

THE OFFICE OF CAMPAIGN FINANCE



CAMPAIGN FINANCE GUIDE 2020

The Office of Campaign Finance
1015 Half Street, SE, Suite 775
Washington DC, 20003
(202) 671-0547

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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, political committees, political action committees, independent expenditure 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 at: 1015 Half Street, SE, Suite 775, Washington, D.C. 20003. The phone number for the OCF is (202) 671-0547. You may also visit us at our website at www.ocf.dc.gov.

About the Campaign Finance Act

The Campaign Finance Act of 2011, as amended, D.C. Official Code § 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, political committees, political action committees, independent expenditure 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 all 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 30-43 of Title 3 of the District of Columbia Municipal Regulations (January 2015).

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 four 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) and the Public Financing Division. 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 at the OCF Website](#)

All financial reports filed under the Campaign Finance Act must be submitted online, except where actual hardship in complying is demonstrated. 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 by which candidates, committees, public officials, and constituent service and statehood fund programs file financial reports at the OCF website with minimum effort. The public may view these reports in real-time after the reports have been filed.

Upon 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
- Report of Receipts and Expenditures for Fair Elections Program
- Summary Financial Statement for ANC Candidates

Those for whom an exception to file electronically is granted, may download and print the above reports from the OCF website.

Campaign Finance Guide

Section 1: Candidates

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- **Candidate Waiver of the Reporting Requirements**
- **Termination of Candidacy**
- **Things to Remember**

Definition of Candidate

(D.C. Official Code § 1-1161.01(6) and 3 DCMR § 9900.1)

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 and Training Requirements for Candidates

(D.C. Official Code §§ 1-1163.04(7A), 1-1163.12 and 3 DCMR §§ 3002 and 3001)

An individual who is not seeking certification as a participating candidate of the Fair Elections Program 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 the candidate, or any person authorized by the candidate has received a contribution or made an expenditure in connection with the candidate's campaign for the purpose of preparing to undertake the candidate's campaign, whichever occurs first. Individuals seeking certification or participating in the Fair Elections Program shall register as a candidate by filing the Public Financing Statement of Registration.

All candidates for a public office in the District of Columbia must attend an in-person training program before the Office of Campaign Finance relating to the reporting requirements of the Campaign Finance Act within fifteen (15) calendar days of the date

on which the Statement of Candidacy or Statement of Registration form is filed. Candidates for the Office of Advisory Neighborhood Commission (ANC) member are excluded from these requirements.

Candidate Reporting Requirements

(D.C. Official Code §§ 1-1163.04 (1A), 1-1163.09 and 3 DCMR §§ 3002, 3006 and § 3017)

Campaign Finance Reports of Receipts and Expenditures (R&E Report) are required to be filed by all candidates who have not been granted a waiver by the Director. The Report of Receipts and Expenditures must be filed online at the OCF website, unless otherwise waived by the Director.

A candidate shall commence filing personal R&E Reports in accordance with Chapter 30 of the Act; however, a candidate seeking certification or participating in the Fair Elections Program shall file R&E Reports pursuant to 3 DCMR § 4212, unless reporting is otherwise exempted or waived pursuant to 3 DCMR § 3004.

Advisory Neighborhood Commission (ANC) candidates are not required to file Reports of Receipts and Expenditures. ANC candidates must file online at the OCF website, unless an exception to this requirement is granted by the Director, 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

Exemption from Filing and Reporting

(D.C. Official Code § 1-1163.14 and 3 DCMR § 3003)

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 15th 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. Exempted candidates may not participate in the Fair Elections Program.

Candidate Waiver from the Filing and Reporting Requirements

(3 DCMR § 3004)

A candidate who has designated a principal campaign committee may apply for a waiver from filing reports separate from the candidate's committee, by filing a Request for Candidate Waiver form with the Office of Campaign Finance. 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 § 3002.11)

Except for ANC candidates, any candidate who seeks to terminate his or her candidacy shall immediately file a Statement of Candidate Withdrawal form with the Office of Campaign Finance, upon termination of the candidacy. The Director shall revoke certification under 3 DCMR § 4206.2 if a candidate, who has been certified as a participating candidate of the Fair Elections Program terminates his or her candidacy.

THINGS TO REMEMBER

- ✦ An individual must file a Statement of Candidacy or Statement of Registration 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.
- ✦ Individuals seeking certification or participating in the Fair Elections Program must file a Public Financing Statement of Registration form with the Office of Campaign Finance within 5 days of becoming a candidate.
- ✦ Each candidate for public office is required to attend an in-person training program before the Office of Campaign Finance within fifteen (15) days of registration as a candidate.
- ✦ Except for exempt candidates spending less than \$500 and ANC candidates, all other candidates are required to "electronically" file a Report of Receipts and Expenditures, via the OCF website; unless an exception or waiver to the requirement is granted.
- ✦ ANC candidates shall "electronically" file a Summary Financial Statement (OCF Form 18), via the OCF website, within sixty (60) days after the certification of the election results, in which the ANC candidate sought office.

