



April 13, 2018

By Electronic Mail (judiciary@dccouncil.us)

Council of the District of Columbia
Committee on the Judiciary & Public Safety
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Re: Budget Oversight Hearing, Office of Campaign Finance

Dear Chairman Allen and Members of the Committee,

Thank you for the opportunity to submit this written testimony concerning funding for the Office of Campaign Finance (“OCF”) in FY 2019. The Campaign Legal Center (“CLC”) respectfully asks the Committee to allocate sufficient funds in the FY 2019 budget for OCF to hire additional staff to implement the Fair Elections Amendment Act of 2018 (“Act”). Specifically, we ask the Committee to allocate funding in FY 2019 to cover at least two additional, full-time positions within OCF: (1) a program director to oversee general implementation of the Act, and (2) a community engagement officer to direct the agency’s outreach and public education efforts for D.C. residents.

CLC worked closely with the D.C. Fair Elections Coalition, a group of over 70 organizations across the District, to advocate passage of the Act. Over the past fifteen years, CLC has provided guidance to numerous state and local election agencies administering similar public financing programs around the country. In addition, the undersigned have personal experience working for election agencies administering public financing programs with the New York City Campaign Finance Board and the Federal Election Commission.¹ From this experience, we’ve learned

¹ Adav Noti served as Associate General Counsel for Policy at the Federal Election Commission from 2013-17; in this capacity, he oversaw all legal recommendations regarding the presidential public financing program during the 2016 election cycle. Tara Malloy served as Associate Counsel at the New York City Campaign Finance Board from 2004-06; in this capacity she advised the Board regarding the administration of New York City’s public financing system, and represented the Board in state and federal courts.

that a well-resourced agency with adequate staffing is a critical part of the successful administration of public campaign financing.

Last month, Mayor Bowser signed the Act² after the Council unanimously approved it in February. The Act establishes the Fair Elections Program (“Program”), a publicly funded campaign finance program available to candidates for covered city offices.³ Candidates who choose to seek funding through the Program, and who satisfy certification requirements, will be eligible to receive payments from a dedicated fund to finance their campaigns in both the primary and general elections. As conditions of participation in the Program, candidates must agree to prescribed limits on campaign contributions from District and non-District residents as well as other Program-specific requirements.

Under the Act, OCF is responsible for implementation and administration of the Fair Elections Program. Among its responsibilities, OCF must certify candidates in the Program, receive reports of qualified small-dollar contributions, disburse public funds to participating candidates, organize candidate debates, and submit reports on Program development to the Mayor and Council after each election cycle.

Because the Act significantly expands OCF’s responsibilities, the agency will need sufficient resources and staff to ensure effective implementation and administration of the Program. In addition to funding for three new auditors, which is provided in the Mayor’s proposed FY 2019 budget, CLC believes that OCF will require at least two additional, full-time employees to administer the Program effectively.

First, we believe OCF requires funds to hire a program director to oversee the administration of the Program within OCF. This senior-level employee would manage OCF’s day-to-day administration of the various components of the Program, including development of Program processes and forms, disbursement of public funds, and submitting analysis of the Program’s progress to the Mayor and Council.

We also believe a community engagement officer is needed for the Program’s effective implementation in 2019 and beyond. One of the Program’s core objectives is expanding political participation among all D.C. residents, regardless of their background or economic status; a community engagement officer would play an important role in fulfilling this purpose. In particular, this employee would lead OCF’s efforts to educate D.C. residents about opportunities to contribute to District candidates through the Program, and also inform candidates about the Program’s requirements.

In other cities with public financing for local candidates, municipal election agencies provide guidance and educational materials both to candidates and the public at-large about their public funding programs. During Seattle’s first election using public financing in 2017, the Seattle Ethics and Elections Commission (“SEEC”) made a deliberate effort to connect with as many city residents as possible through a

² D.C. Act 22-278; 65 DCR 2847 (March 23, 2018).

³ Under the Act, covered city offices are the Mayor, Council, Attorney General, and State Board of Education.

public education campaign that included community presentations, media activities, and outreach to local groups.⁴ Likewise, the SEEC's website offered numerous resources to inform residents, organizations, and candidates alike.⁵ In D.C., a community engagement officer within OCF could manage the creation and dissemination of similar services for the people of the District.

Finally, CLC asks the Committee to consider a general increase in funding for OCF as it prepares to roll out the Program. Unquestionably, management of a public financing program demands substantial resources to facilitate compliance, enforcement, and reporting, and to detect and deter abuse. Indeed, effectual administration of the Program, particularly during the Program's initial years, is imperative to maintaining the public's confidence in public financing as a viable alternative to privately financed campaigns.

In conclusion, we respectfully ask that the Committee appropriate funding in the FY 2019 budget for OCF to hire a program manager and community engagement officer, and that the Committee consider OCF's increased responsibilities under the Program when appropriating funds more generally. We appreciate the opportunity to submit this written testimony and would be happy to respond to any questions the Committee may have.

Sincerely,

/s/
Tara Malloy
Senior Director, Appellate Litigation & Strategy

/s/
Adav Noti
Senior Director, Trial Litigation & Chief of Staff

⁴ For more on the SEEC's public outreach efforts during Seattle's 2017 elections, see <http://www.campaignlegalcenter.org/news/blog/just-one-election-cycle-vouchers-have-changed-campaign-finance-city-seattle>.

⁵ See Seattle Ethics & Elections Comm'n, Democracy Voucher Program, <http://www.seattle.gov/democracvoucher>.