



**Campaign Finance Guide**  
**2014**

**Office of Campaign Finance**  
**CAMPAIGN FINANCE GUIDE**

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## Campaign Finance Guide

### Introduction

The Campaign Finance Guide (Guide) is a summary of the regulations that address the procedures and guidelines, which govern the registration, financial reporting and disclosure requirements of candidates, principal campaign committees and all other political committees, elected public officials, and Senators and Representatives in the District of Columbia.

We hope that the Guide will be informative and provide the information needed for access to the financial accountability and disclosure process in the District of Columbia. For more detailed information and analysis, you should contact the Office of Campaign Finance (OCF).

The Office of Campaign Finance is located in the Frank D. Reeves Municipal Building, 2000 14th Street, N.W., Suite 433, Washington, D.C. 20009. The phone number for the OCF is (202) 671-0547. You may also visit us at our website at [www.ocf.dc.gov](http://www.ocf.dc.gov).

### About the Campaign Finance Act

The Campaign Finance Act of 2011, as amended, D.C. Official Code, Sections 1-1163.01 et seq. (2013), (Act) was enacted to provide a means for monitoring and enforcing the campaign finance and disclosure requirements established for candidates, principal campaign committees and all other political committees, elected public officials, and Senators and Representatives in the District of Columbia. The primary goal of this legislation is to require that local candidates seeking election to public office, elected public officials, and the treasurers of political, exploratory, transition and inaugural committees, and the constituent services and statehood fund programs make complete and full financial disclosures. Various provisions of the Campaign Finance Act are clarified by regulations promulgated by the Office of Campaign Finance (OCF) with the approval of the Board of Elections. The OCF regulations are cited under Chapters 30-41 of Title 3 of the District of Columbia Municipal Regulations (August 2013).

## **About the Office of Campaign Finance**

The Office of Campaign Finance (OCF), established within the D.C. Board of Elections, administers and enforces the District laws pertaining to campaign finance operations and the constituent service and statehood fund programs.

The primary objective of the Office of Campaign Finance is to obtain voluntary compliance with the Act. To achieve this goal, the OCF provides an extensive public information and education service for persons subject to the Act, thereby increasing OCF's public disclosure capabilities. The Director of Campaign Finance is committed to the delivery of an active outreach program which educates and provides information to candidates, committees, public officials, and the public.

The OCF is organized into three major divisions which operate under the Director: the Public Information and Records Management Division (PIRM); the Reports Analysis and Audit Division (RAAD); and the Office of the General Counsel (OGC). Each OCF component is organized to support, service, and develop an effective financial reporting and disclosure program for the District of Columbia.

## **About the District of Columbia Board of Elections**

The District of Columbia Board of Elections (BOE) is the independent agency of the District Government, which is responsible for the administration of elections, ballot access, and voter registration in the District of Columbia. The BOE consists of three active Board members, an Executive Director, a General Counsel, and Management and support staff who run the day-to-day operations.

## **About the Electronic Filing of Reports**

The OCF has a web-based Electronic Filing and Disclosure System for use by candidates, public officials, committees, constituent service and statehood fund programs, and the public. This electronic filing system is a convenient method in which candidates, committees, public officials, and constituent service and statehood fund programs may file financial reports with minimum effort. The public may view these reports in real-time after the reports have been filed.

Within 30 days of registration, each candidate, committee, public official, and constituent service and statehood fund program will be provided a User ID and Password to access the electronic filing system.

## **Reports Available for Electronic Filing:**

- Report of Receipts and Expenditures (Candidates and Committees)
- Report of Receipts and Expenditures for Constituent Service Programs
- Report of Receipts and Expenditures for Senators and Representatives
- Summary Financial Statement for ANC Candidates

Those who decide not to electronically file, may download and print the above reports from the OCF website.

## **Campaign Finance Guide**

### **Section 1: Candidates**

- **Definition of Candidate**
- **Registration Requirements for Candidates**
- **Candidate Reporting Requirements**
- **Candidate Waiver of the Reporting Requirements**
- **Termination of Candidacy**
- **Things to Remember**

#### **Definition of Candidate**

(D.C. Official Code § 1-1161.01(6))

A candidate is an individual who seeks nomination for election, or election to office, whether or not the individual is nominated or elected. An individual should be considered a candidate seeking nomination for election, or re-election, if the individual has:

- a) Obtained, or authorized any other person to obtain nominating petitions to qualify for nomination for election, or election to office;
- b) Received contributions or made expenditures, or given his or her consent to any other person to receive contributions or make expenditures, with the purpose to bring about his or her nomination for election, or election, to office; or
- c) Knowledge, or has reason to know, that any other person has received contributions or made expenditures for the benefit of a candidate seeking nomination for election, and has not notified that person in writing to cease receiving contributions or making expenditures for that purpose.

#### **Registration Requirements for Candidates**

(D.C. Official Code § 1-1163.12)

An individual must file a Statement of Candidacy form with the Office of Campaign Finance within 5 days of becoming a candidate or within 5 days of the date on which you, or any person authorized by you to do so, has received a contribution or made an expenditure in connection with your campaign for the purpose of preparing to undertake your campaign, whichever occurs first.

Candidates for the Office of Advisory Neighborhood Commission (ANC) member are excluded from this requirement.

## **Candidate Reporting Requirements**

(D.C. Official Code §§ 1-1163.09 and 1-1163.14 and 3 DCMR § 3002.5)

Campaign Finance Reports of Receipts and Expenditures are required to be filed by all candidates who have not been granted a waiver by the Director. Candidates, who anticipate spending less than \$500.00 in any one election and have not designated a principal campaign committee, may be exempted from the filing and reporting requirements of the Campaign Finance Act. To invoke the exemption, a candidate must certify on the Statement of Candidacy Form that the candidate anticipates spending less than \$500 in any one election and will not designate a Principal Campaign Committee.

The candidate must also certify (by filing a Report of Exemption for a Candidate Spending Less than \$500 form) on the 15<sup>th</sup> day prior to the election and on the 30th day following the date of the election that the candidate has not spent in excess of \$500.00 for purposes of seeking election to office.