Campaign Finance Guide

Section 2: Principal Campaign Committees

- Definition of Principal Campaign Committee
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Definition of Principal Campaign Committee

(D.C. Official Code § 1-1163.10 and 3 DCMR § 9900.1)

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.

Designating and Naming a Principal Campaign Committee

(D.C. Official Code § 1-1163.10 and 3 DCMR §§ 3000.7 (f) and 3005)

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 five (5) days after personally receiving any contribution, the candidate shall surrender possession of the contribution to the principal campaign committee without expending any of the proceeds from the contribution.

The waiver from filing and reporting shall continue in effect, if the candidate complies with the conditions under which it was granted.

Registration Requirements for Principal Campaign Committees

(D.C. Official Code §§1-1163.07(1), 1-1163.08 and 3 DCMR § 3005)

Each principal campaign committee shall have a chairperson and a treasurer. The principal campaign committee of a candidate must file a Statement of Organization with the Office of Campaign Finance within ten (10) days of designation by a candidate on the Statement of Candidacy form.

Registration of the principal campaign committee for a candidate seeking certification or participating in the Fair Elections Program shall be accomplished at the time the candidate files the Statement of Registration form with the Office of Campaign Finance.

Any change in the information previously submitted on the Statement of Organization or the Statement of Registration must be reported to the Office of Campaign Finance within ten (10) days after the change.

Each principal campaign committee accepting contributions or making expenditures, shall designate in the registration statement, on or more national banks located in the District of Columbia as the depository of that committee.



Reporting Requirements for Principal Campaign Committees

(D.C. Official Code §§ 1-1163.09(a) and (b), 1-1163.10 and 3 DCMR § 3017)

The treasurer of a principal campaign committee must file online at the OCF website a Report of Receipts and Expenditures on March 10th, June 10th, August 10th, October 10th, and December 10th 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 31st, March 10th, June 10th, August 10th, October 10th and December 10th, during the year an election is held for the office its candidate seeks, and on the 8th 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 31st and July 31st 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 must be filed electronically, unless otherwise waived by the Director.

All Fair Elections Program Reports of Receipts and Expenditures shall be filled in accordance with 3 DCMR § 4212 and Section 14 of this Guide.



Surplus Funds

(D.C. Official Code § 1-1163.10a and 3 DCMR § 3015)

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.

Program participating candidate shall remit unexpended funds for deposit to the Fair Elections Fund in accordance with 3 DCMR § 4211 and Section 16 of this Guide.

Termination of Principal Campaign Committee (3 DCMR § 3016)

A final R&E Report and a verified statement of termination, on a form prescribed by the Director, shall be filed upon termination of any committee.

An authorized committee shall terminate, upon satisfaction of all debts and obligations, when the purpose for which the committee was organized ceases. Any committee, may terminate its reporting requirements by filing a final R&E Report; provided that the committee:

- (a) Has ceased to receive contributions or make expenditures;
- (b) Has extinguished all debts and obligations;
- (c) Is not involved in any enforcement, audit, or litigation action with the Office of Campaign Finance; and
- (d) Has disbursed all surplus funds in accordance with 3 DCMR § 3015.

Things to Remember

- ✦ A principal campaign committee of a candidate must file a Statement of Organization within 10 days of designation by a candidate on the Statement of Candidacy form. The principal campaign committee for a candidate seeking certification or participating in the Fair Elections Program shall be accomplished at the time the candidate files the Statement of Registration form with OCF.
- ✦ All principal campaign committees must have a chairperson, treasurer, and at least one (1) campaign depositories in a national bank located in the District of Columbia. The treasurer of each principal campaign committee must file Reports of Receipts and Expenditures online at the OCF website.
- ✦ Surplus funds must be disposed of within certain prescribed time frames.

- ✦ Any committee may terminate its reporting requirements by filing a final R&E Report and a verified statement of termination, on a form prescribed by the Director, shall be filed upon termination of any committee.
- ✦ Candidates seeking certification or participating in the Fair Elections Program must remit unexpended program funds for deposit to the Fair Election Fund in accordance with 3 DCMR § 4211.

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Section 3: Political Committees, Political Action Committees, and Independent Expenditure Committees

- **Definition of Political Committee, Political Action Committee, and Independent Expenditure Committee**
- **Registration and Training Requirements for Political Committees, Political Action Committees, and Independent Expenditure Committees**
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Definition of Political Committee, Political Action Committee, and Independent Expenditure Committee

(D.C. Official Code §§ 1-1161.01 (28B) (43A) and (44))

A political committee is a committee (including a principal campaign, inaugural, transition, or legal defense 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 public office, or any initiative, referendum or recall; and controlled or coordinated with anyone acting on behalf of a candidate or public official.

