

**AN AMENDMENT (No. 2)**

Bill 20-134, "The Elected Attorney General Implementation and Legal Service Establishment  
Amendment Act of 2013"  
(Engrossed Original)  
October 1, 2013

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**Amendment:**

A new section is inserted to read as follows:

Sec. [xx]. The Prohibition on Government Employee Engagement in Political Activity Act of 2010, effective March 31, 2011 (D.C. Law 18-335; D.C. Official Code § 1-1171.01 *et seq.*), is amended as follows:

(a) Section 2(2)(A)(iii) (D.C. Official Code § 1-1171.01(2)(A)(iii)) is amended by striking the phrase “, after January 1, 2014”.

(b) Section 3 (D.C. Official Code § 1-1171.02) is amended as follows:

(1) Subsection (a)(3) is amended by striking the word “File” and inserting the phrase “Except as provided in subsection (d) of this section, file” in its place;

(2) Subsection (b) is amended as follows:

(A) Strike the phrase “Mayor and each member of the Council” and insert the phrase “Mayor, each member of the Council, and the Attorney General” in its place; and

(B) Paragraph (4) is amended by striking the phrase “Mayor and the Council” and inserting the phrase “Mayor, the Council, and the Attorney General” in its place.

(c) A new subsection (d) is inserted to read as follows:

“(d) Notwithstanding any other provision of law, an employee may file as a candidate, and campaign for election to the position of Attorney General, as provided by Section 435(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-204.35(a)). The employee, as candidate for the position of Attorney General, may refer to his or her position title and experience when engaging in permitted political activity related to his or her candidacy. The employee shall continue to be prohibited from engaging in political activity as provided in this section and in section 4 of this act.”.

**Rationale:**

The amendment exempts attorneys employed by the District government from the prohibition of filing and campaigning for the position of Attorney General. Currently, the “local” Hatch Act requires that an attorney separate from government service before becoming a candidate for partisan political office. This amendment, limited to just the position of Attorney General, tracks the changes proposed in the “Government Employee Engagement in Political Activity Emergency Amendment Act of 2013”.

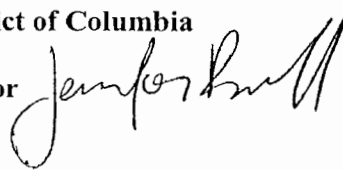
**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**Office of the Budget Director**



Jennifer Budoff  
Budget Director

**FISCAL IMPACT STATEMENT**

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

**FROM:** Jennifer Budoff, Budget Director 

**DATE:** October 1, 2013

**SHORT TITLE:** "Elected Attorney General Implementation and Legal Service  
Establishment Amendment Act of 2013"

**TYPE:** Amendment #2

**REQUESTED BY:** Chairman Phil Mendelson

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**Conclusion**

This amendment will not have an adverse impact on the District's budget and financial plan because there is no cost associated with the amendment.

**Background**

This amendment would exempt attorneys employed by the District government from the prohibition on filing and campaigning for the position of Attorney General.

**Analysis of Impact on Spending**

This amendment will not adversely impact spending.

**Analysis of Impact on Revenue**

This amendment will not adversely impact revenue.