

## **BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY**

### **NOTICE OF FINAL RULEMAKING**

The Board of Ethics and Government Accountability (“Ethics Board”), pursuant to the authority set forth in section 209 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.09) (2014 Supp.), hereby gives notice of its adoption, on August 17, 2015, of the following amendments to Chapter 57 (Financial Disclosures and Honoraria), and Chapter 58 (Registration of Lobbyists) of Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (“DCMR”). D.C. Official Code § 1-1162.11(8) provides that the Director of Government Ethics shall have the power to, “require any person to submit through an electronic format or medium a report required pursuant to this title [subchapter].” This rulemaking amends subsections 5702.1, 5702.2, and 5704.4, to require, except upon the granting of a waiver for good cause shown, electronic filing of Public Financial Disclosure Statements by Public Officials and Public Financial Disclosure Certifications by Advisory Neighborhood Commissioners. The rulemaking also amends subsection 5803.3 and adds subsections 5803.4 through 5803.8 to require, except upon the granting of a waiver for good cause shown, electronic filing of Lobbyist Registration and Lobbyist Activity Reports.

No comments were received on the proposed rules that were published on June 12, 2015, at 62 DCR 8345. Non-substantive technical changes were made to the rules that do not affect the intent, meaning or scope of the rules as proposed. These rules are effective upon the date of publication in the District of Columbia Register.

#### **Title 3, Chapter 57 (Financial Disclosures and Honoraria) of the DCMR is amended as follows:**

1. Section 5702 is amended as follows:

a. Subsections 5702.1 and 5702.2 are amended to read as follows:

5702.1 The FDS shall be filed electronically at the Board of Ethics and Government Accountability (Board) website. The FDS shall be deemed timely filed electronically no later than midnight on May 15<sup>th</sup> of each year for the prior calendar year in which the public official served.

5702.2 A public official may request a waiver of the requirement to file electronically. Waiver requests shall be submitted in writing, to the Director, no later than midnight on May 5<sup>th</sup> of each year. The Director may grant a waiver of the requirement to file electronically on good cause shown as to why the public official is unable to file electronically as follows:

- (a) A waiver granted by the Director shall be in writing and provided to the requestor.

(b) If the waiver is granted, the FDS shall be filed in hard copy, in person or by first class mail. The FDS shall be deemed timely filed if received in the Office of Government Ethics no later than 5:00 pm on May 15<sup>th</sup>.

(c) A denial of the waiver of the requirement to file electronically is appealable to the Board. An appeal is timely filed if submitted to the Board Chairperson and the Director, in writing, in hard copy or electronically, no later than two (2) business days after the date of the Director's decision. The decision of the Board is final and shall be provided in writing to the requestor.

b. (1) The heading for Section 5704 is amended to read as follows:

**“5704 CONFIDENTIAL FINANCIAL DISCLOSURE FILINGS BY EMPLOYEES”**

(2) Subsection 5704.4 is repealed.

c. A new section 5705 is added to read as follows:

**5705 FINANCIAL DISCLOSURE FILINGS BY ADVISORY NEIGHBORHOOD COMMISSIONERS AND CANDIDATES**

5705.1 An Advisory Neighborhood Commissioner in office for at least thirty (30) days of the preceding year, or candidate as defined in D.C. Official Code § 1-1161.01(6), shall electronically file a public financial disclosure certification required by section 224(a)(1)(G) of the Act for the preceding year.

- (a) The certification shall be due no later than midnight of May 15<sup>th</sup> of each year;
- (b) The certification shall be filed electronically with the Board at the Board website;
- (c) The certification shall be publicly filed; and

5705.2 An Advisory Neighborhood Commissioner, or candidate as defined in D.C. Official Code § 1-1161.01(6), may request a waiver of the requirement to file electronically. Waiver requests shall be submitted in writing, to the Director, no later than midnight on May 5<sup>th</sup> of each year. The Director may grant a waiver of the requirement to file electronically for good cause shown as to why the public official is unable to file electronically.

- (a) A waiver granted by the Director shall be in writing and provided to the requestor.
- (b) If the waiver is granted, the public financial disclosure certification shall be

filed in hard copy, in person or by first class mail. The public financial disclosure certification shall be deemed timely filed if received in the Office of Government Ethics no later than 5:00 pm on May 15<sup>th</sup>.

- (c) A denial of the waiver of the requirement to file electronically is appealable to the Board. An appeal is timely filed if submitted to the Board Chairperson and the Director, in writing, in hard copy or electronically, no later than two (2) business days after the date of the Director's decision. The decision of the Board is final and shall be provided in writing to the requestor.

2. Chapter 58 is amended as follows:

- a. Subsection 5803.3 is amended to read as follows:

5803.3 Lobbyist Activity Reports shall be filed in electronic format at the Board website and shall be considered timely if filed by midnight on the date due.

- b. New subsections 5803.4 through 5803.8 are added to read as follows:

5803.4 Lobbyist Registration forms filed on or before January 15<sup>th</sup> of each year shall be filed in electronic format on the Board website and will be considered timely if filed by midnight on the date due.

5803.5 First-time Lobbyist Registration forms filed pursuant to subsection 5803.1(a) of this section shall be filed electronically at the Board website and shall be considered timely if filed by midnight on the date due.

5803.6 A lobbyist may request a waiver of the requirement to electronically file a Lobbyist Registration form or a Lobbyist Activity Report. Waiver requests shall be submitted in writing, to the Director, no later than midnight on January 1st for January Lobbyist Registration and Lobbyist Activity report filings and July 1st for July Lobbyist Activity Report filings.

5803.7 The Director may grant a waiver of the requirement to file electronically for good cause shown as to why the Lobbyist is unable to file electronically as follows:

- (a) A waiver granted by the Director shall be in writing and provided to the requestor.
- (b) If the waiver is granted, the filings shall be filed in hard copy, in person or by first class mail. The filing shall be deemed timely filed if received in the office of the Board no later than 5:00 pm on the date due.
- (c) A denial of the waiver of the requirement to file electronically is appealable to the Board. An appeal is timely filed if submitted to the Board Chairperson and the Director, in writing, in hard copy or electronically, no later than two (2)

business days after the date of the Director's decision. The decision of the Board is final and shall be provided in writing to the requestor.