A political action committee is any committee, club, association, organization or other group of individuals organized for the principal purpose of promoting or opposing the nomination or election of a person to public office; a political party; or any initiative, referendum or recall, and is not controlled or coordinated with any public official or candidate, or any person acting on behalf of a public official.

An independent expenditure committee is any committee, club, association, organization or other group of individuals organized for the principal purpose of making independent expenditures; is not controlled or coordinated with any public official or candidate, or any person acting on their behalf; and makes no transfer or contributions of funds to political committees, political action committees, or candidates.

Registration and Training Requirements for Political Committees, Political Action Committees, and Independent Expenditure Committees

(D.C. Official Code §§ 1-1163.04(7A), 1-1163.07 and 1-1163.11)

All political committees, political action committees, and independent expenditure 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 D.C. Official Code §§ 1-1163.07 and 1-1163.11, including the designation of a chairman and treasurer, and a bank depository.

The treasurer of each political committee, political action committee, and independent expenditure committee must attend an in-person training with the Office of Campaign Finance relating to the reporting requirements of the Campaign Finance Act within fifteen (15) calendar days from the date the Statement of Organization form has been filed with the Agency.

Reporting Requirements for Political Committees, Political Action Committees, and Independent Expenditure Committees

(D.C. Official Code §§ 1-1163.09 and 1-1163.17(a) and 3 DCMR §§ 3017.2 and 3017.3)

The treasurer of each political committee, political action committee, and independent expenditure committee must file online at the OCF website a Report of Receipts and Expenditures on March 10th, June 10th, August 10th, October 10th, and December 10th, 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 31st, March 10th, June 10th, August 10th, October 10th and December 10th, during the year an election is held for the office its candidate seeks, and on the 8th day preceding the date of the election. Each report filed must adhere to the disclosure requirements prescribed by D.C. Official Code §§ 1-1163.09 (c) and 1-1163.17(c).

All political action committees and independent expenditure committees shall also file R&E Reports on April 10th and October 10 of each year in which there is no election.

Notification of Non-Support

(3 DCMR §§ 3000.18 and 3000.19)

Each political action committee and independent expenditure committee shall indicate its intent not to support a candidate during a specific election cycle by declaring its intentions on a Notification of Non-Support form and by filing the Notification of Non-Support form within ten (10) days of the declaration by the committee of its intention to not support a candidate, or not later than January 31st of each year.

Each political action committee and independent expenditures committee shall notify the Director in writing within ten (10) days of its decision to support a candidate, where it has previously filed a Notification of Non-Support. 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), commencing with the next prescribed filing date.

THINGS TO REMEMBER

- ✦ All political committees, political action committees, and independent expenditure 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 committees must file Reports of Receipts and Expenditures.
- ✦ Each political action committee and independent expenditure committee must indicate its intent not to support a candidate by filing a Notification of Non-Support form by January 31st of each year.
- ✦ A political action committee and an independent expenditure committee must notify the Director of OCF within 10 days of a change in the committee's intention not to support a candidate.

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Section 4: Contributions

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- **Contribution Limits**
- **Candidates' Contributions to Their Own Campaign**
- **Partnership Contributions**
- **Contributions by Business Entities**
- **In-Kind Contributions**
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Definition of Contribution

(D.C. Official Code § 1-1161.01(10)(A) and 3 DCMR § 9900.1)

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: (a) the election campaign of a candidate; (b) any operations of a political committee or political action committee; and c) 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 and 3 DCMR § 3011)

No person, including a business contributor, may 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, U.S. Senator and U.S. Representative to Congress;
- (b) \$1500 for Attorney General and Council Chairman;
- (c) \$1,000 for At-Large Councilmember;
- (d) \$500 for Ward Councilmember and At-Large State Board of Education member;
- (e) \$200 for Ward Member of the State Board of Education;
- (f) \$200 for an Official of a political party;
- (g) \$25 for a Member of the Advisory Neighborhood Commission; and

(h) \$5,000 for a Political Action Committee.

Limitations on contributions referenced above shall not apply to candidates seeking certification and participating candidates of the Fair Elections Program, which are subject to the limitations on contributions under 3 DCMR § 4205.

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 D.C. Official Code § 1-1163.33. No person shall receive or make any contribution in the form of legal tender or money order in an amount of \$100 or more.

No person or a business contributor or its affiliated entities, may make contributions to any, one (1) political action 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 action 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 if the candidates use their own money, report the contributions made from personal funds, and maintain documentation of the source of the funds contributed for record keeping purposes.

