



The District of Columbia's  
**FAIR ELECTIONS PROCESS**



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# THE DC FAIR ELECTIONS PROCESS IN A NUTSHELL

\*OCF must calculate caps for matching payments at the start of the Qualifying Period and develop a reporting schedule.

## STATEMENT OF ORGANIZATION

The candidate files the Statement of Organization and indicates the intent to seek certification as a participating candidate (D.C. Official Code § 1-1163.12 (a)).

## THRESHOLD REQUIREMENTS AND CONTRIBUTION LIMITS

The candidate must file with the Office of Campaign Finance (OCF) prior to the close of the “Qualifying Period” for the primary election, the period beginning on the day after the most recent general election for the covered seat, and ending on the last day to file nominating petitions for the related primary election (the “Qualifying Period” Deadline), and for the general election, the period beginning on the day after the most recent general election for the covered seat and ending on the last day to file nominating petitions for the general election for the covered seat (the “Qualifying Period” Deadline), a Receipts & Expenditures (R&E) Report which meets the threshold requirements and an affidavit signed by both the candidate and the treasurer (D.C. Official Code § 1-1163.32c.)

- a) Two part threshold requirements – must submit a minimum total dollar amount of Qualified Small Dollar Contributions (QSDCs) and a minimum number of Contributions from Qualified Small Dollar Donors from individual residents of the District of Columbia.\*

OFFICE COVERED	MINIMUM AMOUNTS	SMALL-DOLLAR CONTRIBUTORS	CONTRIBUTION LIMITS
Mayor	\$40,000	1000	\$200 (currently \$2,000 under the traditional system)
Attorney General	\$20,000	500	\$200 (currently \$1,500 under the traditional system)
Council Chairman	\$15,000	300	\$200 (currently \$1,500 under the traditional system)
At-Large Councilmember	\$12,000	250	\$100 (currently \$1,000 under the traditional system)
Ward Councilmember & At-Large State Board of Education Member	\$5,000	150	\$50 (currently \$500 under the traditional system)
Ward State Board of Education Member	\$1,000	50	\$20 (currently \$200 under the traditional system)

**\*QUALIFIED SMALL DOLLAR CONTRIBUTIONS MUST MEET THE REQUIREMENTS OF THE “FAIR ELECTIONS AMENDMENT ACT OF 2018” (CONTRIBUTION LIMITATIONS, AFFIDAVIT AND SIGNATURE REQUIREMENTS (D.C. OFFICIAL CODE § 1-1163.32b) AND BE CONTRIBUTED BY A SMALL DOLLAR CONTRIBUTOR WHO IS A RESIDENT OF THE DISTRICT OF COLUMBIA).**

**A CANDIDATE MAY ACCEPT CONTRIBUTIONS FROM NON-RESIDENT INDIVIDUALS WHICH MEET THE LIMITS, BUT THESE CONTRIBUTIONS ARE NOT MATCHED. EACH CONTRIBUTION MUST BE SUPPORTED BY A SIGNED DIGITAL RECEIPT AND AFFIDAVIT OF THE CONTRIBUTOR.**

- b) The Affidavit requires a declaration that the candidate (D.C. Official Code § 1-1163.32c (a) (2)(d)) has otherwise qualified or will take steps to qualify for ballot access in accord with 3 DCMR Sections 601 and 1605 by filing a Declaration of Candidacy and a Nominating Petition containing the required number of valid signatures for the specific office sought.

**\*3 DCMR SECTION 1605.3 REQUIRES THE EXECUTIVE DIRECTOR OF THE BOARD OF ELECTIONS TO ISSUE A PRELIMINARY DETERMINATION OF PETITION SUFFICIENCY WITHIN THREE (3) BUSINESS DAYS OF THE PETITION FILING DEADLINE.**

### **CERTIFICATION AS A PARTICIPATING FAIR ELECTIONS CANDIDATE**

The OCF must determine whether a candidate meets the requirements for certification as a “participating candidate” (a candidate for a covered office who is certified) not later than ten (10) business days after compliance with submission of the threshold requirements and the affidavit (D.C. Official Code § 1-1163.32 (c)).

- a) If the requirements are met, the OCF must certify the candidate.
- b) If the requirements are not met, the OCF must provide the opportunity to cure any deficiencies; and for the appeal of the determination within ten (10) business days.
- c) The OCF must revoke the certification of a participating candidate where the candidate:
- (1) Fails to qualify for ballot access – 3 DCMR Sections 601 and 1605.3;
  - (2) Does not continue to run as a participating candidate in the election cycle;
  - (3) Does not run for the seat for the covered office for the which the candidate was certified during the election cycle;
  - (4) Terminates candidacy; and
  - (5) Fails to comply with the requirements of the Fair Elections Program.

### **BALLOT ACCESS**

The OCF must determine at the close of the “Qualifying Period” whether ballot access requirements were met pursuant to 3 DCMR Sections 601 and 1605.

