaign Finance Program and the new Fair Elections Program with Advisory Neighborhood Commissions (ANC) across the city to reach their constituents. During the Month of May 2021, the OCF Managers begin once again to participate in ANC virtual meetings, as follows:

- Tuesday, May 4 – ANC 4A
- Wednesday, May 12 – ANC 1C
- Wednesday, May 12 – ANC 6C
- Wednesday, May 19 – ANC 5A

In addition, the OCF incorporated the Fair Elections Education Program into its existing Public Training seminars. Those seminars include the Mandatory Entrance Conferences, monthly webinars targeting candidates and treasurers titled Understanding the Rules of the Campaign Finance Game, and the public seminars offered monthly for candidates and committees, the Constituent Services and Statehood Fund Programs, the Legal Defense, Exploratory, Inaugural, and Transition Committees, and the public. All educational materials utilized in the seminars were updated to include the Fair Elections Program. The Agency has also utilized its social media outlets, Facebook, and Twitter to inform the public about upcoming presentations in the community or onsite trainings about the Fair Elections Public Financing Program.

The Agency organized a Planning Committee and invited both representatives of member organizations of the D.C. Fair Elections Commission and District residents who were strong advocates of the "Fair Elections Amendment Act of 2018," to participate in the development of policy recommendations to assist with the implementation of the Fair Elections Program. The meetings were held beginning in Calendar Year 2019 and continued through September 2020. The Planning Committee offered the opportunity for private citizens and community organizations to collaborate with the Office of Campaign Finance to plan a strong foundation for the Fair Elections

Program in the areas of engagement of voters through community outreach, the use of technology to provide greater transparency and disclosure of campaign operations; the administration of the debate requirement; and creating candidate services to aid with compliance. The organization of the Planning Committee established a critical link with the community which provided invaluable assistance to the Office of Campaign Finance in determining how best to educate the public concerning the introduction of the public financing of campaign operations in the District of Columbia.

The Agency established Rules and Regulations through six (6) separate rulemaking actions proposed and adopted by the Board of Elections to fully implement the Fair Elections Act of 2018. The Regulations inform the public of the procedures established by the Agency which will govern the Fair Elections Program.

Last, the Agency will briefly address the Policy Implications, which will merit further study going forward.

1. **How can processes and procedures, specifically, around reporting contributions, be streamlined? Candidates indicated that this was the biggest pain point for them throughout their experience in the FEP, and that finding ways to automate processes, intertwining fundraising platforms with OCF reporting systems, and additional training would be beneficial to mitigating some of the issues campaigns experienced in the 2020 election cycle.**

RESPONSE:

The Report notes in the Key Findings "2: Candidates reported positive experiences with OCF" and "3: Candidates struggled with the FEP reporting processes", based on the interviews of FEP Candidates, that the candidates indicated it would have been beneficial to speak with subject matter experts when they had more nuanced questions about the program and suggested one-on-one training sessions with OCF"; that OCF take a more customer service-related approach and furnish for example "Frequently Asked Questions" documents to provide more information to first-time candidates who may be less informed on filing processes and procedures: that many candidates indicated frustration with the process to submit reports and especially around manual donation entry; and if OCF identified deficiencies when reviewing financial reports, it would be helpful for candidates to correct when donations were returned.

Prior to the declaration of the public health emergency in the District of Columbia, all new candidates and treasurers who registered with the Office of Campaign Finance were required to attend onsite, pursuant to D.C. Official Code § 1-1163. 04 (7A), a mandatory entrance conference to become familiar with their responsibilities and duties under the Campaign Finance Act, and the obligation to comply with the reporting requirements of the Act. The Office of the General Counsel coordinates the OCF Educational Program with the other Divisions, to ensure that a representative from the OGC, the PIRM, RAAD, and the FEP are present and participate at each conference to deliver pertinent information from each discipline. However, as the result of the COVID-19 Pandemic, the Agency was required to modify the scope of its existing Public Training Program to incorporate virtual Mandatory Training Conferences for new registrants (candidates and treasurers). Onsite educational seminars were suspended. The Agency designed a training module from power point slides to enable new treasurers and candidates to complete the Mandatory Entrance Conference training online, and contact information was provided for follow up questions. Eighty- nine new Treasurers and 96 new Candidates completed the Mandatory Entrance Conference online and received instruction on their duties and responsibilities under the Campaign Finance Act.