Personal funds of a candidate seeking certification or participating in the Fair Elections Program, in the form of a contribution or loan are subject to the limitations under 3 DCMR § 4209.1 (f).

Partnership Contributions

(D.C. Official Code § 1-1163.34 and 3 DCMR §§ 3011.23, 3011.24 and 3011.25)

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.

Candidates seeking certification and participating candidates of the Fair Elections Program may not accept or receive contributions from partnerships.

Contributions by Business Entities

(D.C. Official Code § 1-1163.33(a)(7), (b) and (c)(1) and 3 DCMR §§ 3011.19 - 3011.22 and 3011.26 -3011.29)

A business entity as defined by D.C. Official Code § 29-101.02 may make contributions to candidates for public office in the District of Columbia; provided a business entity who makes a contribution and all of its affiliated entities are considered a “business contributor” for purposes of the contribution limits, and share a single contribution limit.

Candidates seeking certification and participating candidates of the Fair Elections Program may not accept or receive contributions from business entities or its affiliates.

In-Kind Contributions

(3 DCMR Chapter 9900.1)

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.

Reporting Contributions

(D.C. Official Code §§ 1-1163.07(5)(A), 1-1163.13(b)(1) and 3 DCMR § 3011.28)

For every contribution of \$50 or more for or on behalf of a committee shall be submitted to the treasurer of a committee on demand, or within 5 days after receipt of the contribution. Each contribution shall be disclosed and itemized on the Report of Receipts and Expenditure (R&E Report) that includes the amount, full name and address of the contributor, occupation and the principal place of business, if any, of the contributor, and the date of the contribution. Each R&E Report shall also disclose the total sum of individual contributions of less than \$50.00 made during a reporting period.

The contribution of each business contributor must also disclose the identities of the contributor’s affiliated entities that have also contributed to the candidate or committee.

A business contributor must certify, with respect to each contribution made that none of the business contributor's affiliated entities contributed an amount that, when aggregated with the contribution of the business contributor, exceeded the contribution limits.

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, political action committees, and in support of recall measures.
- ✦ Contributions made to support or oppose initiative or referendum measures or to independent expenditure committees are unaffected by the limits.
- ✦ A business entity may make political contributions in the District of Columbia.
- ✦ A detailed account of a contribution of \$50 or more must be disclosed and reported on the R&E Report.
- ✦ The total sum of individual contributions of less than \$50 that was received during a reporting period shall be disclosed and reported on the R&E Report.

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(21) (A) and 3 DCMR § 9900.1)

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 committee, political action committee, or independent expenditure 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; and
- (d) A transfer of funds between political committees, political action committees, a political committee and a political action committee, or candidates.

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) and 1-1163.07(5)(A))

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

For every expenditure of \$50 or more for or on behalf of a committee, a detailed account shall be submitted to the treasurer of the committee on demand, or within 5 days after receipt of the expenditure, of the amount, the name and address (including the occupation and the principal place of business, if any) of the individual to whom the expenditure was made, the date of the expenditure, and the office sought by the candidate on whose behalf the expenditure was made.

Itemizing Expenditures

(D.C. Official Code §§ 1-1163.09(c)(8) and (9))

Expenditures must be disclosed and identified on the Report of Receipts and Expenditures (R&E Report). The R&E 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 R&E 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.

The R&E Report must also include the name of any candidate, initiative, referendum, or recall in support of or in opposition to which the expenditure is directed, for each expenditure made by a political action committee or independent expenditure committee.

Independent Expenditures

(D.C. Official Code § 1-1161.01(28A))

An “independent expenditure” is the expenditure of funds that is made for the purpose of promoting or opposing:

- a) The nomination or election of a candidate;
- b) A political party; or
- c) Any initiative, referendum, or recall.

The independent expenditure is not controlled or coordinated with any public official or candidate, or any person acting on behalf of a public official or a candidate.

Reporting Requirements for Independent Expenditures

(D.C. Official Code § 1-1163.13(b)(3))

Every person (other than a political committee, political action committee, or independent expenditure committee) who makes independent expenditures, other than by contribution to a 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 committees are filed; unless the value of the independent expenditure totals \$1000 or more in a two (2) week period, in which case the report must be filed within 14 days of the independent expenditure.

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 or ballot measure, 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 § 3000.7(e))

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(1) and (2), 1-1163.09(a) and 3 DCMR §§ 3000.1 and 3009.1)

Each committee supporting or opposing an initiative, referendum, recall, or proposed charter amendment must 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

(D.C. Official Code § 1-1163.09(a) and 3 DCMR §§ 3009.3 and 3009.4)

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

- On or before the commencement of the process for an initiative, referendum, recall, or proposed charter amendment; or
- 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 (2nd) 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.

Upon satisfaction of all debts and obligations, each committee shall immediately file a Final Report of Receipts and Expenditures.

