

DISTRICT OF COLUMBIA BOARD OF ELECTIONS

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The District of Columbia Board of Elections, pursuant to the authority set forth in D.C. Code § 1-1001.05(a)(14), hereby gives notice of proposed rulemaking action to adopt amendments to 3 DCMR Chapter 30, "Campaign Finance Operations," 3 DCMR Chapter 31, "Lobbying," 3 DCMR Chapter 32, "Financial Disclosure," 3 DCMR Chapter 33, "Conflict of Interest and Use of Government Resources for Campaign-Related Purposes," 3 DCMR Chapter 34, "Campaign Finance Recordkeeping," 3 DCMR Chapter 35, "Minor Party Exemption," 3 DCMR Chapter 36, "D.C. Senator and Representative," 3 DCMR Chapter 37, "Investigations and Hearings," and 3 DCMR Chapter 99, "Definitions," and to add the following chapters to 3 DCMR: 3 DCMR 38, "Legal Defense Committees," 3 DCMR 39, "Campaign Finance Operations: Inaugural Committees," 3 DCMR 40, "Campaign Finance Operations: Transition Committees," and 3 DCMR 41, "Campaign Finance Operations: Exploratory Committees."

These amendments would place the Board's amendments into conformity with the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, as amended by the Fiscal Year 2013 Budget Support Act of 2012. This emergency rulemaking is necessary for the immediate preservation of the public peace and welfare of District residents because the provisions of the aforementioned acts are currently in effect and require supporting regulations. Additional revisions provide clarity regarding lobbyist registration exemptions, increase the timeframes for conducting preliminary investigations, and clarify the Director's ability to impose fines at the conclusion of an investigation.

The Board adopted these emergency rules at its regularly monthly meeting which took place on Wednesday, October 3, 2012, at which time the amendments became effective.

The emergency amendments to the rules will expire on Thursday, January 31, 2013, one hundred twenty (120) days after the emergency rulemaking took effect.

The Board gives notice of its intent to take final rulemaking action to adopt these amendments in not less than 30 days from the date of publication of this notice in the *D.C. Register*.

Chapter 30 of title 3 of the District of Columbia Municipal Regulations (DCMR) is amended in its entirety to read as follows:

CHAPTER 30	CAMPAIGN FINANCE OPERATIONS: POLITICAL COMMITTEES, CANDIDATES, CONSTITUENT SERVICE PROGRAMS, STATEHOOD FUNDS
3000	ORGANIZATION OF POLITICAL COMMITTEES
3001	CANDIDATE STATUS
3002	EXEMPTION FROM FILING AND REPORTING REQUIREMENTS

- 3003 CANDIDATE WAIVER FROM FILING AND REPORTING REQUIREMENTS**
- 3004 PRINCIPAL CAMPAIGN COMMITTEE**
- 3005 DESIGNATION OF EXISTING POLITICAL COMMITTEE**
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- 3013 USE OF SURPLUS FUNDS**
- 3014 TERMINATION OF POLITICAL COMMITTEES, CONSTITUENT-SERVICE PROGRAMS, AND STATEHOOD FUNDS**
- 3015 FILINGS AND DEADLINES**

3000 ORGANIZATION OF POLITICAL COMMITTEES

- 3000.1 Each political committee shall file a Statement of Organization form, prescribed by the Director of the Office of Campaign Finance (the Director) (OCF), within ten (10) days of organization.
- 3000.2 Each political committee shall be deemed "organized" when any proposer, individual, committee (including a principal campaign committee), club, association, organization, or other group of individuals formally agree, orally or in writing, or decide to promote or oppose a political party, the nomination or election of an individual to office, or any initiative, referendum, or recall.
- 3000.3 In the absence of a decision to organize as a political committee opposing an initiative or referendum measure under § 3000.2, a person who addresses a Board determination regarding the propriety of a proposed measure filed under chapter 10 of this Title shall not be required to file a Statement of Organization, under § 3000.1, or a Report of Receipts and Expenditures (R&E Report), under § 3006.
- 3000.4 Agreement to form a political committee by an individual shall also occur upon designation by a candidate on the Statement of Candidacy form filed under § 3001.2.
- 3000.5 Each political committee shall be either an authorized committee or an unauthorized committee.
- 3000.6 An authorized committee shall be any political committee designated by a candidate on the Statement of Candidacy form filed under § 3001.2 to receive contributions or make expenditures on behalf of the candidate, and it shall include

the name of the candidate for elective office in the District of Columbia in its name.

3000.7 An unauthorized committee shall be any political committee which has not been designated by a candidate on the Statement of Candidacy form filed under § 3001.2 to solicit or receive contributions or make expenditures on behalf of a candidate seeking office, and it shall not include the name of any candidate for elective office in the District of Columbia in its name.

3000.8 For purposes of the reporting and recordkeeping requirements, political committees shall include the following:

- (a) Affiliated Committee - all authorized committees of the same candidate for the same election, or all committees established, financed, maintained, or controlled by the same corporation, labor or membership organization, cooperative or trade association, or any similar organization;
- (b) Delegate Committee - established to support a presidential candidate, which shall include the word "delegate(s)" in its name and may include the name of the presidential candidate whom it supports;
- (c) Independent or Political Action (PAC) Committee - any unauthorized committee;
- (d) Initiative, Referendum, Recall or Proposed Charter Amendment Committee - organized for the purpose of, or engaged in promoting or opposing initiative, referendum or recall measures or proposed Charter amendments, respectively;
- (e) Party Committee - represents a political party of the official party structure at the city-wide or ward level; and
- (f) Principal Campaign Committee - designated and authorized by a candidate or slate of candidates for election as officials of a political party, as the principal campaign committee, in accordance with § 3004; provided, that it shall include the name(s) of the candidate(s) who authorized the committee.

3000.9 Political committees shall not include the following:

- (a) Connected Organization - a corporation, labor or membership organization, cooperative or trade association, or any similar organization which directly or indirectly establishes, administers or financially supports a political committee.

3000.10 Each political committee shall indicate its intent not to support a candidate by:

- (a) Declaring its intention on a Notification of Non-Support form; and
 - (b) Filing the Notification of Non-Support form within ten (10) days of the declaration by the political committee of its intention to not support a candidate.
- 3000.11 Each political 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, under § 3000.10.
- 3000.12 A political committee shall have a chairperson and a treasurer.
- 3000.13 When either the office of chairperson or treasurer of a political committee is vacant, the political committee shall:
 - (a) Designate a successor chairperson or treasurer within five (5) days of the vacancy; and
 - (b) Amend its Statement of Organization within ten (10) days of the designation of the successor; provided, that the successor officer agrees to accept the position.
- 3000.14 A political committee shall not accept a contribution or make an expenditure when the office of treasurer is vacant, and no other person has been designated and agreed to perform the functions of treasurer.
- 3000.15 Each expenditure made for, or on behalf of, a political committee shall be authorized by either:
 - (a) The chairperson;
 - (b) The treasurer; or
 - (c) Their designated agent, as listed on the Statement of Organization filed under § 3000.1.
- 3000.16 A chairperson shall be required to file:
 - (a) A Statement of Acceptance of Position of Chairperson form, and a copy of written notification sent to the address of record of the treasurer and candidate, if an authorized committee, within five (5) days of assuming the office; and
 - (b) A Statement of Withdrawal of Position of Chairperson form, and a copy of written notification sent to the address of record of the treasurer and

candidate, if an authorized committee, within five (5) days of vacating the office.

3000.17 A treasurer shall be required to file:

- (a) A Statement of Acceptance of Position of Treasurer form, and a copy of written notification sent to the address of record of the chairperson and candidate, if an authorized committee, within forty-eight (48) hours of assuming the office:
- (b) Periodic Reports of Receipts and Expenditures (R&E Reports), pursuant to § 3006, signed by the treasurer or, if unavailable, the designated agent as listed on the Statement of Organization filed under § 3000.1; provided, that the treasurer shall be responsible for all R&E Reports and statements due to the Director during the treasurer's tenure; and
- (c) A Statement of Withdrawal of Position of Treasurer form, prescribed by the Director, and a copy of written notification sent to the address of record of the chairperson and candidate, if an authorized committee, within forty-eight (48) hours of vacating the office.