Advisory Neighborhood Commission (ANC) candidates are not required to file Reports of Receipts and Expenditures. ANC candidates must file the Summary Financial Statement of Candidate for the Office of Member of an Advisory Neighborhood Commission (OCF Form 18), no later than sixty (60) days after the certification by the Board of Elections of the results of the election in which the candidate sought office.

## **Candidate Waiver from Filing and Reporting Requirements**

(3 DCMR § 3004)

A candidate who has designated a principal campaign committee may apply, on a Request for Candidate Waiver form, for a waiver from filing reports separate from the candidate's committee. The Director may grant a waiver of the filing and reporting requirements upon certification by a candidate that, within 5 days after personally receiving any contribution(s), the candidate shall surrender possession of the contribution(s) to the principal campaign committee treasurer without expenditures or co-mingling of the contributions with one's personal funds.

All funds must be surrendered to the principal campaign committee treasurer within 5 days of receipt; otherwise, a candidate must file a separate candidate Report of Receipts and Expenditures.

## Termination of Candidacy

(3 DCMR § 3002.6)

With the exception of ANC candidates, each individual who ceases to become a candidate shall immediately file a Statement of Candidate Withdrawal form upon termination of the candidacy.

### Things to Remember

- An individual must file a Statement of Candidacy as a candidate within 5 days of receiving or making a campaign contribution or expenditure; obtaining nominating petitions; authorizing any other person to perform the aforementioned acts; or failing to disavow such acts by any other person on the individual's behalf in writing within ten (10) days following notification by the Director.
- Each candidate is required to file a Report of Receipts and Expenditures; provided that, the candidate is not exempt as a candidate who spends less than \$500.00 and has not designated a principal campaign committee; or the candidate has not been granted a waiver from filing reports separate from the candidate's committee.
- Each ANC candidate must file the Summary Financial Statement of Candidate for the Office of Member of an Advisory Neighborhood Commission (OCF Form 18), no later than sixty (60) days after the certification of the results of the election in which the candidate sought office.

## **Campaign Finance Guide**

### **Section 2: Principal Campaign Committees**

- **Definition of Principal Campaign Committee**
- **Registration Requirements for Principal Campaign Committees**
- **Reporting Requirements for Principal Campaign Committees**
- **Naming the Principal Campaign Committee**
- **Surplus Funds**
- **Things to Remember**

#### **Definition of Principal Campaign Committee** (3 DCMR § 9900.1 and D.C. Official Code § 1-1163.10)

A Principal Campaign Committee is an organized group of individuals whose name includes the name of a clearly identified candidate, seeking to cause the candidate's nomination or election to office in the District of Columbia.

Each candidate must designate in writing, on the Statement of Candidacy form, only one (1) principal campaign committee. The principal campaign committee is required to file all Reports of Receipts and Expenditures with the Office of Campaign Finance on behalf of that candidate and any other political committees authorized by the candidate. A political committee may not be designated as the principal campaign committee of more than one candidate for office unless the individual is a candidate for an official of a political party.

#### **Registration Requirements for Principal Campaign Committees** (D.C. Official Code §§ 1-1163.07 and 1-1163.08(a))

Each principal campaign committee must file a Statement of Organization with the Office of Campaign Finance within 10 days of designation by a candidate on the Statement of Candidacy form. A principal campaign committee must have a chairperson, treasurer, and one or more campaign depositories located in a national bank in the District of Columbia. Any change in information previously submitted in a Statement of Organization must be reported to the Office of Campaign Finance within the 10-day period following the change.

## **Reporting Requirements for Principal Campaign Committees**

(D.C. Official Code §§ 1-1163.09(a) and (b))

The treasurer of a principal campaign committee must file a Report of Receipts and Expenditures on March 10<sup>th</sup>, June 10<sup>th</sup>, August 10<sup>th</sup>, October 10<sup>th</sup>, and December 10<sup>th</sup> in the seven (7) months preceding the date on which an election is held for which the candidate seeks office and the political committee supports a candidate for office; and on January 31<sup>st</sup>, March 10<sup>th</sup>, June 10<sup>th</sup>, August 10<sup>th</sup>, October 10<sup>th</sup> and December 10<sup>th</sup>, during the year an election is held for the office its candidate seeks, and on the 8<sup>th</sup> day preceding the date of the election.

The reports shall be complete as of the date prescribed by the Director of Campaign Finance, which shall not be more than 5 days before the date of filing, except that any contribution of \$200 or more received after the closing date prescribed by the Director of Campaign Finance for the last report required to be filed before the election shall be reported within 24 hours after receipts on the 24 Hour Report of Receipts for Candidates or Political Committees.

Continuous reporting is required on January 31<sup>st</sup> and July 31<sup>st</sup> of each year until all debts and obligations of the Committee have been satisfied. The obligation to file reports continues until the treasurer files a final report, notwithstanding the withdrawal of the candidate prior to the election, or the outcome of an election. A Report of Receipts and Expenditures may be filed electronically.

## **Naming the Principal Campaign Committee**

(3 DCMR § 3000.8 (f))

The principal campaign committee and any authorized committee designated by a candidate on the Statement of Candidate form must include the name of the candidate for elective office in its name.

## **Surplus Funds**

(D.C. Official Code § 1-1163.10(a))

An individual, who seeks nomination for election, or election to office, is required to dispose of any surplus, residual or unexpended campaign funds. Surplus funds must be:

- 1) Contributed to a political party for political purposes;
- 2) Used to retire the proper debts of the political committee which received the funds;

- 3) Transferred to a political committee, a charitable organization in accordance with § 47-1803.03(a)(8), or in the case of an elected official, an established constituent services fund; or
- 4) Returned to the donors within six months following the election, in the case of an individual elected to office or defeated in an election; or within six months after an individual, ceasing to be a candidate, terminates their candidacy.



### **Things to Remember**

- A Principal Campaign Committee must file a Statement of Organization within 10 days of designation by a candidate on the Statement of Candidacy form.
- A Principal Campaign Committee must have a chairperson, treasurer, and one or more campaign depositories in a national bank located in the District of Columbia.
- A Principal Campaign Committee must file Reports of Receipts and Expenditures.
- Surplus Funds must be disposed of within certain prescribed time frames.