THINGS TO REMEMBER

- ✦ Reports of Receipts and Expenditures must be filed online 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) and 3 DCMR § 9900.1)

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, 1-1163.09 and 3DCMR §§ 4101 and 4103)

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 online a Report of Receipts and Expenditures on the 10th day of March, June, August, October, and December in the seven (7) months preceding the date on which, and in each year during which, an election is held for the office sought and on the 8th day preceding the date of the election; and on January 31st of each year. In addition, a report must be filed on July 31st 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, 1-1163.20 and 3DCMR §§ 4105 and 4106)

No exploratory committee may receive aggregate contributions in excess of:

- (a) \$200,000 for a Mayoral exploratory committee;
- (b) \$150,000 for Attorney General exploratory committee;
- (c) \$150,000 for a Chairman of the Council exploratory committee;

- (d) \$100,000 for an At-Large member of the Council exploratory committee;
- (e) \$50,000 for a Ward Councilmember or President of the State Board of Education exploratory committee; and
- (f) \$20,000 for a member of the State Board of Education exploratory committee.

No person, including a business contributor, may make contributions to an exploratory committee, in excess of:

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

(D.C. Official Code § 1-1163.21 and 3 DCMR § 4107)

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 and 3 DCMR § 4108)

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

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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) and 3 DCMR §9900.1)

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 and 3 DCMR § 3901)

Each inaugural committee must 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)(1) and (b) and 3 DCMR § 3902)

The treasurer of each inaugural committee must file online a Report of Receipts and Expenditures on the 10th 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 8th day preceding the date of the election. Reports should also be filed on the 31st day of January and the 10th 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 8th day preceding the date of the election, and on January 31st and July 31st of each nonelection year.

Contributions to Inaugural Committees

(D.C. Official Code § 1-1163.22 and 3 DCMR §§ 3904 and 3905)

No person, including a business contributor, may make any contribution to or for an inaugural committee which, and the Mayor or Mayor-elect may 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 \$4,000 in an aggregate amount; provided, that the \$4,000 limitation shall not apply to contributions made by the Mayor or Mayor-elect 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 and 3 DCMR § 3907)

Any balance in the inaugural committee fund must 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 and 3 DCMR § 3906)

An inaugural committee must 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 must file online 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.

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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 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) and 3 DCMR § 4000.1)

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 and 3 DCMR §§ 4001.3 and 4001.4)

Each transition committee **must** 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) and 3 DCMR § 4001.2)

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)(1) and (b) and 3 DCMR § 4002)

The treasurer of each transition committee must file **online** a Report of Receipts and Expenditures on the 10th 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 8th day preceding the date of the election. Reports must also be filed on the 31st day of January and the 10th 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 8th day preceding the date of the election, and on January 31st and July 31st of each nonelection year.

Contribution Limits to Transition Committees

(D.C. Official Code § 1-1163.26 and 3 DCMR §§ 4004 and 4005)

No person, including a business contributor, may make any contribution to or for a transition committee which, and the Mayor or Mayor-elect may not receive any contribution to or for a transition committee from any person, including a business contributor, 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 or Mayor-elect for the purpose of funding his or her own transition committee within the District of Columbia.

No person, including a business contributor, may make any contribution to a transition committee which, and the Chairman of the Council or Chairman-elect may not receive any contribution to a transition committee from any person, including a business contributor, 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 or the Chairman-elect 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 and 3 DCMR § 4007)

Any balance in the transition committee fund must 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 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 a Transition Committee

(D.C. Official Code § 1-1163.27 and 3 DCMR § 4006)

A transition committee must 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 must file online 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.

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Section 10: Legal Defense Committees

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

Definition of Legal Defense Committee

(D.C. Official Code § 1-1161.01(30) and 3 DCMR § 3800)

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 §§ 1-1163.28-1-1163.30 and 3 DCMR §§ 3801.2 and 3801.3)

Each legal defense committee must 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 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) and 3 DCMR § 3800.3)

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, 1-1163.32 and 3 DCMR § 3802)

The treasurer of each legal defense committee must file online 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 -1-1163.30 and 3 DCMR §§ 3803 and 3804)

Legal defense funds must 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, including a business contributor, may 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 \$2,000 in an aggregate amount; provided, that the \$2,000 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

(D.C. Official Code § 1-1163.28 (e) and 3 DCMR § 3805)

Any balance in legal defense committee funds must 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 must file online Reports of Receipts and Expenditures within 30 days after the committee's organization and every 30 days thereafter until dissolution.
- ✦ Legal defense funds must 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 must be transferred only to a nonprofit organization, or to a Constituent Service Program.