3000.18 A person shall not simultaneously serve as the chairperson and treasurer of a political committee, except the following:

- (a) A candidate; or
- (b) A proposer or opponent of an initiative, referendum, or recall measure or charter amendment.

3000.19 Each political committee shall amend its Statement of Organization within ten (10) days of any change in information previously reported on its Statement of Organization.

3000.20 All funds of a committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of the committee.

3001 CANDIDATE STATUS

3001.1 An individual shall be considered a candidate when he or she:

- (a) Receives a campaign contribution;
- (b) Makes a campaign expenditure;
- (c) Obtains nominating petitions;

- (d) Authorizes any person to perform any of the above acts; or
- (e) Fails to disavow in writing to the Director any of the above acts by any other person within ten (10) days after written notification by the Director.

3001.2 With the exception of candidates for Advisory Neighborhood Commission (ANC) member, each candidate shall, within five (5) days after becoming a candidate under § 3001.1, file a Statement of Candidacy form that indicates:

- (a) Whether spending is anticipated at less than five hundred dollars (\$500); and
- (b) Whether a principal campaign committee will be designated.

3001.3 Each candidate who indicates on the Statement of Candidacy that a principal campaign committee will be designated on his or her behalf shall provide the following information on the Statement of Candidacy form:

- (a) The name of the principal campaign committee;
- (b) The names of any other authorized committees; and
- (c) The names of the national bank(s) located in the District of Columbia that has been designated as the candidate's campaign depository.

3001.4 The candidate shall commence filing personal R&E Reports in accordance with this chapter unless reporting is otherwise exempted or waived pursuant to § 3003.

3001.5 The Summary Financial Statement of Candidate for the Office of Advisory Neighborhood Commission form shall be filed no later than sixty (60) days after the certification by the Board of Elections of the election results by the following individuals:

- (a) ANC candidates who qualified for the ballot through the write-in process;
- (b) ANC candidates who qualified for the ballot through the nominating petition process;
- (c) ANC candidates who accepted contributions or made expenditures and did not qualify for the ballot; and
- (d) ANC candidates who qualified as candidates for selection in the ANC vacancy filling process.

3001.6 With the exception of candidates for the Office of Member of an Advisory Neighborhood Commission, each individual who ceases to become a candidate

shall immediately file a Statement of Candidate Withdrawal form upon termination of the candidacy.

3002 EXEMPTION FROM FILING AND REPORTING REQUIREMENTS

3002.1 To invoke the exemption from filing and reporting requirements, a candidate must anticipate spending less than five hundred dollars (\$500) in any one election.

3002.2 A candidate shall be exempt from the filing and reporting requirements of the Act if, on the Statement of Candidacy form, he or she:

- (a) Certifies that he or she anticipates spending less than five hundred dollars (\$500) in any one election; and
- (b) Excludes the designation of a principal campaign committee.

3002.3 Each exempt candidate shall notify the Director in writing within forty-eight (48) hours from the time he or she spends, or anticipates spending, five hundred dollars (\$500) or more.

3002.4 Each exempt candidate shall certify in writing to the Director, on a Report of Exemption for a Candidate Spending Less than Five Hundred Dollars (\$500), that he or she has not spent more than five hundred dollars (\$500). Such certification shall be filed with the Director by no later than:

- (a) The fifteenth (15th) day before the date of the election in which the candidate seeks office; and
- (b) The thirtieth (30th) day following the election.

3003 CANDIDATE WAIVER FROM FILING AND REPORTING REQUIREMENTS

3003.1 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.

3003.2 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.

3003.3 A candidate who is granted a waiver shall not make any non-reimbursed expenditures for the campaign except in accordance with § 3003.4.

- 3003.4 A candidate may make an expenditure from personal funds to the candidate's designated principal campaign committee. Such expenditure shall be reported by the principal campaign committee as a contribution received and, if accompanied by a written instrument attesting thereto, as a loan pursuant to § 3009.7.
- 3003.5 The waiver from filing and reporting shall continue in effect as long as the candidate complies with the conditions under which it was granted.

3004 PRINCIPAL CAMPAIGN COMMITTEE

- 3004.1 With the exception of persons who make independent expenditures under the Act, only a candidate's designated principal campaign committee and its authorized committees shall accept contributions or make expenditures on behalf of that candidate.
- 3004.2 An individual who is a candidate for more than one (1) office shall designate a separate principal campaign committee for each office sought.
- 3004.3 Notwithstanding § 3004.2, a principal campaign committee supporting the nomination or election of a candidate as an official of a political party may support the nomination or election of more than one (1) candidate as an official of a political party.
- 3004.4 The principal campaign committee shall process contributions in the following manner:
- (a) Contributions received by check, money order, or other written instrument shall be consigned directly to the principal campaign committee; and
 - (b) The proceeds of any monetary instruments listed in subsection (a) that have been cashed or redeemed by the candidate pursuant to § 3003.2 shall be disallowed by the principal campaign committee and returned by the candidate to the donor.
- 3004.5 No contributions shall be commingled with the candidate's personal funds or accounts.

3005 DESIGNATION OF EXISTING POLITICAL COMMITTEE

- 3005.1 Except as provided in § 3005.2, an existing political committee may be designated as the principal campaign committee of a candidate if such existing political committee meets the following conditions:
- (a) The Statement of Organization of the existing political committee indicates that the existing political committee is an unauthorized

committee, pursuant to § 3000.7, including any independent or political action committee and;

(b) R&E Reports of the existing political committee are current.

3005.2 An existing political committee which has been previously designated as the principal campaign committee of a candidate, or of a slate of candidates for election as officials of a political party, shall not be designated as the principal campaign committee of a candidate in any future election.

3005.3 Upon designation of an existing political committee as a principal campaign committee of a candidate, the committee shall:

(a) Amend its Statement of Organization, pursuant to § 3000.19, to report the designation;

(b) Determine whether persons making contributions previously received by or on behalf of the candidate or by the political committee before designation may have exceeded the relevant limits, pursuant to § 3009; and

(c) Refund any contributions to donors who may have exceeded the contribution limitations.

3005.4 To ascertain individual donor compliance with the contribution limitations, contributions to a candidate and to a committee, prior to designation, shall be attributed in aggregate by donor name.

3006 FINANCIAL REPORTS AND STATEMENTS

3006.1 Candidates, political committees, constituent-service programs and Statehood funds and their treasurers shall make best efforts to obtain, report, and maintain information required under chapter 34 of this title.

3006.2 With the exception of candidates for the office of ANC member, all contributions, expenditures, debts, contracts, and agreements shall be reported on separate schedules in the following manner:

(a) On the R&E Report form prescribed by the Director; or

(b) In a format consistent with the R&E Report form.

3006.3 The R&E Report may be filed in an electronic format at the OCF Website under § 3015 as long as the original R&E Report, verified by the treasurer, is also filed. The filing of the paper copy may be eliminated where the treasurer electronically

certifies the contents of the report through the use of a confidential PIN Number assigned by the Office of Campaign Finance.

- 3006.4 Each contribution, rebate, refund, or any other receipt of fifteen dollars (\$15) or more shall be reported.
- 3006.5 Each contribution, receipt, transfer from other authorized committees, dividend or interest receipt, offset to operating expenditures, including rebates and refunds, and in the case of the constituent-service programs, personal property, shall be itemized and reported on the appropriate sub-schedule of Schedule A in accordance with the instructions for preparing the R&E Report.
- 3006.6 Each receipt for a loan made or guaranteed by the candidate or the committee, or owed by the candidate or the committee, and each loan repayment made by the candidate or the committee, shall be itemized and reported on the appropriate sub-schedule of Schedule E.
- 3006.7 Partnership contributions, under § 3009.15, shall be itemized and reported on Schedule A, in accordance with the instructions for preparing the R&E Report, in the following manner:
- (a) In the name of the partnership; and
 - (b) In the name of each contributing partner.
- 3006.8 Each operating expenditure, transfer to other authorized committees, refund of a contribution, independent expenditure, offset to receipts, and in the case of a constituent-service program, personal property, shall be itemized and reported on the appropriate sub-schedule of Schedule B in accordance with the instructions for preparing the R&E Report.
- 3006.9 Each in-kind contribution, under §§ 3006.5 and 3006.8, shall be assessed at the current local fair market value at the time of the contribution, and shall be itemized and reported on the appropriate sub-schedules of Schedules A and B.
- 3006.10 The net proceeds of each mass sale and collection shall be itemized and reported on Schedule C in accordance with the instructions for preparing the R&E Report, and the supporting documentation for each itemization maintained under § 3401.3 (b).
- 3006.11 Each debt and obligation, excluding loans, shall be itemized and reported on Schedule D in accordance with the instructions for preparing the R&E Report.
- 3006.12 Each loan shall be itemized and reported on the appropriate sub-schedule of Schedule E in accordance with the instructions for preparing the R&E Report.