## Campaign Finance Guide

### Section 3: Political Committees

- **Definition of Political Committee**
- **Registration Requirements for Political Committees**
- **Reporting Requirements for Political Committees**
- **Notification of Non-Support**
- **Things to Remember**

#### **Definition of Political Committee** (D.C. Official Code § 1-1161.01(44))

A political committee is a proposer, individual, committee (including a principal campaign committee and a political action committee), club, association, organization or other group of individuals organized for the purpose of, or engaged in, promoting or opposing a political party, the nomination or election of a person to office, or any initiative, referendum or recall.

A political committee is either an authorized or an unauthorized committee. An authorized committee means the principal campaign committee or any other political committee is authorized and designated by a candidate on the Statement of Candidacy form to receive contributions or to make expenditures on behalf of such candidate. An unauthorized committee is any other political committee, which has not been designated by a candidate.

#### **Registration Requirements for Political Committees** (D.C. Official Code §§ 1-1163.07 and 1-1163.11)

All political, inaugural, exploratory, transition and legal defense committees, authorized or unauthorized, including campaign committees, independent or political action committees, and initiative, referendum or recall committees, must register with the Office of Campaign Finance and file a Statement of Organization form within ten (10) days of organization or designation by a candidate on the Statement of Candidacy form. Each statement of organization filed by a political committee shall adhere to the disclosure requirements prescribed by §§ 1-1163.07 and 1-1163.11.

## Reporting Requirements for Political Committees

(D.C. Official Code §§ 1-1163.09 and 1-1163.17)

The treasurer of each political committee must file a Report of Receipts and Expenditures on March 10<sup>th</sup>, June 10<sup>th</sup>, August 10<sup>th</sup>, October 10<sup>th</sup>, and December 10<sup>th</sup>, in the seven (7) months preceding the date on which an election is held, for which the political committee supports a candidate for office; and on January 31<sup>st</sup>, March 10<sup>th</sup>, June 10<sup>th</sup>, August 10<sup>th</sup>, October 10<sup>th</sup> and December 10<sup>th</sup>, during the year an election is held for the office its candidate seeks, and on the 8<sup>th</sup> day preceding the date of the election. Each report filed shall adhere to the disclosure requirements prescribed by §§ 1-1163.09(c) and 1-1163.17.

## Notification of Non-Support

(3 DCMR §3000.10 and 3000.11)

Political committees that do not intend to support candidates during an election year must file a Notification of Non-Support form with the Office of Campaign Finance by January 31<sup>st</sup> of the year in which an election is held and by July 31<sup>st</sup> of the non-election year. In addition, these committees are also required to file a Report of Receipts and Expenditures on January 31<sup>st</sup> (year-end) and July 31<sup>st</sup> (mid-year), as required by D.C. Official Code, Section 1-1163.09(c).

A political committee must inform the Director of OCF in writing, within ten (10) days, of a change in the committee's intention not to support a candidate. The political committee will then be required to file Reports of Receipts and Expenditures in accordance with D.C. Official Code § 1-1163.09(b) and (c).

## Things to Remember

- All political committees must register with the Office of Campaign Finance and file a Statement of Organization within ten (10) days of organization or designation by a candidate.
- All political committees must file Reports of Receipts and Expenditures.
- Each political committee must indicate its intent not to support a candidate by filing a Notification of Non-Support form by January 31<sup>st</sup> of the year in which the election is held and by July 31<sup>st</sup> of the non-election year.
- A political committee must notify the Director of OCF within 10 days of a change in the committee's intention not to support a candidate.

## **Campaign Finance Guide**

### **Section 4: Contributions**

- **Definition of Contribution**
- **Contribution Limits**
- **Candidates' Contributions to Their Own Campaign**
- **Partnership Contributions**
- **Corporate Contributions**
- **In-Kind Contributions**
- **Itemized and Unitemized Contributions**
- **Things to Remember**

#### **Definition of Contribution**

(D.C. Official Code § 1-1161.01(10)(A))

The term “contribution” means a gift, subscription (including any assessment, fee, or membership dues), loan (except a loan made in the regular course of business by a business engaged in the business of making loans), advance, or deposit of money or anything of value, made for the purpose of financing, directly or indirectly: the election campaign of a candidate; any operations of a political, exploratory, inaugural, transition, or legal defense committee; or the campaign to obtain signatures on any initiative, referendum, or recall measure, or to bring about the ratification or defeat of any initiative, referendum, or recall measure, or the operations of a political committee involved in such a campaign.

#### **Contribution Limits**

(D.C. Official Code § 1-1163.33)

No person shall make any contribution, and no person shall receive any contribution from any other person, which when aggregated with all other contributions received from that person relating to a campaign for nomination or election to public office, including both the primary and general election or special elections, exceed the contribution limits per elective office as follows:

- a) \$2,000 for Mayor or for the recall of the Mayor, U.S. Senator and U.S. Representative to Congress;
- b) \$1,500 for Chairman of the Council, or for the recall of the Chairman of the Council;
- c) \$1,000 for a Member of the Council at-large, or for the recall of a Member of the Council at-large;
- d) \$500 for a Member of the Council elected from a ward and Member of the State Board of Education at-large, or for the recall of a Member of the Council elected from a ward and Member of the State Board of Education at-large;

- e) \$200 for a Member of the Board of Education elected from a ward, or for the recall of a Member of the Board of Education elected from a ward;
- f) \$200 for an Official of a political party; and
- g) \$25 for a Member of the Advisory Neighborhood Commission.

All contributions to a candidate's principal campaign committee shall be treated as contributions to the candidate and shall be subject to the contribution limitations contained in § 1-1163.33. No person shall receive or make any contribution in legal tender in an amount of \$25 or more.

No person shall make any contribution in any one election for Mayor, Chairman of the Council, each Member of the Council and each member of the State Board of Education (including primary and general elections, but excluding special elections), which when combined with all other contributions made by that person in that election to candidates and political committees exceeds \$8,500.

No person shall make contributions to any one (1) political committee in any one (1) election (including primary and general elections, but excluding special elections), which in the aggregate, exceeds \$5,000

Pursuant to 3 DCMR §§ 3011.19 and 3011.20, limitations on contributions shall not apply to contributions made to: support or oppose initiative or referendum measures; fundraising engaged in by independent expenditure committees or individuals; or political committees during any calendar year in which the committee is not supporting candidates in either a primary or general election.

