

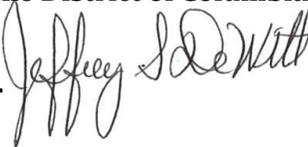
Government of the District of Columbia  
Office of the Chief Financial Officer



**Jeff DeWitt**  
Chief Financial Officer

**MEMORANDUM**

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

**FROM:** Jeff DeWitt  
Chief Financial Officer 

**DATE:** April 7, 2014

**SUBJECT:** Fiscal Impact Statement – “Attorney General Partisan Election  
Implementation Amendment Act of 2014”

**REFERENCE:** Committee Print as provided to the Office of Revenue Analysis on April  
7, 2014

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**Conclusion**

Funds are sufficient in the FY 2014 budget and the proposed FY 2015 through FY 2018 budget and financial plan to implement the bill.

**Background**

Currently, the Office of the Attorney General (OAG) is a subordinate agency to the Mayor, responsible for providing legal support to District agencies, advising the Executive, and enforcing the laws of the District.<sup>1</sup> In 2010, District voters ratified a charter amendment to establish an elected and independent Attorney General, separate from the control of the Mayor.<sup>2</sup> Anticipating the election of an Attorney General in November 2014, a 2013 law<sup>3</sup> required major organizational changes to OAG and to legal staff throughout the District. The organizational changes were to be effective by October 1, 2014. At the same time, however, the law also moved the election date for an Attorney General until after January 2018.<sup>4</sup>

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<sup>1</sup> D.C. Official Code § 1-301.81-1-301.82.

<sup>2</sup> D.C. Law 18-160 was ratified by the electors of the District of Columbia in a general election held on November 2, 2010, certified by the District of Columbia Board of Elections and Ethics on November 29, 2010, and became law on May 30, 2011.

<sup>3</sup> “Elected Attorney General Implementation and Legal Service Establishment Amendment Act of 2013, effective December 13, 2013 (D.C. Law 20-60; D.C. Official Code § 1-601.01 *et seq.*)

<sup>4</sup> D.C. Official Code § 1-301.82(a)(1).

The Honorable Phil Mendelson

FIS: "Attorney General Partisan Election Implementation Amendment Act of 2014," Committee Print provided to the Office of Revenue Analysis on April 7, 2014.

This bill moves the election of an Attorney General (AG) back to November 2014, permits AG candidates to petition directly to get onto the general election ballot, and allows AG candidates to identify with a political party (with or without a party endorsement). A statement is required to be printed on the ballot indicating that AG candidates are not necessarily endorsed by a party with which they identify. To identify with a party on the ballot, AG candidates are required to obtain the threshold number of signatures to get on the ballot from voters registered as members of the given party. Current law<sup>5</sup> requires the elected AG position to be non-partisan.

Additionally, the bill exempts government attorneys who file as candidates for AG from the prohibition on political activity. Under current law, a government attorney would need to resign from his or her position in order to run for Attorney General.

### **Financial Plan Impact**

Funds are sufficient in the FY 2014 budget and the proposed FY 2015 through FY 2018 budget and financial plan to implement the bill.

The bill does not have a fiscal impact, but there are two areas of concern that must be monitored:

1) The Board of Elections (BOE) is examining how to best place the required statement on party endorsement on the paper and touch screen ballots. It is estimated that updating the ballot design will cost approximately \$10,000 to \$20,000; this amount should be able to be absorbed within the agency's budget.<sup>6</sup> If the design costs are higher or unplanned special election expenditures are required, BOE may require additional funding.

2) The reorganization of the OAG, which was anticipated to occur prior to the election of an AG, is not funded in the proposed FY 2015 through FY 2018 budget and financial plan. The Mayor's FY 2015 Budget Support Act moves<sup>7</sup> the deadline for required organizational changes in OAG to October 1, 2018, to more closely align with the current law requiring the 2018 election of an independent Attorney General. If that reorganization is still expected to occur prior to the November 2014 election, funding<sup>8</sup> must be identified.

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<sup>5</sup> D.C. Official Code § 1-1001.08 *et seq.*

<sup>6</sup> Phone conversation with BOE Executive Director Clifford D. Tatum, April 7, 2014.

<sup>7</sup> Subtitle (I)(B) of "Fiscal Year 2015 Budget Support Act of 2014", Introduced April 3, 2014, bill number pending.

<sup>8</sup> The cost of reorganization, as outlined in D.C. Law 20-60, was calculated at \$771,000 in FY 2015 and \$2.35 million in the FY 2015 to FY 2017 financial plan period in the Revised Fiscal Impact Statement issued June 28, 2013.

[[http://app.cfo.dc.gov/services/fiscal\\_impact/pdf/spring09/REVISEDFISelectedAttorneyGeneralImplementation.pdf](http://app.cfo.dc.gov/services/fiscal_impact/pdf/spring09/REVISEDFISelectedAttorneyGeneralImplementation.pdf)].