- 3006.13 The R&E Report shall be complete, under § 3015, as of five (5) days prior to the date of any filing; Provided, that any contribution of two hundred dollars (\$200) or more received after any deadline for the filing of the last R&E Report required to be filed prior to an election shall be reported within twenty-four (24) hours after its receipt.
- 3006.14 Financial transactions undertaken by credit card shall be reported on the R&E Report in the following manner:
- (a) Contributions shall be reported for the date upon which the authorized transaction is received;
 - (b) The full amount authorized by the contributor as a contribution shall be reported by the candidate or committee;
 - (c) Each service charge deducted by the credit card issuer shall be reported as an expenditure made by the candidate or the committee on the date when notified of the deduction; and
 - (d) Each discount from the normal service charge authorized by the credit card issuer shall constitute an in-kind contribution, under § 3006.5, from the issuer, and shall be reported as an in-kind contribution.
- 3006.15 Each person, other than an independent expenditure committee, political committee, or candidate, who makes contributions or expenditures exceeding fifty dollars (\$50) during a calendar year, other than by contribution to a political committee or candidate, shall file a listing of each expenditure on Schedule B-5 of the R&E Report, at the times specified under § 3015, for the period when the expenditure occurred.
- 3006.16 The Summary Financial Statement of Candidate for the Office of Member of an Advisory Neighborhood Commission (ANC), filed under § 3001.5, shall include:
- (a) Total receipts collected and expenditures made by the candidate for the campaign;
 - (b) Certification that the candidate did not receive contributions from any person, other than the candidate, in excess of twenty-five dollars (\$25);
 - (c) Certification that the candidate did not receive any contributions from any person or make any expenditures, including from or by the candidate, to support the candidate's election to office; and
 - (d) The disposal of surplus contributions, if any.

3006.17 The Summary Financial Statement of an ANC candidate may be filed in an electronic format at the OCF Website; Provided that the candidate shall submit the original paper statement within five (5) days of the filing deadline. The filing of the paper copy may be eliminated where the candidate electronically certifies the contents of the statement through the use of a PIN number assigned by the Office of Campaign Finance.

3007 REPORTS OF INITIATIVE, REFERENDUM, RECALL, AND PROPOSED CHARTER AMENDMENT COMMITTEES

3007.1 Each committee supporting or opposing an initiative, referendum, recall, or proposed charter amendment shall file R&E Reports during the consideration of the placement of the measure on an election ballot.

3007.2 OCF shall prepare the following:

- (a) A schedule of dates, based upon the complete period allowed for qualification of a measure for ballot placement, by which R&E Reports are due; and
- (b) A revised schedule of dates based upon actual completion of tasks by which R&E Reports are due, if necessary.

3007.3 R&E Reports shall be filed in accordance with the following schedule:

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

3007.4 For any period prior to the year in which an election is scheduled to be conducted on an initiative, referendum, recall, or proposed charter amendment, each committee organized in support or opposition to the measure shall file reports of receipts and expenditures on January 31 and July 31 of each year until the measure is presented to the electorate.

3007.5 With the exception of contributions to retire debt and expenditures made to wind down a campaign pursuant to § 3014, no committee organized in support of or

opposition to the measure shall receive contributions or make expenditures to support or oppose an initiative, referendum, recall, or proposed charter amendment under the following circumstances:

- (a) After the election at which the measure is presented to the electorate; or
- (b) Upon rejection of the petition with signatures as numerically insufficient by the Board of Elections; and
- (c) Subsequent to the exhaustion of any administrative and judicial remedies.

3007.6 Following either the election on an initiative, referendum, recall, or proposed charter amendment, or the failure of such a measure to qualify for ballot access, and the exhaustion of all administrative and judicial remedies, a committee shall continue to file R&E Reports on January 31st and July 31st of each year until all debts and obligations are satisfied.

3007.7 Upon the satisfaction of all debts and obligations, each committee shall immediately file a final R&E Report.

3007.8 In the absence of any debts and obligations, each committee shall, within sixty (60) days following the election:

- (a) Disburse any remaining funds in accordance with § 3014; and
- (b) File a Termination Report of Receipts and Expenditures.

3007.9 A copy of each R&E Report or statement filed with the Director shall be preserved by the person filing the report or statement for a period of not less than three (3) years from the date of filing.

3008 PETTY CASH FUNDS

3008.1 A candidate, political committee, or Statehood Fund may maintain a Petty Cash Fund which shall not exceed three hundred dollars (\$300) at any time.

3008.2 All records and transactions shall be maintained and authorized by either:

- (a) The chairperson;
- (b) The treasurer; or
- (c) Their designated agents, as listed on the Statement of Organization filed pursuant to § 3000.1.

3008.3 Petty cash funds shall be administered in the following manner:

- (a) Funds shall be received by check drawn on the account of the candidate, political committee, or Statehood Fund;
- (b) Cash expenditures shall not exceed fifty dollars (\$50) to any person in connection with a single purchase or transaction; and
- (c) All transactions shall be recorded in a journal designated for petty cash.

3008.4 For each deposit to the petty cash fund, the amount and date shall be recorded in the journal.

3008.5 For each disbursement, the journal shall include:

- (a) The name and address of each recipient of the disbursement;
- (b) The date of the disbursement;
- (c) The amount of the disbursement;
- (d) The purpose of the disbursement; and
- (e) The candidate's name and the office sought, or the name of the political committee or Statehood Fund for which the disbursement is made.

3008.6 All receipts, vouchers, petty cash journals, and other documentation shall be retained by the candidate, political committee, or Statehood Fund for a period of three (3) years from the date of the filing of the final R&E Report by the candidate, political committee, or Statehood Fund.

3009 LIMITATIONS ON CONTRIBUTIONS

3009.1 No person shall make any contribution, and no person shall receive any contribution, which, when totaled with all other contributions from the same person, pertaining to an individual's campaign for nomination as a candidate or election to public office, including both the primary and general elections, or special elections, exceeds the limitations enumerated for each office, under § 3009.2.

3009.2 Contributions in support of either individual candidates or their authorized committees, or for the recall of an incumbent, shall be limited to the following:

- (a) Mayor, U. S. Senator, and U.S. Representative to Congress – two thousand dollars (\$2,000);
- (b) Chairman of the Council – one thousand five hundred dollars (\$1,500);

- (c) Member of the Council at-large – one thousand dollars (\$1,000);
- (d) Member of the Council elected from a ward and Member of the State Board of Education at-large – five hundred dollars (\$500);
- (e) Member of the State Board of Education elected from a ward – two hundred dollars (\$ 200);
- (f) Official of a Political party – two hundred dollars (\$200); and
- (g) Member of an Advisory Neighborhood Commission – twenty-five dollars (\$25).

3009.3 With the exception of special elections, no person shall make any contribution in any one primary or general election that, when totaled, exceeds five thousand dollars (\$5,000), to any one (1) unauthorized committee, under § 3000.10.

3009.4 With the exception of special elections, no person shall make any contribution in any one (1) primary or general election per elective office for Mayor, U. S. Senator, U.S. Representative to Congress, Chairman of the Council, and each member of the Council and Board of Education which, when totaled with all other contributions made by that person in any one (1) election (primary and general) to candidates and political committees per elective office, exceeds eight thousand five hundred dollars (\$8,500); Provided, that contributions to individual candidates and political committees shall not exceed those listed under §§ 3009.2 and 3009.3.