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Section 11: Constituent Service Program

- **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 (3 DCMR § 9900.1)


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 (3 DCMR §§3014.21(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 § 1-11638(f) DCMR §§ 3014.27(b),3017.4 and 3017.6)

Constituent service programs must file online Reports of Receipts and Expenditures quarterly on the first day of January, April, July and October of each year. R&E Reports shall also be filed on January 31st and July 31st of each year when the elected official vacates office, until all debts and obligation as are satisfied. The R&E Report must prescribe itemized reporting of expenditures.

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

A constituent service program may accept no more than an aggregate total of \$60,000 in contributions in any 1 calendar year. Cash contributions from any one person, including a business contributor, 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, including a business contributor, which when aggregated with all other contributions received from the same person must not exceed \$1,000 in any 1 calendar year.

No contribution and no expenditure shall be accepted or made by or on behalf of a constituent-service program at a time when there is a vacancy in the office of its treasurer and no other person has been designated and has agreed to perform the functions of treasurer. No expenditure shall be made for or on behalf of a constituent-service program without the authorization of its chairman or treasurer or their designated agents.

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 \$60,000 in any one calendar year for its programs; and is prohibited from making any expenditure in cash.

At the time of termination, any excess funds shall either be used to retire the debts of the program or donated to a nonprofit organization, within the meaning of the Internal Revenue Code, and operating in good standing in the District of Columbia for a minimum of one calendar year prior to the date of donation.

 **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 \$60,000 in any 1 calendar year or make expenditures in cash.
- ✦ Constituent Service Programs must file online 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) and 3 DCMR § 9900.1)

Campaign literature is defined as any printed matter with reference to or intended for the support or defeat of a candidate (including candidates for the Office of Advisory Neighborhood Commission Member) 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:

- Newspaper or magazine advertising;
- Posters, circulars, handbills, buttons, or bumper stickers;
- Sample ballots or initiative, referendum or recall petitions;
- Clothes, stuffed animals, match covers, or key chains;
- Electronic documents*; or
- Websites intended for public use.

*Electronic Documents include each advertisement transmitted electronically by satellite, radio, cable, internet, or mobile communication, telephone bank-robot calls, or any other forms of electronic advertisement.

Identification of Campaign Literature

(D.C. Official Code §§ 1-1163.15 (a) - (c), and 3 DCMR §§ 3018.1 – 3018.5)

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. The following forms of advertising need not include the disclaimer or identification language where the size of the object makes identification impractical:

- (a) Pens, pencils and erasers;
- (b) Buttons;
- (c) Balloons;
- (d) Hats;

- (e) Noise makers;
- (f) Key rings;
- (g) Magnets;
- (h) Business cards; and
- (i) Name tags; and all other similar items of small size.

Each committee and candidate must include on the face or front page of all literature and advertisement soliciting funds the following notice that states: *“A copy of our report is filed with the Director of Campaign Finance of the District of Columbia Board of Elections.”*

Each advertisement transmitted electronically by satellite, radio, cable, internet, or mobile communication, telephone bank-robo calls, or any other forms of electronic advertisement shall be subject to the requirements under 3 DCMR § 3018.

Any advertisement supporting or opposing a candidate, initiative, referendum, or recall that is disseminated to the public by a political committee, political action committee, or an independent expenditure committee or any other person must disclose, in the advertisement, the identity of the advertisement’s sponsor.

THINGS TO REMEMBER

- ✦ All campaign literature and advertisements must be properly identified on the face or from page.

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

(3 DCMR § 9900.1)

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 and 3600.9)

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 statement shall include:

- (a) The name, home, and office address of the respective Senator or Representative;
- (b) The names and addresses of all Statehood Fund depositories;
- (c) The names and account numbers of all Statehood Fund depository accounts;
- (d) The names, titles, addresses, and phone numbers of each person authorized to make withdrawals or payments out of Statehood fund accounts;
- (e) The name, address, and phone number of the Statehood Fund financial officer, or any designated agent; and
- (f) The name, address, and phone number of the custodian of books and records.

Reporting Requirements for Statehood Fund Programs

(3 DCMR §§ 3017.4 and 3602)

Each Senator and Representative shall electronically file Periodic Reports of Receipts and Expenditures (R&E Reports) for each Statehood Fund in accordance with §§ 3006 and 3008 of Chapter 30 of the Campaign Finance Act.

Each Senator and Representative (or, if the Senator or Representative is unavailable, the designated agent as listed on the Statement of Information filed under § 3600.8) shall electronically verify for each R&E Report by oath or affirmation, subject to penalties of perjury, that reasonable due diligence was exercised in the preparation of the report, and that the report is true and complete to the best of the filer's knowledge.

Statehood Fund R&E Reports shall be filed quarterly each year on the first (1st) day of January, April, July and October. In additions, R&E Reports shall also be filed on January 31st and July 31st of each year until all debts and obligations are satisfied.

