

A RESOLUTION

18-560

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2010

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010 to call for a referendum on the amendments to the Charter of the District of Columbia establishing the Attorney General for the District of Columbia as an elected position.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Elected Attorney General Referendum Congressional Review Emergency Declaration Resolution of 2010".

Sec. 2. (a) The position of attorney general holds an elevated place in our democratic form of government as it is the public official, at all levels, responsible for justice. The attorney general serves not only as a counselor to the government but as an advocate of the public interest. The Attorney General for the District of Columbia serves an essential role in the operation of government and in furthering the interests of justice for District residents.

(b) In order to strengthen the position of the Attorney General, the District enacted Bill 18-65, the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010. While Bill 18-65 has a projected law date of May 27, 2010, Title II of the legislation, which would make the position of Attorney General an elected position in the District, requires an amendment to the District of Columbia Home Rule Act ("Home Rule Act").

(c) The Home Rule Act can only be amended by an act of Congress (*see* section 601 of the Home Rule Act; D.C. Official Code § 1-206.01), or by an act of the Council ratified in a referendum (*see* section 303 of the Home Rule Act; D.C. Official Code § 1-203.03).

(d) As it is unlikely that Congress will act timely to enact Title II of Bill 18-65, ratification of a Charter amendment through a referendum is necessary to make the position of Attorney General an elected position. The Council is vested with authority to pass an act that, if ratified by a majority of the registered qualified electors of the District, becomes law following a 35-day congressional review period.

(e) Attorneys General are popularly elected in 43 states, showing a clear trend toward the election of this position by the electorate. Creating an elected Attorney General position will

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foster the necessary independence of the office, strengthen its stature within the government, and benefit the District by making the Attorney General directly accountable to voters.

(f) It is necessary to move this legislation on an emergency basis to ensure the referendum will be included in an already scheduled election this fall.

(g) The previously adopted D.C. Act 18-443, the Elected Attorney General Referendum Emergency Act of 2010, expires on September 15, 2010. The corresponding temporary measure, D.C. Act 18-468, does not currently have a projected law date.

(h) Adoption of this Congressional review emergency is necessary in order to prevent a gap in the law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Elected Attorney General Referendum Congressional Review Emergency Amendment Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.