3009.5 No person shall receive or make any cash contribution of twenty-five dollars (\$25) or more in legal tender.

3009.6 For the purposes of this section, expenditures for candidates for office shall not be considered contributions or expenditures by or on behalf of a candidate when derived from:

- (a) Personal funds belonging to candidates; and
- (b) Funds from any person or independent expenditure committee advocating the election or defeat of any candidate for office; provided, that the person was not requested or suggested to do so by the candidate, any agent of the candidate, or any authorized committee of the candidate.

3009.7 Each loan or advance from a candidate or member of the immediate family of a candidate shall be evidenced by a written instruction which fully discloses:

- (a) The terms of the loan or advance;

- (b) The conditions of the loan or advance;
- (c) The parties to the loan or advance; and
- (d) Documentation regarding the source of the funds when the loan or advance is from the candidate.

3009.8 The amount of each loan or advance from a member of the candidate's immediate family shall be included in computing and applying the limitations on contributions under § 3009, upon receipt by the authorized committee of the loan or advance from an immediate family members; Provided, that the standards for repayment are consistent with repayment policies of lending institutions in the District of Columbia.

3009.9 Contributions to a candidate or political committee shall be attributed to the person actually making the contribution.

3009.10 Contributions from minor children (under eighteen (18) years old) shall be attributed to their parents or legal guardians except under the following circumstances:

- (a) The decision to contribute is made knowingly and voluntarily by the minor child; and
- (b) The funds, goods, or services contributed are owned or controlled exclusively by the minor child.

3009.11 A connected organization, under § 3000.9(a), and each political committee established, financed, maintained, or controlled by the connected organization share a single contribution limitation.

3009.12 Corporations may make contributions in the District of Columbia.

3009.13 A corporation, its subsidiaries, and each political committee established, financed, maintained, or controlled by the corporation and its subsidiaries share a single contribution limitation.

3009.14 A corporation is deemed to be a separate entity; provided, that a corporation (corporation B) which is established, financed, maintained, or controlled (51% or more) by another corporation (corporation A) is considered, for the purposes of the contribution limitations, a subsidiary of the other corporation (corporation A).

3009.15 Partnerships may make contributions in the District of Columbia; Provided, that all contributions by a partnership shall be subject to each contributing partner's individual contribution limitations, under § 3009.

- 3009.16 Contributions by a partnership shall be attributed to each partner, only by one (1) of the following methods:
- (a) Instructions from the partnership to the political committee or the candidate; or
 - (b) Agreement of the partners; Provided, that the profits of non-contributing partners are not affected.
- 3009.17 No portion of any contribution under § 3009.15 shall derive from the profits of a corporation that is a partner.
- 3009.18 Limitations on contributions under § 3009 apply to a limited liability company depending on whether it is established as a corporation or partnership.
- 3009.19 Limitations on contributions under § 3009 shall not apply to initiative or referendum measures, or to fundraising engaged in by independent expenditure committees.
- 3009.20 With the exception of contributions received to retire debt, a political committee or a candidate shall not receive or accept contributions after the election or defeat of the candidate for office, or after the candidate notifies the Office of Campaign Finance of the intent to terminate the candidacy.
- 3009.21 Limitations on contributions under § 3009 shall not apply to unauthorized political committees during any calendar year in which the committee is not supporting candidates in either a primary or general election.

3010 JOINT FUNDRAISING

- 3010.1 Prior to conducting any joint fundraising activities, the participant political committees shall:
- (a) Create a political committee to act as their fundraising representative;
 - (b) Agree in writing to a formula for allocating proceeds and expenses among themselves; and
 - (c) Amend their Statements of Organization.
- 3010.2 The amended Statements of Organization shall include:
- (a) The writing as agreed upon pursuant to § 3010.1(b); and

- (b) The fundraising representative's (political committee's) account as an additional depository; provided, that the fundraising representative shall be an affiliated committee.

3010.3 The fundraising representative (political committee) shall be responsible for:

- (a) Establishing a depository account for joint fundraising receipts and expenditures; and
- (b) Filing a Statement of Organization with the Director.

3010.4 In accordance with this title, the duties of the fundraising representative (political committee) shall include:

- (a) Screening all contributions to assure that none are in excess of the limitations under § 3009;
- (b) Collecting and depositing joint fundraising contributions;
- (c) Paying expenses;
- (d) Allocating proceeds and expenses to the participants; and
- (e) Reporting all joint fundraising receipts and expenditures in the reporting period made or received.

3010.5 Upon allocation of proceeds, the participant political committees shall report their shares on the R&E Report in accordance with the financial guidelines and procedures.

3011 LIMITATIONS ON THE USE OF CAMPAIGN FUNDS

3011.1 Campaign funds shall be used solely for the purpose of financing, directly or indirectly, the election campaign of a candidate.

3011.2 Limitations on the use of campaign funds shall include the following:

- (a) Payment or reimbursement for a candidate or staff of a campaign committee for travel expenses and necessary accommodations, except when directly related to a campaign purpose;
- (b) Payment or reimbursement for the cost of professional services unless those services are directly related to a campaign purpose;

- (c) Payment for medical expenses of a candidate; provided, that campaign funds may be used to pay employer costs of health care benefits for employees of a principal campaign committee;
- (d) Payment or reimbursement for fines and penalties, unless litigation arises directly out of a candidate's or principal campaign committee's campaign activities;
- (e) Payment or reimbursement for judgments or settlements, unless litigation or agency administrative action arises directly out of the campaign activities of a candidate or principal campaign committee;
- (f) Attorneys fees, unless legal expenses arise directly out of a candidate's or a principal campaign committee's campaign activities;
- (g) Payment or reimbursement for the purchase or lease of personal property, unless the legal title resides in, or the lessee is, the principal campaign committee, and the use of the property is directly related to a campaign purpose;
- (h) Clothing, except for specialty clothing which is not suitable for everyday use, including, but not limited to, formal wear, if the attire is used in the campaign and is directly related to a campaign purpose;
- (i) The purchase or lease of a vehicle, unless the title or lease to the vehicle is held by the campaign committee and not the candidate, and the use of the vehicle is directly related to a campaign purpose; and
- (j) Compensation to a candidate for the performance of campaign activities, except for reimbursement of out-of-pocket expenses incurred for campaign purposes.

3011.3 With the exception of expenditures made to retire debt or wind down the campaign operation, campaign funds shall not be expended following the election or defeat of a candidate for office, or after a candidate notifies the Office of Campaign Finance of the intent to withdraw the candidacy for the purpose of financing, directly or indirectly, the election campaign of a candidate.

3012 CONSTITUENT-SERVICE PROGRAMS

3012.1 A constituent-service program shall encompass any activity or program which provides emergency, informational, charitable, scientific, educational, medical, recreational, or other services to the residents of the District of Columbia, and promotes their general welfare.

- 3012.2 Funds raised by constituent-service programs may be expended only for services, activities, or programs which inure to the primary benefit of the residents of the District of Columbia, in accordance with § 3012.1.
- 3012.3 Allowable expenditures from constituent-service programs shall include the following:
- (a) Funeral arrangements;
 - (b) Emergency housing and other necessities of life;
 - (c) Past due utility payments;
 - (d) Food and refreshments or an in-kind equivalent on infrequent occasions;
 - (e) Community events sponsored by the constituent-service program or an entity other than the District government; and
 - (f) Community-wide events.
- 3012.4 Constituent-service programs shall be prohibited from engaging in any of the following activities:
- (a) Promoting or opposing, as a primary purpose, a political party or committee;
 - (b) Promoting or opposing, as a primary purpose, the nomination or election of an individual to public office;
 - (c) Promoting or opposing, as a primary purpose, any initiative, referendum, or recall measure;
 - (d) Distributing campaign literature or paraphernalia;
 - (e) Using any funds for personal purposes of the elected official;
 - (f) Using any funds to pay fines or penalties inuring to the District government;
 - (g) Making any expenditure of cash;
 - (h) Making any expenditure for the sponsorship of a political organization; or
 - (i) Making any mass mailing within the ninety (90) day period immediately preceding a primary, special, or general election by a member of the Council, or the Mayor, who is a candidate for office.