### **Candidates' Contributions to Their Own Campaign**

There are no limits to what candidates may contribute financially to their own campaigns as long as candidates use their own money, and report the contributions made from personal funds.

### **Partnership Contributions**

(D.C. Official Code § 1-1163.34)

A contribution by a partnership shall be attributed to each partner:

- a. In direct proportion to the partner's share of the partnership profits, according to instructions which must be provided by the partnership to the political committee or candidate; or
- b. By agreement of the partners, as long as only the profits of the partners to whom the contributions are attributed are reduced (or losses increased) in proportion to the contribution attributed to each of them.

A contribution by a partnership shall not exceed the limitations on contributions pursuant to § 1-1163.33. No portion of any contribution by a partnership may be made from the profits of a corporation that is a partner.

## **Corporate Contributions**

(3 DCMR §§ 3011.12, 3011.13 and 3011.18)

Corporations may make contributions to candidates in the District of Columbia. A corporation, its subsidiaries, and each political committee established, financed, maintained, or controlled by the corporation and its subsidiaries share a single contribution limitation.

Limitations on contributions shall apply to a limited liability company, depending on whether it is established as a corporation or partnership.

## **In-Kind Contributions**

(3 DCMR Chapter 99)

A contribution of goods, services or property offered free or at less than the usual and normal charge, or payments by a third party for goods and services are in-kind contributions. In-kind contributions must be valued at the current local fair Market Value at the time of the contribution. In-kind contributions (i.e., goods and services provided to a political committee or candidate) are treated as any other contribution and are subject to contribution limits. In-kind contributions must be reported and itemized under the appropriate category of receipts.

## **Itemized and Non-Itemized Contributions**

(D.C. Official Code §§ 1-1163.07(5)(A))

Contributions of each person who has made one (1) or more contributions in the aggregate of \$50.00 or more to a political committee or candidate within a calendar year must be disclosed and itemized on Schedule A of the Report of Receipts and Expenditures. The report must include the full name and address, occupation and principal place of business, if any, of the contributor, and the date of the contribution. In addition, the total sum of individual contributions of less than \$50.00 made during a reporting period must be reported on a Report of Receipts and Expenditures.

## **Things to Remember**

- The Campaign Finance Act imposes limits on contributions made in support of candidates for nomination or election to office, to political committees, and in support of recall measures.
- Contributions made to support or oppose initiative or referendum measures are unaffected by the limits.
- Corporations may make political contributions in the District of Columbia.

## **Campaign Finance Guide**

### **Section 5: Expenditures**

- **Definition of Expenditure**
- **Expenditure Limitations**
- **Itemizing Expenditures**
- **Independent Expenditures**
- **Reporting Requirements for Independent Expenditures**
- **Things to Remember**

#### **Definition of Expenditure**

(D.C. Official Code § 1-1161.01(20)(A))

The term “expenditure” means a purchase, payment, distribution, loan advance, deposit, gift of money or anything of value made for the purpose of financing, directly or indirectly:

- a) The election campaign of a candidate;
- b) Any operations of a political, inaugural, exploratory, transition or legal defense committee;
- c) The election campaign to obtain signatures on any initiative, referendum, or recall petition, or to bring about the ratification or defeat of any initiative, referendum, or recall measure;
- d) A contract, promise, or agreement, whether or not legally enforceable, to make an expenditure; and
- e) A transfer of funds between political committees.

An expenditure does not include incidental expenses incurred by, or made on behalf of, individuals in the course of volunteering their time on behalf of a candidate or political committee; or the use of real or personal property and the cost of any food or beverage voluntarily provided by an individual to a candidate in rendering voluntary personal services on the individual’s residential premises for candidate-related activities if the cumulative value of such activities does not exceed \$500 with respect to any election.

#### **Expenditure Limitations**

(D.C. Official Code §§ 1-1163.07(4), 1-1163.07(5)(A), and 1-1163.36)

There are no monetary limitations placed on expenditures. No expenditure may be made by or on behalf of, a political committee at a time when there is a vacancy in the office of treasurer, and no other person has been designated and has agreed to perform the functions of treasurer.

All committees must file a Statement of Organization designating a treasurer. No expenditure may be made for, or on behalf of, a political committee without the authorization of its chairman or treasurer, or their designated agents. No expenditure may be made by a committee or candidate, other than petty cash expenditures, except by check drawn payable to the person to whom the expenditure is being made, and on an account designated in the required Statement of Organization.

No resources of the District of Columbia government, including the expenditure of funds, the personal services of employees during work hours, and non-personal services, including supplies, materials, equipment, office space, facilities, telephones and other utilities, may be used to support or oppose any candidate for elected office.

### **Itemizing Expenditures**

(D.C. Official Code §§ 1-1163.08(c)(8))

Expenditures must be disclosed and identified on Schedule B of the Report of Receipts and Expenditures. The report must include the full name, mailing address, occupation and principal place of business, if any, of each person to whom expenditures have been made, either by or on the behalf of the committee or candidate, within the calendar year, in an aggregate amount or value of \$10 or more. The report must also detail the amount, date, and purpose of each such expenditure, and the name, address and office sought by each candidate on whose behalf such expenditure was made; the total sum of expenditures made by the committee or candidate during the calendar year; the amount and nature of debts and obligations owed by or to the committee; and a continuous reporting of its debts and obligations.

### **Independent Expenditures**

(3 DCMR Chapter 9900.1)

An “independent expenditure” is the expenditure for a communication by a person expressly advocating the election or defeat of a clearly identified candidate, which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate.

### **Reporting Requirements for Independent Expenditures**

(D.C. Official Code § 1-1163.13)

Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount of \$50.00 or more within a calendar year must file with the Director Reports of Receipts and Expenditures on the date on which reports by political committees are filed, but the report(s) need not be cumulative.



### **Things to Remember**

- There are no monetary limitations placed on expenditures.
- Expenditures may not be made when there is a vacancy in the Office of Treasurer, and must be authorized by either the Treasurer or Chairman.
- Independent Expenditures in the amount of \$50.00 or more must be reported.
- No District government resources may be used to support or oppose any candidate for elective office including the expenditure of funds, personal services of employees during work hours, and non-personal services including supplies, materials, equipment, office space, facilities, telephones and other utilities.

