

DC Postpones Pay-to-Play Implementation Due to Lack of Funding

January 2021

The District of Columbia has put its new pay-to-play law on hold because of insufficient funding to implement the law. Passed by the City Council in 2018, the law would ban political contributions by “covered contractors” – generally entities holding or seeking contracts with the DC government worth \$250,000 or more. Senior officers of covered contractors would also be subject to the contribution ban. The new law was set to go into effect on November 4, 2020 – the day after the 2020 general election. But as part of the fiscal year 2021 appropriations bill, the City Council amended the applicability date of the pay-to-play law, which now states that the provisions “shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.” In other words, the law will become effective when the implementation costs are included in an approved budget. When that occurs, the District Budget Director will place a notice in the District of Columbia Register. According to the DC Office of Campaign Finance, this could be November 2021 assuming the budget gets completed. But until the law’s effective date, now uncertain, contracts with the DC government are not subject to the pay-to-play provisions. Wiley will continue carefully monitoring legislation for any updates on the effective date of the new provisions.

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