

DISTRICT OF COLUMBIA BOARD OF ELECTIONS

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The District of Columbia Board of Elections, pursuant to the authority set forth in the District of Columbia Election Code of 1955, approved August 12, 1955, as amended (69 Stat. 699; D.C. Official Code § 1-1001.05(a)(14) (2016 Repl.)), hereby gives notice of amendments, on an emergency basis, to Chapter 30 (Campaign Finance Operations: Committees, Candidates, Constituent Service Programs, Statehood Funds) of Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (DCMR).

These amendments place the Board's regulations into conformity with the Campaign Finance Reform and Conflict of Interest Public Disclosure Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124, 59 DCR 1862 (March 9, 2012)); as amended by the COVID-19 Response Supplemental Emergency Amendment Act of 2020, effective April 10, 2020 (D.C. Act 23-286; 67 DCR 4178 (April 17, 2020)). Emergency action is necessary because the provisions of the aforementioned Act are in effect and require supporting regulations.

The Board adopted these rules on an emergency basis at its regular monthly meeting on May 4, 2022. The emergency rules shall remain in effect until September 10, 2022 (one hundred and twenty (120) days from the adoption date), unless superseded by publication of a Notice of Final Rulemaking in the *District of Columbia Register*.

The Board gives notice of its intent to take final rulemaking action to adopt these amendments in not less than thirty (30) days from the date of publication of this notice in the *District of Columbia Register*.

CHAPTER 30, CAMPAIGN FINANCE OPERATIONS, COMMITTEES, CANDIDATES, CONSTITUENT SERVICE PROGRAMS, STATEHOOD FUNDS, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:

SECTION 3000 ORGANIZATION OF POLITICAL COMMITTEES, POLITICAL ACTION COMMITTEES, AND INDEPENDENT EXPENDITURE COMMITTEES, shall be amended as follows:

NEW SUBSECTIONS 3000.32, 3000.33, 3000.34 and 3000.35, shall be ADDED to read as follows:

- 3000.32 A political action committee shall not make an independent expenditure unless it establishes a non-contribution account for the purpose of making such independent expenditures.
- 3000.33 A political action committee shall notify the Office of Campaign Finance within ten (10) days after establishing a non-contribution account.

- 3000.34 A political action committee that establishes a non-contribution account shall ensure that:
- (a) The non-contribution account remains segregated from any accounts of the political action committee that are used to make contributions to candidates, political committees, political action committees, or political parties;
 - (b) No contribution to the political action committee is deposited in the non-contribution account unless the contributor has specifically designated the contribution for the purpose of making an independent expenditure;
 - (c) Contributions by the political action committee are not made from the non-contribution account; and
 - (d) The non-contribution account pays a proportional share, as determined by the Director of Campaign Finance, of the political action committee's administrative expenses.
- 3000.35 A political action committee that establishes a non-contribution account, shall identify all receipts that have been allocated to that account for each R&E report filed in accordance with § 3008.

All persons desiring to comment on the subject matter of this rulemaking should file written comments by no later than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*. Comments should be filed with the Office of the General Counsel, Board of Elections, 1015 Half Street S.E., Suite 750, Washington D.C. 20003. Please direct any questions or concerns to the Office of the General Counsel at 202-727-2194 or ogc@dcboe.org. Copies of the proposed rules may be obtained at cost from the above address, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m.