## Campaign Finance Guide

### Section 6: Initiative, Referendum, Recall and Proposed Charter Amendment Committees

- **Definition of Initiative, Referendum, Recall and Proposed Charter Amendment Committees**
- **Registration and Reporting Requirements for Initiative, Referendum, Recall and Proposed Charter Amendment Committees**
- **Filing Deadlines for Initiative, Referendum, Recall and Proposed Charter Amendment Committees**
- **Things to Remember**

#### **Definition of Initiative, Referendum, Recall and Proposed Charter Amendment Committees**

(3 DCMR § 3000.8(d))

Initiative, Referendum, Recall and Proposed Charter Amendment Committees are committees organized for the purpose of, or engaged in promoting or opposing initiative, referendum or recall measures or proposed Charter amendments for ballot placement.

#### **Registration and Reporting Requirements for Initiative, Referendum, Recall and Proposed Charter Amendment Committees**

(D.C. Official Code §§ 1-1163.07 and 1-1163.09(a)(2))

Each committee supporting or opposing an initiative, referendum, recall, or proposed charter amendment shall file a Statement of Organization within ten (10) days after its organization, and file Reports of Receipts and Expenditures (R&E Report) during the consideration of the placement of the measure on an election ballot for any one election. Any change in information previously submitted in the Statement of Organization must be reported to the Office of Campaign Finance within the 10-day period following the change.

#### **Filing Deadlines for Initiative, Referendum, Recall and Proposed Charter Amendment Committees**

R&E Reports shall be filed in accordance with the following schedule:

- a) On or before the commencement of the process for initiative, referendum, recall, or proposed charter amendment, or
- b) In the case of an opponent, ten (10) days after making an expenditure or accepting a contribution in opposition to the measure;
- c) On the tenth (10th) day of the fourth (4th) month preceding the election;
- d) On the tenth (10th) day of the second (2<sup>nd</sup>) month preceding the election; and
- e) Eight (8) days prior to the election.

Initiative, referendum, recall and proposed charter amendment committees must continue to file Reports of Receipts and Expenditures following the election, on January 31st and July 31st of each year until all debts are satisfied.



### **Things to Remember**

- Reports of Receipts and Expenditures must be filed periodically during the consideration of a measure for ballot placement for any one election.
- Filing of Reports of Receipts and Expenditures continues until all outstanding debts are satisfied.

## Campaign Finance Guide

### Section 7: Exploratory Committees

- **Definition of Exploratory Committee**
- **Registration and Reporting Requirements for Exploratory Committees**
- **Contributions to Exploratory Committees**
- **Duration of an Exploratory Committee**
- **Fund Balance Requirements of Exploratory Committees**
- **Things to Remember**

#### **Definition of Exploratory Committee** (D.C. Official Code § 1-1161.01(22))

An Exploratory committee is any person, or group of persons, organized for the purpose of examining or exploring the feasibility of an individual becoming a candidate for an elective office in the District.

#### **Registration and Reporting Requirements for Exploratory Committees** (D.C. Official Code §§ 1-1163.07 and 1-1163.09)

Each exploratory committee must file a Statement of Organization with the Office of Campaign Finance within 10 days of its organization. Any change in information previously submitted in a Statement of Organization must be reported to the Office of Campaign Finance within the 10-day period following the change. Each exploratory committee must have a chairperson and a treasurer.

The treasurer of each exploratory committee must file a Report of Receipts and Expenditures on the 10<sup>th</sup> day of March, June, August, October, and December in the seven (7) months preceding the date on which an election is held for the office sought and on the 8<sup>th</sup> day preceding the date of the election; and on January 31<sup>st</sup> and on the 10<sup>th</sup> day of March, June, August, October, and December of each year. In addition, a report must be filed on July 31<sup>st</sup> of each year in which there is no election. Each report filed shall adhere to the disclosure requirements prescribed by §§ 1-1163.09(c) and 1-1163.17

#### **Contributions to Exploratory Committees** (D.C. Official Code §§ 1-1163.19 and 1-1163.20)

Exploratory committees shall not receive aggregate contributions in excess of:

- a) \$200,000 for a Mayoral exploratory committee;
- b) \$150,000 for a Chairman of the Council exploratory committee;
- c) \$100,000 for an At-Large member of the Council exploratory committee;

- d) \$50,000 for a Ward Councilmember or President of the State Board of Education exploratory committee; and
- e) \$20,000 for a member of the State Board of Education exploratory committee.

Exploratory committees shall not receive individual contributions in excess of:

- a) \$2,000 for a Mayoral exploratory committee;
- b) \$1,500 for a Chairman of the Council exploratory committee;
- c) \$1,000 for an At-Large member of the Council exploratory committee;
- d) \$500 for a Ward Councilmember or President of the State Board of Education exploratory committee; and
- e) \$200 for a member of the State Board of Education exploratory committee.

When an individual becomes a candidate, all contributions received during the exploratory period must be applied to the contribution limits for the candidate as provided under D.C. Official Code §1-1163.33.

### **Duration of Exploratory Committees**

(D.C. Official Code § 1-1163.21)

The duration of an exploratory committee may not exceed 18 months for any one office. Once a candidate's exploratory committee reaches or has reached the maximum duration of 18 months, the candidate shall file a declaration of candidacy and form a principal campaign committee or terminate the exploratory committee.

### **Fund Balance Requirements of Exploratory Committees**

(D.C. Official Code § 1-1163.18)

Any remaining funds of an exploratory committee must be transferred only to an established principal campaign committee, political committee, or charitable organization. Exploratory committee fund balances shall not be deemed the personal funds of any individual, including the individual seeking elective office.

### **Things to Remember**

- Exploratory committees are subject to the reporting requirements and the contribution limits of the Campaign Finance Act where formed for the sole purpose of determining the feasibility of an individual's candidacy for office.
- If the subject of the exploratory committee becomes a candidate, the candidate must review all previously received contributions to determine whether contribution limitations have been exceeded, and if so, refunds must be made immediately.
- The duration of an exploratory committee must not exceed 18 months.