- 3012.5 A constituent-service program may be maintained only by the following elected public officials:
- (a) The Mayor of the District of Columbia; and
 - (b) The Chairman and Members of the Council of the District of Columbia.
- 3012.6 A constituent-service program may be operated in the following locations:
- (a) In the ward represented by the Member of the Council elected by ward; and
 - (b) In the ward of the at-large member's choice.
- 3012.7 An elected official shall fund the constituent-service program only by:
- (a) Transferring any surplus, residue, or unexpended campaign funds to the constituent-service program;
 - (b) Receiving contributions which do not exceed, in the aggregate, forty thousand dollars (\$40,000) in any one (1) calendar year;
 - (c) Receiving cash contributions from any person which, when aggregated with all other contributions received from the same person, do not exceed five hundred dollars (\$500) in any one (1) calendar year; and
 - (d) Receiving personalty from any person which, when aggregated with all other contributions received from the same person, do not exceed one thousand dollars (\$1,000) in any one (1) calendar year.
- 3012.8 The amount of any transfer of surplus, residue, or unexpended campaign funds by the elected official shall not be subject to the forty thousand dollars (\$40,000) contribution limitation under § 3012.7(b).
- 3012.9 The amount of any funds contributed by the elected official to the official's constituent-service program shall not be subject to the five hundred dollars (\$500) contribution limitation under § 3012.7(c).
- 3012.10 No person shall receive or make any cash contribution of twenty-five dollars (\$25) or more in legal tender to a constituent-service program.
- 3012.11 A connected organization, under § 3000.9(a), and each affiliated committee established, financed, maintained, or controlled by the connected organization share a single contribution limitation with respect separately to cash and personalty.

- 3012.12 Corporations may make contributions to constituent-service programs.
- 3012.13 A corporation and its subsidiaries, and each political committee established, financed, maintained, or controlled by the corporation and its subsidiaries share a single contribution limitation with respect separately to cash and personalty.
- 3012.14 A corporation is deemed to be a separate entity; provided, that a corporation (corporation B) which is established, financed, maintained, or controlled (51% or more) by another corporation (corporation A) is considered, for the purposes of the contribution limitations, a subsidiary of the other corporation (corporation A).
- 3012.15 Partnerships may make contributions in the District of Columbia; provided, that each contribution by a partnership shall be subject to each contributing partner's individual contribution limitation, under § 3012.5.
- 3012.16 Contributions by a partnership shall be attributed to each partner, only by one (1) of the following methods:
- (a) Instructions from the partnership to the constituent-service program or the elected official; or
 - (b) Agreement of the partners; provided, that the profits of non-contributing partners are not affected.
- 3012.17 No portion of any contribution under § 3012.15 shall derive from the profits of a corporation that is a partner.
- 3012.18 Limited liability companies may make contributions in the District of Columbia, under the contribution limitations of § 3012.15, dependent on whether the limited liability company is established as a corporation or partnership.
- 3012.19 The contribution limitations set forth in this section shall apply only to the elected official's constituent-service program.
- 3012.20 An elected official shall:
- (a) Spend no more than forty thousand (\$40,000) in any one (1) calendar year for the constituent-service program;
 - (b) File a Statement of Organization for a Constituent-Service Program form, prescribed by the Director, within ten (10) days of organization;
 - (c) Amend the Statement of Organization within ten (10) days of any change in information previously reported on the Statement of Organization; and

(d) Sign and file all R&E Reports, in accordance with §§ 3006 and 3015.

3012.21 Each constituent-service program shall have a chairperson and a treasurer.

3012.22 When either the office of chairperson or treasurer of a constituent-service program is vacant, the constituent-service program shall:

(a) Designate a successor chairperson or treasurer, within five (5) days of the vacancy; and

(b) Amend its Statement of Organization within ten (10) days of the designation of the successor; provided, that the successor officer agrees to accept the position.

3012.23 A constituent-service program shall neither accept a contribution nor make an expenditure when the office of treasurer is vacant and no other person has been designated and has agreed to perform the functions of a treasurer.

3012.24 Each expenditure made for, or on behalf of, a constituent-service program shall be authorized by either:

(a) The chairperson;

(b) The treasurer; or

(c) Their designated agent, as listed on the Statement of Organization filed under § 3012.20(b) or (c).

3012.25 A chairperson shall be required to file:

(a) A Statement of Acceptance of Position of Chairperson form, prescribed by the Director, and a copy of written notification sent to the address of record of the treasurer, within five (5) days of assuming the office; and

(b) A Statement of Withdrawal of Position of Chairperson form, prescribed by the Director, and a copy of written notification sent to the address of record of the treasurer, within five (5) days of vacating the office.

3012.26 A treasurer shall be required to file:

(a) A Statement of Acceptance of Position of Treasurer form, prescribed by the Director, and a copy of written notification sent to the address of record of the chairperson, within forty-eight (48) hours of assuming the office:

- (b) Periodic R&E Reports, under § 3006, signed by the treasurer or, if unavailable, the designated agent as listed on the Statement of Organization filed under § 3012.20; provided, that the treasurer shall be responsible for all R&E Reports and statements due to the Director during the treasurer's tenure; and
- (c) A Statement of Withdrawal of Position of Treasurer form, prescribed by the Director, and a copy of written notification sent to the address of record of the chairperson, within forty-eight (48) hours of vacating the office.

3012.27 A person shall not simultaneously serve as the chairperson and treasurer of a constituent-services program.

3012.28 All funds of a constituent-services program shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of the program.

3012.29 A constituent-service program shall neither establish nor maintain a petty cash fund.

3013 USE OF SURPLUS FUNDS

3013.1 Surplus funds of a constituent-service program or a Statehood fund shall be disbursed within one hundred twenty (120) days of the date that the elected official:

- (a) Vacates the public office held; or
- (b) Notifies the Director in writing of any determination that the constituent-service program or Statehood fund shall no longer receive contributions or make expenditures.

3013.2 Surplus funds of a constituent-service program shall be disbursed only for the following purposes:

- (a) To retire the debts of the program; and/or
- (b) To donate to a not-for-profit organization, within the meaning of the federal tax laws, that is in good standing in the District of Columbia for a minimum of one (1) calendar year prior to the date of donation.

3013.3 Surplus funds of a Statehood fund shall be disbursed by a U.S. Senator or Representative to retire debts and obligations for the following:

- (a) Salaries;

- (b) Office expenses; and
 - (c) Other expenses necessary to support the purposes and operations of the public office.
- 3013.4 Upon retirement of debts and obligations, a U.S. Senator or Representative shall donate any remaining funds to a not-for-profit organization within the meaning of the federal tax laws.
- 3013.5 Surplus funds of a candidate or candidate-elect shall be:
 - (a) Used to retire the debts of the political committee that received the funds;
 - (b) Returned to donors;
 - (c) Contributed to a political party for political purposes; and/or
 - (d) Transferred to a political committee, a charitable organization which meets the requirements of the tax laws of the District of Columbia, or an established constituent-services fund.
- 3013.6 Surplus funds of a candidate or candidate-elect shall be disbursed under § 3013.5 within six (6) months of one (1) of the following events:
 - (a) Defeat in an election;
 - (b) Election to office; or
 - (c) Withdrawal as a candidate.
- 3013.7 Surplus funds of a political committee formed to collect signatures or advocate the ratification or defeat of any initiative, referendum, or recall measure may be transferred to any charitable, scientific, literary, or educational organization or any other organization which meets the requirements of the tax laws of the District of Columbia.
- 3013.8 A campaign committee shall continue to function after the election for which the committee was organized, as an authorized committee, until all debts and obligations are extinguished.
- 3013.9 A campaign committee, pursuant to § 3013.8, shall:
 - (a) Dispose of all surplus funds in accordance with § 3013;

- (b) Refrain from collecting or spending money to support a candidate in a future election;
- (c) Adhere to contributions limitations in accordance with § 3009; and
- (d) File R&E Reports in accordance with § 3006.