Going forward, as the Agency returns to the Office on July 12, 2021, the OCF intends to develop virtual live training to enable a question and answer session to better respond to a candidate's quest for information. All disciplines from the Office will participate. In addition, although as stated previously, the OCF does provide a Campaign Finance Guide, Educational Brochures, Power Point Presentations, and Fact Sheets at the OCF Website, the Agency agrees that a more customer service related approach is required for the public and potential candidates to understand the nuts and bolts of both Campaign Finance Programs, the Traditional Program and the FEP, in order to be fully informed when selecting a program to participate in, or a candidate to support.

The Excel Import Module was made available to filers towards the end of the 2020 Election Cycle. The filer is required to upload a contribution card for each contribution reported, and a copy of the check where payment mode is by check. When using the excel upload, the filer will receive an alert that the supporting documentation (contributor card and cancelled check) must be provided for each transaction. Failure to submit the supporting documentation for one or more entries of contributor information on the excel spreadsheet will prevent the upload of the spreadsheet into the OCF FEP E-Filing System. Also, the OCF Excel Module follows a generic template created by the OCF Vendor and specific to the financial report being filed (i.e., the June 10th Report, the October 10th Report, etc.). The Filer may attempt to convert their own spreadsheet to meet the specifications of the OCF template. However, we would advise against this and strongly recommends that the filer download the OCF excel template to prevent the possibility of error in the submission. The Office of Campaign Finance recognizes that the FEP E-Filing System is new, and that there is a learning curve which may require more specific instruction on the electronic submission of the contribution and expenditure information in the Fair Elections Program, beyond that presently offered in the Mandatory Entrance Conferences. Further, although the Office of Campaign Finance offers public training on the OCF E-Filing Systems in both the Traditional Campaign Finance Program and the Fair Elections Program, the training may not adequately meet the one on one specific instruction required by candidates new to the Fair Elections Program. The reporting of contributions is vastly different in both Programs. We will further explore the development of additional training opportunities to address this issue.

Last, the Administrative Modules of the FEP E-Filing System allow the OCF Staff in the review of the verification/qualification of small dollar contributions from District Residents for match to indicate the basis for the rejection of a contribution. Although the Administrative Modules are not available for public view, the FEP notification to the filer of the deficiencies found in a submitted financial report requires the identification of the reason for the rejection. The rejection process is subject to checks and balances in the approval flow. However, errors in the dissemination of information may have occurred. Consequently, the OCF Management going forward will ensure through a more vigilant oversight of the review process the delivery of the information necessary for the filers to accurately respond to noted report deficiencies.

2. **What opportunities are there to market the FEP more broadly? Many first-time candidates indicated that they had to do their own research to learn more about the FEP, and that the support it provided was key to mounting a viable campaign. A**

study could be undertaken to assess whether marketing the FEP would encourage more unengaged or first-time candidates to participate in the electoral process. Additionally, this marketing could have the potential to increase constituents' overall awareness of the program as well.

RESPONSE:

As stated previously, the Office of Campaign Finance did establish a partnership with the Office of the Advisory Neighborhood Commissions (ANC) to present information at the ANC Meetings throughout the District on the new FEP Program to reach a wider audience. The Agency also partnered with the Board of Elections to share information about the Traditional Campaign Finance Program and the new Fair Elections Program at community outreach events scheduled to increase voter participation. Once the Public Health Emergency was declared in the District due to the COVID 19 Pandemic, the OCF continued to focus its outreach efforts during the 2020 Election Cycle to inform the District Residents of the new FEP Program through participation in the virtual community meetings of the ANCs. Commencing March 2021, the OCF began to inform the ANCs of the availability of the Agency to once again present information at the ANC meetings across the city. During the Month of May 2021, the OCF Managers participated in the following ANC virtual meetings:

- Tuesday, May 4 – ANC 4A
- Wednesday, May 12 – ANC 1C
- Wednesday, May 12 – ANC 6C
- Wednesday, May 19 – ANC 5A

In addition, the OCF is scheduled to begin to participate in the Community Outreach Program of the Board of Elections beginning in July 2021 and will further explore other means to increase the flow of information about the FEP. Further, the Agency will continue to use the OCF Website and Social Media Accounts to disseminate information about the OCF Programs, and will assess and further develop the OCF Educational Program, including both the Mandatory Entrance Conference for New Registrants and the Public Training Schedule, to ensure the viability of these Programs to provide timely and meaningful information.

3. **Are there opportunities to ensure that the FEP funding is flowing to the most viable campaigns? Although most candidates cited running successful campaigns in the 2020 election cycle, policymakers could consider ways to ensure that they see a return on investment regarding the FEP. For example, one candidate suggested that availability of funding for the primary be separated from the general election. Looking into these opportunities could ensure that taxpayer dollars for this program are being used to their fullest extent, specifically with the most viable candidates.**

RESPONSE:

This is an area which will require further study to determine who is considered the "most viable candidates". Initially, one can conclude that each candidate seeking to participate in the Fair Elections Program who meets the threshold requirements for the respective Office sought has demonstrated a "viable campaign" because of the community support for their campaign as evidenced by the successful collection of qualified small dollar contributions from District Residents to qualify for the Program. Further, when considering that the separation of funding for the primary from the general, "could ensure that taxpayer dollars for this program are being used to their fullest extent, specifically with the most viable candidates", the reviewer must recognize and fully explore that the primary election is partisan and limited to participation by those political parties who meet specific statutory requirements of the Election Act, and to the elective Covered Offices of the Mayor, the Attorney General, and the Council; that Independent Candidates for these Offices have waged "viable" and successful campaigns for office in the general election; and that elective offices for the State Board of Education are non-partisan and scheduled for election only during general elections.

4. **What resources are available to increase OCF's capacity? In conversations with OCF, they indicated that there was higher-than-expected participation in the FEP in the 2020 election cycle, and that this participation could increase in the future. Candidates indicated that they had an overall positive experience working with OCF, but staff indicated that the higher-than-expected participation strained their capacity to effectively meet these candidates' needs. Moving forward, policymakers could**

examine additional resources to ensure that OCF can effectively serve all participating candidates, as well as smoothly execute all program processes and procedures.

RESPONSE:

The Office of Campaign Finance will fully assess the impact of the implementation of the first cycle of the Fair Elections Program on its resources once the post-election audits of the campaign operations of the participating candidates certified in the FEP are completed. The Agency must first review the demands of the 2020 Election Cycle on both the Traditional Campaign Finance Program and the FEP to determine whether the current resources of the Agency may be better utilized in meeting the needs of either Program. More specifically, the Office of Campaign Finance has thirty-eight (38) Full Time Equivalents and is organized into four major divisions which operate under the direction of the Office of the Director (Five (5) Positions): the Office of the General Counsel (OGC) (Six (6) Positions); the Reports Analysis and Audit Division (RAAD)(Eleven (11) Audit Positions; the Public Information and Records Management Division (PIRM)(Six (6) Positions); and the Fair Elections Program Division (FEP) (Ten (10) Positions) (Eight (8) Audit Positions).

The Reports Analysis and Audit Division (RAAD) is responsible for performing the audit analysis and review of all financial reports and other documents filed with the Agency in the traditional Campaign Finance Program. The Division conducts field audits and investigations based upon deficiencies and conditions noted during the Desk Reviews of the Reports of Receipts and Expenditures filed with the Agency. The Division conducts periodic field audits and compiles statistical reports and summaries for all Reports of Receipts and Expenditures submitted by candidates, committees, and the Constituent Service and Statehood Fund Programs. This program area is the primary generator of compliance actions through audits and the monitoring of the financial disclosure of the financial operations of the Constituent Service and Statehood Fund Programs; candidates, principal campaign committees, and political committees in the traditional Campaign Finance Program; political action committees; and independent expenditure committees.