## Campaign Finance Guide

### Section 8: Inaugural Committees

- **Definition of Inaugural Committee**
- **Registration Requirements for Inaugural Committees**
- **Reporting Requirements for Inaugural Committees**
- **Contributions to Inaugural Committees**
- **Fund Balance Requirements of Inaugural Committees**
- **Duration of Inaugural Committees**
- **Things to Remember**

#### **Definition of Inaugural Committee**

(D.C. Official Code § 1-1161.01(27))

An Inaugural committee means a person, or group of persons, organized for the purpose of soliciting, accepting, and spending funds and coordinating activities to celebrate the election of a new Mayor.

#### **Registration Requirements for Inaugural Committees**

(D.C. Official Code § 1-1163.07)

Each inaugural committee shall file with the Director of Campaign Finance a Statement of Organization within 10 days after its organization. Any change in information previously submitted in a Statement of Organization must be reported to the Office of Campaign Finance within the 10-day period following the change.

#### **Reporting Requirements for Inaugural Committees**

(D.C. Official Code § 1-1163.09(a)(3) and (b))

The treasurer of each inaugural committee must file a Report of Receipts and Expenditures on the 10<sup>th</sup> day of March, June, August, October, and December in the seven (7) months preceding the date on which an election is held for which the candidate seeks office and the political committee supports a candidate for office, and on the 8<sup>th</sup> day preceding the date of the election. Reports should also be filed on the 31<sup>st</sup> day of January and the 10<sup>th</sup> day of March, June, August, October, and December during the year an election is held for the office its candidate is seeking, and on the 8<sup>th</sup> day preceding the date of the election, and on January 31<sup>st</sup> and July 31<sup>st</sup> of each non-election year.

### **Contributions to Inaugural Committees**

(D.C. Official Code § 1-1163.22)

No person shall make any contribution to or for an inaugural committee which, and the Mayor shall not receive any contribution to or for an inaugural committee from any person which, when aggregated with all other contributions to or for the inaugural committee received from such person, exceeds \$10,000 in an aggregate amount; provided, that the \$10,000 limitation shall not apply to contributions made by the Mayor for the purpose of funding his or her own inaugural committee within the District of Columbia.

### **Fund Balance Requirements of Inaugural Committees**

(D.C. Official Code § 1-1163.23)

Any balance in the inaugural committee fund shall be transferred only to a nonprofit organization, within the meaning of section 501(c) of the Internal Revenue Code, operating in good standing in the District of Columbia for a minimum of one calendar year before the date of any transfer, or to a constituent service program.

### **Duration of an Inaugural Committee**

(D.C. Official Code § 1-1163.24)

An inaugural committee shall terminate no later than 45 days from the beginning of the term of the new Mayor or Chairman, except that the inaugural committee may continue to accept contributions necessary to retire the debts of the committee.

### **Things to Remember**

- The treasurer of each inaugural committee shall file Reports of Receipts and Expenditures by mandated filing dates prescribed by The Campaign Finance Act.
- Inaugural committees are subject to the contribution limits of the Campaign Finance Act, where formed for the purpose of soliciting, accepting, and spending funds and coordinating activities to celebrate the election of a new Mayor.
- An Inaugural committee must terminate 45 days from the start of the term of the new Mayor or Chairman.

## Campaign Finance Guide

### Section 9: Transition Committees

- **Definition of Transition Committee**
- **Registration Requirements for Transition Committees**
- **Restriction on Formation of Transition Committees**
- **Reporting Requirements for Transition Committees**
- **Contributions Limits to Transition Committees**
- **Fund Balance Requirements of Transition Committees**
- **Duration of Transition Committees**
- **Things to Remember**

#### **Definition of Transition Committee**

(D.C. Official Code § 1-1161.01(52))

A Transition committee means any person, or group of persons, organized for the purpose of soliciting, accepting, or expending funds for office and personal transition on behalf of the Chairman of the Council or the Mayor.

#### **Registration Requirements for Transition Committees**

(D.C. Official Code § 1-1163.07)

Each transition committee shall file with the Director of Campaign Finance a Statement of Organization within 10 days after its organization. Any change in information previously submitted in a Statement of Organization must be reported to the Office of Campaign Finance within the 10-day period following the change.

#### **Restriction on Formation of Transition Committees**

(D.C. Official Code § 1-1163.27(b))

Notwithstanding this section, a transition committee may not be organized if an appropriation, pursuant to § 1-204.46 has been approved.

#### **Reporting Requirements for Transition Committees**

(D.C. Official Code § 1-1163.09(a)(3) and (b))

The treasurer of each transition committee must file a Report of Receipts and Expenditures on the 10<sup>th</sup> day of March, June, August, October, and December in the seven (7) months preceding the date on which an election is held, for which the candidate seeks office and the political committee supports a candidate for office, and on the 8<sup>th</sup> day preceding the date of the election. Reports must also be filed on the 31<sup>st</sup> day of January and the 10<sup>th</sup> day of March, June, August, October and December during the year an election is held for the office its candidate is seeking and on the 8<sup>th</sup> day preceding the date of the election, and on January 31<sup>st</sup> and July 31<sup>st</sup> of each non-election year.

### **Contribution Limits to Transition Committees**

(D.C. Official Code § 1-1163.26)

No person shall make any contribution to or for a transition committee which, and the Mayor shall not receive any contribution to or for a transition committee from any person which, when aggregated with all other contributions to or for the transition committee received from the person, exceeds \$2,000 in an aggregate amount, provided, that the \$2,000 limitation shall not apply to contributions made by the Mayor for the purpose of funding his or her own transition committee within the District of Columbia.

No person shall make any contribution to a transition committee which, and the Chairman of the Council shall not receive any contribution to a transition committee from any person which, when aggregated with all other contributions to the transition committee received from the person, exceeds \$1,000 in an aggregate amount; provided, that the \$1,000 limitation shall not apply to contributions made by the Chairman of the Council for the purpose of funding his or her own transition committee within the District of Columbia.

### **Fund Balance Requirements of Transition Committees**

(D.C. Official Code § 1-1163.25)

Any balance in the transition committee fund shall be transferred only to a nonprofit organization within the meaning of section 501 (c ) of the Internal Revenue Code, operating in good standing in the District of Columbia for a minimum of one calendar year before the date of any transfer, or to a Constituent Service Program pursuant to § 1-1163.38.