3013.10 A constituent-service program or a Statehood fund shall continue to file R&E Reports, pursuant to §§ 3006 and 3015 of this chapter, until all debts are satisfied.

3014 TERMINATION OF POLITICAL COMMITTEES, CONSTITUENT-SERVICE PROGRAMS, AND STATEHOOD FUNDS

3014.1 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 political committee (committee), constituent-service program (program), or Statehood fund (fund).

3014.2 An elected official shall terminate a program or fund if the elected official:

- (a) Fails to win re-election;
- (b) Resigns; or
- (c) Becomes ineligible to serve, by operation of law.

3014.3 An authorized committee shall terminate, upon satisfaction of all debts and obligations, when the purpose for which the committee was organized ceases.

3014.4 Any committee, program, or fund may terminate its reporting requirements by filing a final R&E Report; Provided, that the committee, program, or fund:

- (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 § 3013.

3014.5 A committee, program, or fund that cannot extinguish its outstanding debts and obligations may qualify to terminate its reporting requirements by:

- (a) Settling its debts for less than the full amount owed to its creditors; or
- (b) Demonstrating that a debt is unpayable.

- 3014.6 The types of debts that are subject to debt settlement include:
- (a) Amounts owed to commercial vendors;
 - (b) Debts arising from advances by individuals;
 - (c) Salary owed to committee or program employees; and
 - (d) Loans owed to political committees.
- 3014.7 The types of debts that are not subject to debt settlement include:
- (a) Disputed debts; and
 - (b) Bank loans.
- 3014.8 A qualifying committee, program, or fund shall be settled if:
- (a) Credit was initially extended in the ordinary course of business;
 - (b) Reasonable efforts, including, for example, fundraising, reducing overhead costs, and liquidating assets, were undertaken to satisfy the outstanding debt; and
 - (c) The creditor made the same efforts to collect the debt as those made to collect debts from a non-political debtor in similar circumstances.
- 3014.9 Once a committee, program, or fund has reached an agreement with a creditor, the treasurer shall file a debt settlement proposal with the Director on a form prescribed by the Director.
- 3014.10 Following receipt of the debt settlement proposal, the Director shall:
- (a) Review each debt settlement proposal for substantial compliance with the Act; and
 - (b) Notify the committee or program within thirty (30) days of its approval or disapproval.
- 3014.11 A debt may be considered unpayable, under § 3014.5(b), if:
- (a) The debt has been outstanding for at least twenty-four (24) months;
 - (b) The creditor is out of business, and no other entity has the right to collect the amount owed; and

(c) The creditor cannot be located after best efforts to do so.

3014.12 A committee, program, or fund may apply to the Director to determine whether a specific debt may be unpayable upon a showing that best efforts to locate the creditor have been made.

3014.13 For purposes of this section, the term "Best efforts" shall include the following:

(a) Ascertaining of the creditor's current address and telephone number; and

(b) Contacting the creditor by registered or certified mail, in person, or by telephone.

3014.14 The reporting obligation of a committee, program, or fund ends when the Director notifies the committee, program, or fund that the final Report has been approved, and the official record closed.

3015 FILINGS AND DEADLINES

3015.1 Reports of Receipts and Expenditures (R&E Reports) shall be filed with the Office of Campaign Finance by:

(a) The treasurer of each political committee supporting a candidate;

(b) Each candidate required to register pursuant to §3001.2, unless reporting is otherwise exempted or waived under § 3003; and

(c) The treasurer of each political committee engaged in obtaining signatures on any initiative, referendum, or recall petition, or promoting or opposing the ratification of any initiative, referendum, or recall measure placed before the District electorate.

3015.2 All candidates and political committees, except as otherwise noted in this chapter, shall file R&E Reports on the following dates:

(a) March 10, June 10, August 10, October 10, and December 10 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;

(b) January 31, March 10, June 10, August 10, October 10, December 10, and the eighth (8th) day next preceding the date of any election, in any year in which there is held an election for which the candidate seeks office and the political committee supports a candidate for office;

- (c) January 31 and July 31; provided, that a political committee no later than January 31 declares its intention to not support a candidate during an election year under § 3000.10 of this chapter; and
- (d) January 31 and July 31, in a non-election year; provided, that a political committee no later than July 31 of the non-election year, (January 31) declares its intention to not support a candidate during an election year under § 3000.10 of this chapter.

3015.3 Constituent-service program R&E Reports shall be filed quarterly each year on the first (1st) day of the following months:

- (a) January;
- (b) April;
- (c) July; and
- (d) October.

3015.4 Statehood fund R&E Reports shall be filed quarterly each year on the first (1st) day of the following months:

- (a) January;
- (b) April;
- (c) July; and
- (d) October.

3015.5 Except as otherwise provided in this chapter, R&E Reports shall be filed on January 31 and July 31 of each year until all debts and obligations are satisfied by the following:

- (a) Authorized committees pursuant to § 3013.8;
- (b) A Statehood fund when the U.S. Senator or Representative vacates office; and
- (c) A constituent-service program when the elected official vacates office.

3015.6 All R&E Reports shall contain all financial transactions through and including the fifth (5th) day preceding the filing deadline for each R&E Report; provided, that the reporting period for the next R&E Report shall commence on the day following the closing date of the prior R&E Report.

- 3015.7 All contributions of two hundred dollars (\$200) or more, received after the filing deadline for the eighth (8th) day preceding the election Report, shall be reported in writing within twenty-four (24) hours of receipt.
- 3015.8 All reports and statements filed in person or by first class mail shall be deemed timely filed when received by 5:30 p.m. of the prescribed filing date.
- 3015.9 All reports and statements electronically filed shall be deemed timely filed if received by midnight of the prescribed filing deadline; provided, that the original paper report, verified by the treasurer, is also filed within five (5) days of the filing deadline. The filing of the paper copy may be eliminated where the treasurer electronically certifies the contents of the report through the use of a PIN Number assigned by the Office of Campaign Finance.
- 3015.10 Upon written request submitted by the candidate or committee, on or before the filing deadline, the Director may allow an extension for filing a Report or statement for a reasonable period of time, for good cause shown.
- 3015.11 Any reference to days in this chapter is to calendar days, unless otherwise indicated.

Chapter 31 of title 3 of the DCMR is amended in its entirety to read as follows:

CHAPTER 31 LOBBYING

3100	REGISTRATION REQUIREMENTS
3101	EXEMPTION FROM REGISTRATION REQUIREMENTS
3102	ACTIVITY REPORTS
3103	FILING DEADLINES
3104	PROHIBITED ACTIVITIES
3105	PENALTIES

3100 REGISTRATION REQUIREMENTS

- 3100.1 A person shall register as a lobbyist by filing with the Director a Lobbyist Registration Form and paying the registration fee of two hundred fifty dollars (\$250) or, in the case of lobbyists who lobby solely for nonprofit organizations, fifty dollars (\$50), if that person:
- (a) Receives compensation of two hundred fifty dollars (\$250) or more in any three (3) consecutive calendar month period for lobbying;
 - (b) Receives compensation from more than one (1) source which totals two hundred fifty dollars (\$250) or more in any three (3) consecutive month period for lobbying; or
 - (c) Expends funds of two hundred fifty dollars (\$250) or more in any three (3) consecutive calendar month period for lobbying.
- 3100.2 Each individual, law firm, association, or business entity employed to lobby on behalf of any person shall register as a lobbyist; provided, that the partner, member, or employee of any entity assigned to perform lobbying duties on behalf of the registered entity shall be listed as a lobbyist on the Lobbyist Registration Form.
- 3100.3 Each individual, association, or business entity which directly employs a person in-house or retains a law firm, association, or business entity to lobby on its behalf shall register in the name of the respective entity; provided, that the person in-house, law firm, association, or business entity retained to lobby for the registrant shall be listed as a lobbyist working for the registrant on the Lobbyist Registration Form.
- 3100.4 Each individual, law firm, association, or business entity employed to lobby on behalf of any person shall file a separate Lobbyist Registration Form for each person from whom compensation is received. For example, registration forms

shall not be consolidated if the individual, law firm, association, or business entity is compensated from more than one (1) source.