The Fair Elections Program Division is responsible for the verification of the contribution reports and other documents received in the Office from candidates participating in the Fair Elections Program or seeking certification in the Program. The Division makes recommendations for the certification of candidates into the Fair Elections Program and the authorization of Base Amount and Matching Payments; initiates referrals to the OGC for non-compliance actions and responds to appeals from Agency actions before the Board of Elections; conducts post-election full field audits of the campaign operations of participating candidates at the submission of their final financial reports; coordinates educational outreach for participating candidates and candidates seeking certification, and the public; coordinates the Debate Program; collects data from financial reports for post-election reports; and manages the remission of funds.

The Office of Campaign Finance currently has a total of eighteen (18) Auditor Positions assigned to the RAAD and FEP Divisions. Therefore, the Agency will evaluate if the Positions are properly distributed between the Divisions based on the workflow generated by the 2020 Election Cycle, and then proceed to determine whether increased positions must be requested, going forward.

Again, we thank you for the opportunity to respond to the Report and we will continue to maintain the highest standards in our administration of the Fair Elections Program. If you have further questions concerning this response, please contact me or William O. SanFord, the OCF General Counsel, at (202) 671-0549.

Sincerely,

Cecily E. Montgomery

Cecily E. Collier-Montgomery
Director
Office of Campaign Finance
1015 Half Street SE Suite 775
Washington, DC 20003

cc: Alice P. Miller, Executive Director, District of Columbia Board of Elections
D. Michael Bennett, Chairman of the Board of Elections

ODCA Response to Agency Comments

We appreciate the Office of Campaign Finance's (OCF's) response to the draft report, including the additional details on the administration of the Fair Elections Program (FEP) and OCF's commitment to continue improving it.

We thank OCF for providing details in its comments about the candidates who participated in the FEP and the payments made to them. OCF also describes its many initiatives to implement the FEP and comply with the law, indicating that OCF was dedicated to a successful implementation of the complex FEP.

OCF agreed to study all of the areas identified in the "Policy Implications" section of the report. We welcome OCF's openness to other means to publicize the FEP in addition to strategies already identified and its plans to review staffing and reallocate staff between divisions as needed to support the FEP.

We appreciate that OCF is willing to explore ways to familiarize new candidates with the FEP, while we also recognize that it may not be feasible for the FEP division's small staff to deliver extended one-on-one training to every campaign. We hope that other strategies will provide campaigns answers to their specific questions efficiently, such as the virtual live training OCF describes in its comments that will take advantage of an interactive format.

ODCA appreciates OCF's willingness to explore opportunities to ensure funding flows to the most viable campaigns while agreeing that this is not straightforward. We recognize that any efforts to focus funding on viable campaigns must take into account that in some contests, the primary election is the most competitive, but other contests are non-partisan or for a seat that is effectively restricted to independent candidates.

We are gratified by OCF's commitment to administer this new program successfully and its willingness to explore opportunities to improve it. We also have the pleasure of working with OCF on a separate audit of its monitoring of FEP campaigns and payments to them. We look forward to completing that audit with OCF's continued cooperation and offering recommendations in our report, if indicated, to further improve the FEP.

About ODCA

The mission of the Office of the District of Columbia Auditor (ODCA) is to support the Council of the District of Columbia by making sound recommendations that improve the effectiveness, efficiency, and accountability of the District government.

To fulfill our mission, we conduct performance audits, non-audit reviews, and revenue certifications. The residents of the District of Columbia are one of our primary customers and we strive to keep the residents of the District of Columbia informed on how their government is operating and how their tax money is being spent.

Office of the District of Columbia Auditor
717 14th Street N.W.
Suite 900
Washington, DC 20005

Call us: 202-727-3600
Email us: odca.mail@dc.gov
Tweet us: https://twitter.com/ODCA_DC
Visit us: www.dcauditor.org

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Office of the District of Columbia Auditor