### **Duration of Transition Committees**

(D.C. Official Code § 1-1163.27)

A transition committee shall terminate no later than 45 days from the beginning of the term of the new Mayor or Chairman, except that the transition committee may continue to accept contributions necessary to retire the debts of the committee.

### **Things to Remember**

- The treasurer of each transition committee shall file Reports of Receipts and Expenditures by mandated filing dates prescribed by The Campaign Finance Act.
- A transition committee must terminate 45 days from the start of the term of the new Mayor or Chairman.

## Campaign Finance Guide

### Section 10: Legal Defense Committees

- **Definition of Legal Defense Committee**
- **Registration Requirements for Legal Defense Committees**
- **Restriction on Formation of Legal Defense Committees**
- **Reporting Requirement for Legal Defense Committee**
- **Contributions and Expenditures for Legal Defense Committees**
- **Fund Balance Transfers for Legal Defense Committees**
- **Things to Remember**

#### **Definition of Legal Defense Committee**

(D.C. Official Code § 1-1161.01(30))

A Legal Defense committee means a person, or group of persons, organized for the purpose of soliciting, accepting, and expending funds to defray the professional fees and costs for a public official's legal defense to one or more civil, criminal, or administrative proceedings.

#### **Registration Requirements for Legal Defense Committees**

(D.C. Official Code §§ 1-1163.28, 1-1163.29 and 1-1163.30)

Each legal defense committee shall file with the Director of Campaign Finance a Statement of Organization within 10 days after its organization. Any change in information previously submitted in a Statement of Organization shall be reported to the Director of Campaign Finance within the 10-day period following the change.

#### **Restriction on Formation of Legal Defense Committees**

(D.C. Official Code § 1-1163.28(a)(1))

No committee, fund, entity, or trust may be established to defray the professional fees and costs of a public official, except under D.C. Official Code § 1-1163.28.

#### **Reporting Requirements for Legal Defense Committees**

(D.C. Official Code § 1-1163.31)

The treasurer of each legal defense committee must file Reports of Receipts and Expenditures with the OCF, within 30 days after the committee's organization and every 30 days thereafter until dissolution. The reports must be verified by the person filing the report and by the individual to be benefitted by the committee.

## **Contributions and Expenditures for Legal Defense Committees**

(D.C. Official Code §§ 1-1163.28, 1-1163.29 and 1-1163.30)

Legal defense funds shall be used solely for the purpose of defraying attorney fees and other related legal costs associated with the public official's legal defense to one or more civil, criminal or administrative proceedings.

Each legal defense committee shall have a chairperson and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a legal defense committee at a time when there is a vacancy in the office of treasurer for the committee and no person has been designated and has agreed to perform the functions of treasurer. No expenditure shall be made for or on behalf of a legal defense committee without the authorization of its chairman or treasurer, or their designated agents.

No person shall make any contribution to or for a legal defense committee, which when aggregated with all other contributions to or for the legal defense committee received from the person, exceeds \$10,000 in an aggregate amount; provided, that the \$10,000 limitation shall not apply to contributions made by a public official for the purpose of funding his or her own legal defense committee

Contributions to a legal defense committee may not be made by, or received from a lobbyist or registrant or by a person acting on behalf of the lobbyist or registrant.

No expenditures may be made by a legal defense committee except by check drawn payable to the person to whom the expenditure is being made on the account at the bank designated by the legal defense committee.

## **Fund Balance Requirements for Legal Defense Committees**

Any balance in legal defense committee funds shall be transferred only to a nonprofit organization recognized under 501 (c) of the Internal Revenue Code, operating in good standing in the District of Columbia for a minimum of one calendar year before the date of any transfer, or to a Constituent Service Program.

### **Things to Remember**

- The treasurer of each legal defense committee shall file Reports of Receipts and Expenditures within 30 days after the committee's organization and every 30 days thereafter until dissolution.
- Legal defense funds shall be used solely for the purpose of defraying attorney fees and other related legal costs associated with the public official's legal defense to one or more civil, criminal or administrative proceedings.
- Any balance in legal defense committee funds shall be transferred only to a nonprofit organization, or to a Constituent Service Program.

## **Campaign Finance Guide**

### **Section 11: Constituent Service Programs**

- **Definition of Constituent Service Program**
- **Registration Requirements for Constituent Service Programs**
- **Reporting Requirements for Constituent Service Programs**
- **Contribution and Expenditure Limits for Constituent Service Programs**
- **Things to Remember**

#### **Definition of Constituent Service Program** (D.C. Official Code § 1-1163.38(b)(1))

A Constituent Service Program is any activity or program, which expends funds to provide emergency, informational, charitable, scientific, educational, medical, recreational, or other services to the residents of the District of Columbia, and which expenditure accrues to the primary benefit of the residents of the District of Columbia.

#### **Registration Requirements for Constituent Service Programs** (D.C. Official Code § 1-1163.38 and 3 DCMR §§ 3014.5 and 3014.20(b) and (c))

A constituent service program may be maintained only by the Mayor, the Chairman and Members of the Council of the District of Columbia. Each elected official must file a Statement of Organization with the Office of Campaign Finance within ten (10) days of organization. A constituent service program must have a chairman and a treasurer. Any change in information previously submitted in a Statement of Organization must be reported to the Office of Campaign Finance within the 10-day period following the change.

#### **Reporting Requirements for Constituent Service Programs** (D.C. Official Code § 1-1163.38(f))

Constituent service programs must file Reports of Receipts and Expenditures quarterly on the first day of January, April, July and October of each year.

#### **Contribution and Expenditure Limits for Constituent Service Programs** (D.C. Official Code §§ 1-1163.38(a) and (b)(2), and 3 DCMR 3014.7)

A constituent service program may accept no more than an aggregate total of \$40,000.00 in contributions in any 1 calendar year. Cash contributions from any one person, which when aggregated with all other contributions received from the same person must not exceed \$500 in 1 calendar year. Personal property contributions from any one person, which when aggregated with all other contributions received from the same person must not exceed \$1,000 in any 1 calendar year.

The transfer of any surplus, residue, or unexpected campaign funds to a constituent service program is not subject to the \$40,000 contribution limitation. A constituent service program may expend a maximum of \$40,000 in any one calendar year for its programs; and is prohibited from making any expenditure in cash.