3100.5 Each person who pays another person to lobby on their behalf is the compensating registrant, and shall register as a lobbyist and file a separate Lobbyist Registration Form, independent of any Lobbyist Registration Form filed by the person actually lobbying.

3100.6 The Lobbyist Registration Form shall include the following information:

- (a) Registrant's name, permanent address, and temporary address, if any, while lobbying;
- (b) Name and address of each person designated to lobby on behalf of the registrant;
- (c) Name, address, and nature of the business of any person who compensates the registrant and the terms of the compensation;
- (d) Identification, by formal designation if known, of matters on which the registrant expects to lobby; and
- (e) Registrant's verification under oath of the required information; provided, that if the registrant is not an individual, an authorized officer or agent of the registrant (other than the lobbyist retained by contract to provide lobbying services) shall sign the form.

3100.7 Registration fees collected under this section shall be deposited into the Lobbyist Administration and Enforcement Fund, and used to administer and enforce this section.

3101 EXEMPTION FROM REGISTRATION REQUIREMENTS

3101.1 A person shall be exempt from the registration requirements of this section if that person is:

- (a) A public official or an employee of the United States acting in an official capacity;
- (b) A publisher or working member of the press, radio, or television who, in the ordinary course of business, disseminates news or editorial comment to the general public;
- (c) A candidate, member, or member-elect of an Advisory Neighborhood Commission; or

- (d) An exempt organization specified in the District of Columbia tax code, provided, that the lobbying activities of such organization do not result in the organization's financial gain or benefit.

3101.2 A person engaging in the following activities is exempt from the registration requirements of this section:

- (a) Appearing or presenting written testimony, on his or her own behalf or through an attorney, in an informal or formal rule-making, rate-making, or adjudicatory hearing before an executive agency or the Tax Assessor;
- (b) Supplying information in response to written inquiries by an executive agency, the Council of the District of Columbia, or any public official;
- (c) Inquiring only as to the status of specific actions by an executive agency or the Council of the District of Columbia;
- (d) Testifying before, or submitting written testimony to, a committee of the Council of the District of Columbia, or the Council, in a proceeding for which there is a public record or testimony submitted for inclusion in the public record;
- (e) Communicating through a newspaper, television, or radio of general circulation or a publication whose primary audience is the organization's membership; or
- (f) Conveying communications, indirectly or directly, by a bona fide political party, as defined in the Campaign Finance Act.

3101.3 A person, who may be exempt from the registration requirements of this chapter, may be a registrant for other purposes under this title; provided, that the activity of the person shall not constitute a conflict of interest.

3102 ACTIVITY REPORTS

3102.1 Each registrant shall file an activity report, on a form prescribed by the Director; provided, that a separate activity report shall be filed by each law firm, association, or business entity employed to lobby under § 3100 for each person from whom compensation is received during the reporting period.

3102.2 Each activity report shall include the following:

- (a) A complete and current statement of information as shown on the registration form;

- (b) A listing of the name of each official in the executive or legislative branch with whom the registrant has communicated in writing or orally during the reporting period relating to lobbying activities, and the date of the communication;
- (c) A prorated listing and breakdown of total lobbying compensation receipts paid to each lobbyist for lobbying, including each in-house employee-lobbyist, based on time spent on influencing any legislative action, administrative decision, or each piece of local legislation on Schedule A;
- (d) A listing and breakdown of all compensation received and used in payment for lobbying activities, including office, personal, advertising, publication, and travel expenses, compensation to others, and other expenses on Schedule A-1;
- (e) Each loan received by the lobbyist, in-house employee lobbyist, person, and organization related to any lobbying activity on Schedule A-2;
- (f) Each expenditure paid by the compensating registrant for lobbying activities to a lobbyist, an in-house employee-lobbyist, person or organization contracted to provide lobbying activities, on Schedule B;
- (g) Each campaign or political contribution, gift, honorarium, or loan of fifty dollars (\$50) made by the registrant or anyone acting on behalf of the registrant to benefit an official in the legislative or executive branch, a member of the official's staff or household, or a campaign or testimonial committee established for the benefit of the official on Schedule B-1; and
- (h) The name of each official in the executive or legislative branch, and any member of the official's personal and committee staff, who has a business or professional services relationship with the registrant, as well as the nature of such business relationship, on Schedule C.

3102.3 Each registrant shall maintain:

- (a) A personal detailed account of time spent, expenses incurred, and compensation paid or received for lobbying; and
- (b) All records in accordance with chapter 34 of this title.

3102.4 A registrant shall exclude from activity reports any transactions related to the registrant's exempt status, if any, under § 3101.

3103 FILING DEADLINES

3103.1 Each registrant shall file a Lobbyist Registration Form:

- (a) By no later than fifteen (15) days after becoming a lobbyist; and
- (b) By no later than January 15th of each year.

3103.2 Each registrant shall file Lobbyist Activity Reports of the previous six (6) month period each year on the following dates:

- (a) January 10th, for the period covering July 1st through December 31st; and
- (b) July 10th, for the period covering January 1st through June 30th.

3103.3 The Lobbyist Activity Report may be filed in an electronic format at the OCF Website; provided, that the registrant verifies the electronically filed Report by submitting a digitized copy of the signed certification as a separate file in the electronic submission.

3104 PROHIBITED ACTIVITIES

3104.1 A registrant, or anyone acting on behalf of a registrant, shall be prohibited from offering, giving, or causing to be given a gift, directly or indirectly related to lobbying, to an official in the legislative or executive branch or member of the official's staff, that exceeds one hundred dollars (\$100) in value in the aggregate in any calendar year.

3104.2 An official in the legislative or executive branch or any member of the official's staff shall be prohibited from soliciting or accepting anything, directly or indirectly relating to lobbying, that exceeds one hundred dollars (\$100) in value in the aggregate in any calendar year.

3104.3 The term, "gift," as used in § 3104, shall exclude any contributions made pursuant to chapter 30 of this title.

3104.4 No person shall:

- (a) Knowingly or willfully make, or cause to be made, any false or misleading statement or misrepresentation of the facts relative to any pending administrative decisions or legislative actions to any official in the legislative or executive branch;
- (b) Knowingly or willfully transmit, or cause to be transmitted, to an official in the legislative or executive branch, a copy of a document known to contain a false statement, under § 3104.4(a), without notifying the official in writing of the truth; or

- (c) Sell or utilize any information copied from registration forms and activity reports, under §§ 3100 and 3102, or from lists compiled from registration forms and activity reports, for soliciting campaign contributions or selling tickets to a fundraising affair or for any commercial purpose.

3104.5 No lobbyist or registrant or person acting on behalf of the lobbyist or registrant shall provide legal representation, or other professional services, to an official in the legislative or executive branch, or to a member of his or her staff, at no cost or at a rate that is less than the lobbyist or registrant would routinely bill for the representation or service in the marketplace.

3104.6 Notwithstanding § 3104.5, a nonprofit organization that routinely provides legal services to clients at no cost may provide legal representation or other services to an official in the legislative or executive branch, or to a member of his or her staff, when doing so serves the purpose for which such services are routinely provided, and the representation and services are not provided by a lobbyist or registrant.

3104.7 Except as provided in § 3101.1, a public official shall be precluded from employment as a lobbyist while acting as a public official.

3105 PENALTIES

3105.1 Penalties for any violation of this chapter shall be imposed pursuant to chapter 37 of this title.

Chapter 32 of title 3 of the DCMR is amended in its entirety to read as follows:

CHAPTER 32 FINANCIAL DISCLOSURE STATEMENTS, HONORARIA, AND ROYALTIES

3200 PUBLIC FINANCIAL DISCLOSURE STATEMENT - APPLICABILITY
3201 PUBLIC FINANCIAL DISCLOSURE STATEMENT CONTENT
3202 PUBLIC FINANCIAL DISCLOSURE STATEMENT FILING REQUIREMENTS
3203 CONFIDENTIAL FINANCIAL DISCLOSURE STATEMENT
3204 LIMITATIONS ON HONORARIA AND ROYALTIES

3200 PUBLIC FINANCIAL DISCLOSURE STATEMENT - APPLICABILITY

3200.1 The requirements of this chapter regarding the filing of public financial disclosure statements shall apply to the following public officials:

- (a) Each candidate for nomination for election, or election, to public office (except the office of Advisory Neighborhood Commissioner (ANC)) who, at the time of candidacy, does not occupy any such office;
- (b) Each elected official, except ANC members;
- (c) Each person serving as a subordinate agency head in a position designated as within the Executive Service;
- (d) Each member of a board or commission listed in section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)); and
- (e) Each District of Columbia Excepted Service employee paid at a rate of Excepted Service 9 or above, or its equivalent, and any other employees designated by the Ethics Board, who makes decisions, acts in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest, or participates substantially in any the following areas:
 - (1) Contracting;
 - (2) Procurement;
 - (3) Administration of grants or subsidies;
 - (4) Developing policies;
 - (5) Land use planning;

- (6) Inspecting;
- (7) Licensing;
- (8) Regulating; or
- (9) Auditing.