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 online a Report of Receipts and Expenditures on a quarterly basis.

Campaign Finance Guide

Section 14: Fair Elections Program

- **About the Fair Elections Program**
- **Candidate Registration and Training Requirements**
- **Limitations on Contributions**
- **Certification as a Participating Candidate**
- **Base Amount Payments and Matching Payments**
- **Limitations on the Use of Fair Election Funds and Expenditures**
- **Reporting Requirements and Filing Deadlines**
- **Debate Requirement**
- **Remitting Funds and Donating Equipment**

About the Fair Elections Program

The Fair Elections Program (FEP) is a voluntary public funding program for local political campaigns in the District of Columbia that provides participating candidates with lump sum base amount payments and matching payments based on the amount of qualified small-dollar contributions collected. The FEP is open to candidates seeking certification as a participating candidate for a seat for the covered office for Mayor, Attorney General, Council Chairman, At-Large and Ward Councilmember, and At-Large and Ward State Board of Education member.

Candidate Registration and Training Requirements

(D.C. Official Code §§ 1-1163.04(5) and (7A) and 3 DCMR §§ 4201 and 4202)

Candidates seeking certification and participating candidates of the Fair Elections Program shall file a Statement of Candidacy form with the Office of Campaign Finance (OCF) within five (5) days of becoming a candidate under 3 DCMR § 4201.1. Each candidate shall appear in-person to attend the mandatory training program within fifteen (15) days of submitting the statement of candidacy form; unless, otherwise scheduled by the Office of Campaign Finance.

Candidates seeking certification and participating candidates shall designate one (1) principal campaign committee, per covered office, per election cycle. The principal campaign committee shall have a chairperson and treasurer. The campaign committee shall file a Public Financing Statement of Registration with OCF within ten (10) days of organization. The treasurer of the campaign committee shall file the Acceptance of Treasurer form with OCF and must appear in-person to attend the mandatory training program, within fifteen (15) days after submission of the acceptance form; unless, otherwise scheduled by OCF.

Limitations on Contributions

(D.C. Official Code § 1-1163.32b and 3 DCMR § 4205)

Candidates seeking certification and participating candidates may only accept a qualified small-dollar contribution from a District resident individual or a contribution from a non-District resident individual, provided, that when aggregated with all other contributions from the small-dollar contributor, does not exceed, per election, per office sought: (1) \$200 for seat of Mayor, Attorney General, or Council Chairman; (2) \$100 for the seat of At-Large Councilmember; (3) \$50 for the seat of Ward Councilmember or At-Large State Board of Education member; and (4) \$20 for the seat of Ward State Board of Education member.

Certification as a Participating Candidate

(D.C. Official Code § 1-1163.32c and 3 DCMR § 4206)

To be certified as a participating candidate for a seat for a covered office in an election cycle, a candidate must meet the threshold requirements as follows:

- (1)** Obtain the required aggregate amount of Qualified Small-Dollar Contributions (QSDC) from a minimum number of District resident individuals and non-District resident individuals in accordance with the seat for the covered office sought:

Covered Office	Small-Dollar Contributors	Minimum Amount
Mayor	1,000	\$40,000
Attorney General	500	\$20,000
Council Chairman	300	\$15,000
At-Large Councilmember	250	\$12,000
Ward Councilmember & At-Large State Bd. of Ed. Member	150	\$5,000
Ward State Bd. of Ed. Member	50	\$1,000

- (2)** File an “Affidavit of Candidate and Treasurer” form with OCF, signed by the candidate and treasurer, which affirms, among other affirmations that the candidate has qualified, or will take steps to qualify for ballot access in accordance with the procedures required by the Board of Elections, Section 8 of the Election Code, 3 DCMR §§ 601 and 1605.

Each QSDC and each contribution from a non-District resident individual must be accompanied by a signed digital receipt and affidavit of the contributor.

The Director of Campaign Finance shall determine whether the candidate has met the requirements for certification, if so, the candidate will be certified as a participating candidate in the Fair Elections Program. If the requirements have not been met, the candidate shall have an opportunity to cure any deficiencies in the filing and file an appeal to the Board within five (5) days of the determination.

 **Base Amounts Payments and Matching Payments**

(D.C. Official Code §§ 1-1163.32d and 1-1163.32e and 3 DCMR §§ 4207 and 4208)

A candidate, who has been certified as a participating candidate, and who has qualified for the ballot for a seat for the covered office in a contested election shall receive a base amount payment in the amount allocated for the office sought. If, a contested election becomes an uncontested election, or the reverse, the Director of Campaign Finance shall determine what base amount payment(s) is due, if any.

