

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL
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Attorney General Racine Introduces Campaign Finance Reform Legislation to Fight Pay-to-Play Politics

Proposal Would Improve Safeguards to Reduce Harmful Effects of Money in Politics

WASHINGTON, D. C. – Attorney General Karl A. Racine today announced that he has introduced comprehensive legislation that would significantly reform the District’s campaign finance laws to reduce both the reality and appearance that political donors have undue influence on official actions. The “Campaign Finance Transparency and Accountability Amendment Act of 2016” is designed to address multiple concerns that the Attorney General has heard from District residents in recent months.

“District residents have made it clear that they are sick and tired of what they perceive as pay-to-play politics, and this legislation represents our best effort at reforming our laws while respecting constitutional limits,” Attorney General Racine said. **“This proposal builds upon excellent work that Chairman Phil Mendelson and Councilmember Elissa Silverman have already done, and it adds significant disclosure requirements to ensure our city’s campaign-finance laws are among the strongest and most transparent in the nation.”**

The legislation contains provisions that would:

- Sever any connection between contributions and significant business with the District;
- Close a loophole allowing unlimited donations to a political action committee outside of election years;
- Ensure that independent expenditures truly are independent of candidates and campaigns;
- Strengthen disclosure requirements to increase transparency in the donations process;
- Limit a public official’s use of employees to solicit or accept contributions;
- Require board and commission members to undergo ethics training; and
- Accomplish each of these reforms in a way that honors the protections of the First Amendment as interpreted by the Supreme Court.

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Severing Connections between Donations and Significant Business with the District

The bill focuses on what it calls “doing business with the District” – large contracts, grants, tax abatements, and agreements to acquire, sell, or lease land or a building. These are the type of business dealings that raise the strongest concerns about the appearance of pay-to-play corruption.

Building off of Chairman Mendelson’s bill (Bill 21-22) and prior proposals from OAG, this bill would render anyone ineligible to engage in these types of high-value business dealings with the District if they:

- Contributed to a candidate or elected official who could influence or award any of these types of business;
- Contributed to any political committee or PAC affiliated with that candidate or official; or
- Contributed to constituent services funds or to certain individuals or organizations closely tied to such a candidate or official.

This ineligibility would last for two years following the election for which the contribution was made. Anyone seeking to “do business with the District” would need to certify that he or she has been in compliance with District pay-to-play laws, and the District would be forbidden from “doing business with” anyone who was ineligible to “do business with the District.”

Walling Candidates off from PACs and Strengthening Disclosure Rules

OAG’s legislation also defines the term “coordination” broadly to ensure candidates are truly separated from PACs. This will require candidates, elected officials, affiliated committees, and their agents to wall themselves off from PACs and independent expenditure committees. It does so by borrowing both from Councilmember Silverman’s bill (Bill 21-511) and from federal regulations. Candidates, officials, committees, and agents would not be allowed to encourage anyone to donate to an independent expenditure committee or a PAC. PACs and independent expenditure committees would have to certify that, to the best of their knowledge and after due diligence, they have not received any donations that were coordinated with any candidate, official, political committee, or political party. Moreover, any expenditure coordinated with a candidate, campaign, or agent would be treated as a contribution to that candidate or campaign. And for spending that remains truly independent, the bill requires more stringent disclosure to ensure the public knows the money’s source.

Closing the PAC Loophole

OAG’s bill also closes a significant PAC loophole. Under current District regulations, restrictions on giving to a PAC do not apply “during any calendar year in which the committee is not supporting candidates in either a primary or general election” (3 DCMR § 3011.33). Consequently, a PAC could collect unlimited donations in non-election years, even for political contributions. OAG’s bill repeals this exemption.

Other Provisions

The legislation would also narrow the ability of designated District government employees to solicit and receive political contributions, and it would require board and commission members to receive ethics training from the Board of Ethics and Government Accountability.

A copy of the Campaign Finance Transparency and Accountability Amendment Act of 2016 is attached.

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