### **Things to Remember**

- The Mayor, the Chairman and Members of the Council of the District of Columbia may establish a constituent service program.
- Constituent Service Programs may not accept an aggregate total that exceeds \$40,000 in contributions in any 1 calendar year.
- Constituent Service Programs may not expend more than \$40,000 in any 1 calendar year, or make expenditures in cash.
- Constituent Service Programs must file quarterly Reports of Receipts and Expenditures each year.
- The transfer of any surplus, residue, or unexpected campaign funds to a Constituent Service Program is not subject to the \$40,000 contribution limitation.

## **Campaign Finance Guide**

### **Section 12: Identification of Campaign Literature**

- **Definition of Campaign Literature**
- **Identification of Campaign Literature**
- **Things to Remember**

#### **Definition of Campaign Literature**

(D.C. Official Code § 1-1163.15(a))

Campaign literature is defined as any printed matter with reference to or intended for the support or defeat of a candidate or group of candidates for nomination or election to any public office, or for the support or defeat of any initiative, referendum, or recall measure, which includes, but not limited to:

- a) Newspaper or Magazine Advertising
- b) Posters
- c) Circulars
- d) Handbills
- e) Buttons
- f) Bumper Stickers
- g) Sample Ballots
- h) Initiative, Referendum or Recall Petitions
- i) Clothes
- j) Stuffed Animals
- k) Match Covers
- l) Key Chains
- m) Electronic Documents; or
- n) Websites intended for public use.

#### **Identification of Campaign Literature**

(D.C. Official Code § 1-1163.15(a) and (b))

All campaign literature must be identified by the words “paid for by” followed by the name and address of the payer or the committee or other person and its treasurer on whose behalf the materials appear.

Each committee and candidate must include on the face or front page of all literature and advertisement soliciting funds the following notice:

“A copy of our report is filed with the Director of Campaign Finance of the District of Columbia Board of Elections.”

#### **Things to Remember**

- All campaign literature and advertisements must be properly identified.

## **Campaign Finance Guide**

### **Section 13: Statehood Fund Program**

- **Definition of Statehood Fund Program**
- **Registration Requirements for Statehood Fund Programs**
- **Reporting Requirements for Statehood Fund Programs**
- **Dissolution of a Statehood Fund Program**
- **Things to Remember**

#### **Definition of Statehood Fund Program**

A Statehood Fund Program means any activity or program established for the purpose of soliciting, accepting, or expending funds to support the purposes and operations of the public office of a District of Columbia Senator or Representative to the U.S. Congress.

#### **Registration Requirements for Statehood Fund Programs**

(3 DCMR § 3600.8)

Within 10 days of assuming office, each Senator and Representative must file a Statement of Information with the Office of Campaign Finance regarding his or her Statehood Fund Program.

The Senator or Representative may not expend monies from the Statehood Fund for promoting or opposing any political party or committee, nor the nomination, election or recall of any individual to or from public office.

#### **Reporting Requirements for Statehood Fund Programs**

(3 DCMR § 3017.4)

Each Senator and Representative must file a Report of Receipts and Expenditures quarterly on the first (1st) day of January, April, July and October of each year.

#### **Dissolution of a Statehood Fund Program**

(3 DCMR § 3603)

A Senator or Representative shall dissolve the respective Statehood Fund in accordance with § 3016. A Senator or Representative must disburse surplus funds remaining in the respective Statehood Fund in accordance with § 3015.



### **Things to Remember**

- Only the U.S. Senator and U.S. Representative of the District of Columbia may establish a Statehood Fund.
- A Statehood Fund may not expend monies for political purposes.
- Each Senator and Representative is required to file a Report of Receipts and Expenditures on a quarterly basis.

## Campaign Finance Guide

### Section 14: Prohibition on Use of Government Resources for Campaign-Related Activities

- **Prohibition on Use of Government Resources**
- **Personal and Nonpersonal Services**
- **Things to Remember**



#### **Prohibitions on Use of Government Resources**

(D.C. Official Code § 1-1163.36 (a) and (b)(1))

No resources of the District of Columbia government shall be used to support or oppose any candidate for elected office, whether partisan or nonpartisan, or to support or oppose any initiative, referendum, or recall measure, or a charter amendment referendum.

The Mayor, the Chairman and members of the Council, or the President and members of the State Board of Education shall not be prohibited from expressing their views in a District of Columbia election, as part of their official duties.



#### **Personal and Nonpersonal Services**

(3 DCMR § 3301.2 and § 3301.3)

Resources of the District of Columbia government include, but are not limited to, the personal services of employees during their hours of work and nonpersonal services.

Nonpersonal services include, but are not limited to, supplies, materials, equipment, office space, facilities and utilities (e.g. telephone, gas, and electric services).



#### **Things to Remember**

- Do not use resources of the District of Columbia government to support or oppose a candidate for elected office (whether partisan or nonpartisan).
- Do not use resources of the District of Columbia government to support or oppose an initiative, referendum, or recall measure, or a charter amendment referendum.
- Resources include personal services of employees during their hours of work and nonpersonal services (e.g. supplies, materials, equipment, etc.)

## **Campaign Finance Guide**

### **Section 15: Restrictions on Political Activity**

- The Local Hatch Act
- Enforcement



#### **The Local Hatch Act**

(D.C. Law 18-355 and D.C. Official Code § 1-1171.01-1-1171.07)

The **Local Hatch Act** (also known as the Prohibition of Government Employee Engagement in Political Activity Act of 2010) is a District law that establishes restrictions and provides guidance on the political activity of District government employees.



#### **Enforcement**

(D.C. Law 18-355)

Violations of the Local Hatch Act shall be enforceable by the Board of Ethic and Government Accountability (“BEGA), in accordance with the Ethics Act, D.C. Official Code § 1-1162.01. For information on the Local Hatch or the Ethics Act, you may contact BEGA, as follows:

#### **Board of Ethics and Government Accountability**

**One Judiciary Square**

**441 4<sup>th</sup> Street NW, 830 South**

**Washington, D.C. 20001**

**Phone: (202) 481-3411**

**Email: [bega@dc.gov](mailto:bega@dc.gov)**