Covered Office	Base Amount Payment
Mayor	\$160,000
Attorney General	\$40,000
Council Chairman	\$40,000
At-Large Councilmember and Ward Member	\$40,000
At-Large State Board of Education and Ward Member	\$10,000

After the candidate is certified as a participating candidate, the candidate shall receive matching payments from the Fair Elections Fund in amount equal to 500% or 5:1 of the amount of the qualified small-dollar contributions from individual District residents that the candidate received before and after certification, subject to the limitations under 3 DCMR § 4208.4. Contributions from non-District resident individuals will not be matched.

 **Limitations on the Use of Fair Election Funds and Expenditures**

(D.C. Official Code § 1-1163.32f and 3 DCMR § 4209)

Candidates seeking certification and participating candidates shall not receive or expend contributions other than:

- Qualified small-dollar contributions from District resident individuals and contributions from non-District resident individuals;
- Contributions from Fair Election Committees, not to exceed \$1500, per committee and per election cycle;
- Base amount payments and matching payments; and
- Personal funds of the candidate or a contribution or loan from the candidate's immediate family, when aggregated, does not exceed (1) \$5,000 for a candidate for Mayor; or (2) \$2,500 for a candidate for Attorney General, Council Chairman, Councilmember or State Board of Education member.

Fair Election funds may not be used for any expenditure that is in violation of any law or for any purpose other than the furtherance of the participating candidate's nomination or election.

Reporting Requirements and Filing Deadlines

(D.C. Official Code § 1-1163.09(a) and 3 DCMR § 4212)

Each candidate seeking certification and each participating candidate shall electronically file Reports of Receipts and Expenditures (R&E Reports) with the Office of Campaign Finance on March 10th, June 10th, August 10th, October 10th, and December 10th in the seven (7) months preceding the date on which an election is held for which the candidate seeks office and the committee supports a candidate for office; and on March 10th, April 10th, May 10th, June 10th, August 10th, October 10th, and December 10th in any year in which there is held an election for which the candidate seeks office and the committee supports a candidate for office and on the 8th day preceding the date of the election. R&E Reports must also be filed each year on January 31st and on July 31st of each year in which there is no election.

Candidates seeking certification may continue to file R&E Reports on a rolling basis, every thirty (30) days, starting on August 31, 2019 until certification is achieved as a participating candidate in the Fair Elections Program.

Debate Requirement

(D.C. Official Code § 1-1163.32g and 3 DCMR § 4210)

Participating candidates in the Fair Elections Program shall participate in at least one (1) debate in a contested election for the seat of the covered office sought, in each election cycle, unless there are no participating candidates for a covered office, or no other participating candidate or non-participating candidate who is willing to participate in a debate for a covered office, then the requirement shall be waived for that covered office.

Remitting Funds and Donating Equipment

(D.C. Official Code § 1-1163.32h and 3 DCMR § 4211

Participating candidates must remit any remaining funds for deposit in the Fair Election Fund and donate campaign equipment, within sixty (60) days after any of the following events:

- (a) After the primary election in which the losing participating candidate was on the ballot;
- (b) After the special or general election where a participating candidate was on the ballot; or
- (c) After a participating candidate's certification is revoke under § 4206.3.

A participating candidate shall donate any equipment purchased by the campaign to a non-profit organization, within the meaning of section 501(c)(3) of the Internal Revenue Code that is in good standing in the District of Columbia for a minimum of one (1) year prior to the date of the donation.

The non-profit organization shall not be affiliated with the candidate, the candidate's immediate family, the candidate's principal campaign committee, the candidate's campaign chairperson and treasurer and their immediate family, or affiliated with any board of director or similar governing body on which the candidate, the candidate's immediate family, or the candidate's campaign chairperson or treasurer, sits in its place.

THINGS TO REMEMBER

- ✦ Registration for the Fair Elections Program requires filing a Public Financing Statement of Registration form.
- ✦ Qualified small-dollar contributions may not exceed the limitations under §4205.
- ✦ Base amount payments shall only be paid to participating candidates of a contested election.
- ✦ Matching payments shall only be applied to qualified small-dollar contributions received from District residents.
- ✦ Candidates seeking certification for the Fair Elections Program may continue to file R&E Reports until certification is achieved.
- ✦ Participating candidates may be required to participate in at least one (1) debate.

Campaign Finance Guide

Section 15: Prohibition on Use of Government Resources for Campaign-Related Activity

- **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 16: 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)

The provisions of the Local Hatch Act are enforced by the Board of Ethics and Government Accountability (“BEGA”), in accordance with the Ethics Act, D.C. Official Code § 1-1162.01. For information on the Local Hatch Act or the Ethics Act, you may contact BEGA, as follows:

Board of Ethics and Government Accountability

One Judiciary Square

441 4th Street NW, 830 South

Washington, D.C. 20001

Phone: (202) 481-3411

Email: bega@dc.gov