### **BASE AMOUNT PAYMENTS**

Once certified as a “Participating Candidate”, the OCF Director shall within 5 business days of certification direct the OCFO to disburse one half of the base amount provided in D.C. Official Code § 1-1163.32d dependent upon the covered office sought; and within five (5) business days after the participating candidate qualifies for ballot access, the OCF Director shall direct the OCFO to disburse the remaining one half of the base amount. The base amount payments are:

- 1) \$160,000 for the Office of Mayor;
- 2) \$40,000 for the Office of the Attorney General;
- 3) \$40,000 for the Office of the Chairman of the Council
- 4) \$40,000 for the Office of Councilmember elected at large and from a ward; and
- 5) \$10,000 for the Office of State Board of Education elected at large and from a ward.

**\* THE PARTICIPATING CANDIDATE IS ONLY ELIGIBLE TO RECEIVE THE BASE AMOUNT PAYMENT IN CONTESTED ELECTIONS; BUT IS OTHERWISE ELIGIBLE TO RECEIVE MATCHING PAYMENTS IN UNCONTESTED ELECTIONS FOR QUALIFIED SMALL DOLLAR CONTRIBUTIONS.**

a) Where an uncontested election becomes contested after a participating candidate is certified, the OCF Director shall direct the OCFO to disburse to the candidate no later than five (5) business days after the election becomes contested the first half of the base amount if not qualified for the ballot, and both halves of the base amount where qualified for the ballot.

b) Where a contested election becomes uncontested after receipt of the first payment, but not second, a candidate may retain any unspent base amount funds to repay authorized expenditures or debts and personal funds received from the candidate or his or her immediate family.

c) Where a contested election becomes uncontested, a participating candidate who has not yet qualified for the ballot shall not receive the second half of the base amount upon qualification.

**MATCHING PAYMENTS FOR QUALIFIED SMALL DOLLAR CONTRIBUTIONS FROM DISTRICT RESIDENT INDIVIDUALS (D.C. Official Code § 1-1163.32e)**

- a. QSDCs received in an election cycle before certification as a “participating candidate” may not be matched until the candidate is certified.
- b. Once certified, a participating candidate may receive matching funds for QSDCs received both before and after certification equal to 500% of the amount of the QSDC.
- c. Contributions from non-resident individuals cannot be matched.
- d. Maximum total amounts of matching funds available are established for each covered office based on 110% of the average expenditures of the winning candidates for that office in prior election cycles.
- e. The OCF Director shall direct the OCFO to disburse payments no later than five (5) business days after the receipt of the R&E Report. The OCFO shall disburse payments five business days after receiving direction from the OCF Director.
- f. The OCF Director shall provide a written explanation of the denial of payment and provide the opportunity to appeal within ten (10) business days.

**LIMITATIONS ON CONTRIBUTIONS AND EXPENDITURES (D.C. Official Code § 1-1163.32f)**

There are limitations on the sources of contributions and prohibitions on expenditures made for certain purposes. Contributions received from prohibited sources must be returned within ten (10) days after certification unless the expenditures made from prohibited sources exceed the base amount to which the candidate would be eligible to receive. Where the expended amount exceeds the base amount, the candidate may not participate in the Fair Elections Program.

**DEBATE REQUIREMENT (D.C. Official Code § 1-1163.32g)**

The OCF must conduct at least one (1) Debate for each contested city wide election unless there is no other participating candidate or non-participating candidate willing to participate.

**REMISSION OF FUNDS AND EQUIPMENT TO OCF (D.C. Official Code § 1-1163.32h)**

The remission of any remaining funds for deposit in the Elections Fund, or the turnover of any equipment must occur as follows:

- a) Due within 60 days after the Primary Election in which the losing participating candidate was on the ballot;
- b) Due within 60 days after the Special or General Election where participating candidate was on the ballot;
- c) Due within 60 days after revocation of certification, and where revoked for fraud, the candidate is personally liable for any expended base amount or matching fund payments; and
- d) An extension may be requested for an additional 180 days where funds are documented and needed to repay authorized expenditures or to retire proper debts or repay personal funds, if request is made no later than the last day of the 60 day period.

## THE FAIR ELECTIONS FUND (D.C. Official Code § 1-1163.32i)

- a) The OCF is required to administer the Fair Elections Fund, a special, dedicated, non-lapsing fund.
- b) The OCF must submit, in time for inclusion in the Mayor's budget and financial plan each year and at other times as deemed necessary by the OCF, its estimate of the amount of public funds necessary to provide for the administration of the Fair Elections Program; and the elections in the next year in which elections are scheduled.
- c) The estimates must be submitted in a manner in at such time to assure appropriations may be allocated in full by the beginning of the fiscal year before in which the elections are scheduled and to allow additional amounts to be appropriated if necessary.

**\*OCF MUST BASE PROJECTIONS OF COST BASED ON THE COVERED OFFICES SCHEDULED FOR ELECTION AND THE CALCULATION OF A 110% MAXIMUM CAP FOR THOSE OFFICES BASED ON THE EXPENDITURES OF THE WINNING CANDIDATES IN THE PRIOR FOUR (4) ELECTION CYCLES, IF APPLICABLE.**

## REPORTING (D.C. Official Code § 1-1163.32j)

A detailed Report is required by the OCF no later than nine (9) months after the end of each election cycle, describing the participation in the Program, as well as the recommendations, if any, for adjustments.

### Contact Us

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