3200.2 A person shall be considered to have been a public official for purposes of this chapter if he or she has served as a public official for more than 30 days during any calendar year in a position for which reports are required under this section.

3201 PUBLIC FINANCIAL DISCLOSURE STATEMENT CONTENT

3201.1 Each public official listed in § 3200.1 shall annually file a public Financial Disclosure Statement (FDS) on a form prescribed by the Director. The FDS shall contain:

- (a) The name of each business, whether or not transacting any business with the District government, in or from which the public official or his or her spouse, domestic partner, or dependent children:
 - (1) Has a beneficial interest, including, whether held in such person's own name, in trust, or in the name of a nominee, securities, stocks, stock options, bonds, or trusts, exceeding in the aggregate one thousand dollars (\$1,000), or that produced income in excess of two hundred dollars (\$200);
 - (2) Receives honoraria and income earned for services rendered in excess of two hundred dollars (\$200) during a calendar year, as well as:
 - (A) The identity of any client for whom the official performed a service in connection with the official's outside income if the client either has a contract with the government of the District of Columbia or stands to gain a direct financial benefit from legislation that was pending before the Council during the calendar year; and
 - (B) A narrative description of the nature of the service performed in connection with the official's outside income;
 - (3) Serves as an officer, director, partner, employee, consultant, contractor, volunteer, or in any other formal capacity or affiliation; or

- (4) Has an agreement or arrangement for a leave of absence, future employment, including date of agreement, or continuation of payment by a former employer;
- (b) Each outstanding individual liability in excess of one thousand dollars (\$1,000) for borrowing by the public official or his or her spouse, domestic partner, or dependent children from anyone other than a federal or state insured or regulated financial institution, including any revolving credit and installment accounts from any business enterprise regularly engaged in the business of providing revolving credit or installment accounts, or a member of the person's immediate family;
- (c) All real property located in the District of Columbia (other than the personal residence occupied by the public official or his or her spouse or domestic partner) that has a fair market value in excess of one thousand dollars (\$1,000), or that produced income of \$200, in which the public official or his or her spouse, domestic partner, or dependent children holds an interest;
- (d) Each professional or occupational license issued by the District government held by either the public official or his or her spouse, domestic partner, or dependent children;
- (e) All gifts with an aggregate value of one hundred dollars (\$100) or more received in a calendar year from any person that:
 - (1) Has or is seeking to obtain contractual or other business or financial relations with the District government;
 - (2) Conducts operations or activities that are subject to regulation by the District government; or
 - (3) Has an interest that may be favorably affected by the performance or non-performance of the public official's official responsibilities;
- (f) An affidavit stating that the public official has not caused title to property to be placed in the name of another person or entity for purposes of avoiding the requirements of this section;
- (g) A certification that the public official has:
 - (1) Filed and paid his or her income and property taxes;
 - (2) Diligently safeguarded the assets of the taxpayers and the District;

- (3) Reported known illegal activity, including attempted bribes, to the appropriate authorities;
- (4) Not been offered or accepted any bribes;
- (5) Not directly or indirectly received government funds through illegal or improper means;
- (6) Not raised or received funds in violation of federal or District law; and
- (7) Not received or been given anything of value, including a gift, favor, service, loan gratuity, discount, hospitality, political contribution, or promise of future employment, based on any understanding that the public official's official actions or judgment or vote would be influenced.

3201.2 The Director may, on a case-by-case basis and for good cause shown, exempt a public official from all or a portion of the requirement of this section.

3202 PUBLIC FINANCIAL DISCLOSURE STATEMENT FILING REQUIREMENTS

3202.1 The public FDS shall be deemed timely filed in person or by first class mail if received in the Office of Campaign Finance by no later than 5:30 p.m. of May 15th of each year for the prior calendar year in which the public official served.

3202.2 The public FDS may be filed electronically no later than 12:00 midnight of the filing deadline; Provided that, the paper filing of the FDS, verified by the public official, is filed within five (5) days of the filing deadline. The filing of the paper copy may be eliminated where the public official electronically certifies the contents of the report through the use of a PIN Number assigned by the Office of Campaign Finance.

3202.3 A public official may make a request of the Director, in writing, for an extension of up to thirty (30) days in which to submit the FDS.

3202.4 The Director may extend the period of time for submission of the FDS.

3202.5 If a public official ceases to hold the office or position that required him or her to file an FDS prior to May 15th in any year, that public official shall file the FDS no later than three (3) months after the last day he or she occupies such office or position.

3202.6 Each public FDS shall be maintained as a public record.

3202.7 By no later than June 2nd of each year, the Board shall publicly disclose the names of the candidates, officers, and employees who have filed a public FDS.

3202.8 By no later than June 15th of each year, the Director shall publish in the D.C. Register:

- (a) The name of each public official who has filed a report under this section;
- (b) The name of each public official who has requested and received an extension of the deadline filing requirement, and the reason for the extension; and
- (c) The name of each public official who has not filed a report, and the reason for not filing, if known.

3202.9 Each public FDS shall be audited in the year in which it is filed.

3202.10 Except as otherwise provided by this section, each public FDS shall be kept by the Board in the custody of the Director for at least six (6) years.

3202.11 The Director shall dispose of papers filed pursuant to this section in accordance with the provisions of D.C. Official Code § 2-1701 et seq.

3203 CONFIDENTIAL FINANCIAL DISCLOSURE STATEMENT

3203.1 The requirements of this section shall apply to the following individuals:

- (a) Each Advisory Neighborhood Commissioner; and
- (b) Each District government employee (with the exception of Excepted Service employees paid at a rate of Excepted Service 9 or above, or its equivalent) who makes decisions, acts in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest, as determined by their respective agency heads, or participates substantially in any of the following areas:
 - (1) Contracting;
 - (2) Procurement;
 - (3) Administration of grants or subsidies;
 - (4) Developing policies;
 - (5) Land use planning;

- (6) Inspecting;
- (7) Licensing;
- (8) Regulating; or
- (9) Auditing.

3203.2 Each individual covered by this section shall annually file an FDS containing the information required by § 3201.1 by no later than May 15th of each year.

3203.3 Any FDS filed under this section shall be kept confidential.

3203.4 An FDS filed under this section shall be filed with:

- (a) The Director of the Office of Advisory Neighborhood Commissions, in the case of an Advisory Neighborhood Commissioner; or
- (b) The employee's agency head, in the case of a District government employee that meets the requirements of § 3204.1(b).

3203.5 Upon review of the confidential FDS, any finding of a violation of the Code of Conduct shall be forwarded immediately to the Director for review.

3204 LIMITATIONS ON HONORARIA AND ROYALTIES

3204.1 The following public officials and individuals shall not receive honoraria in excess of ten thousand dollars (\$10,000) during any calendar year:

- (a) The Mayor, and any member of his or her immediate family;
- (b) The Attorney General, and any member of his or her immediate family;
- (c) The members of the Council, and each member of their immediate families; and
- (d) The members of the State Board of Education, and each member of their immediate families.

3204.2 Neither the Mayor, the Chairman of the Council, nor any member of the Mayor's or of the Chairman of the Council's immediate family shall accept royalties for works of the Mayor or the Chairman of the Council, respectively, in excess of ten thousand dollars (\$10,000) during any calendar year.

3204.3 For purposes of computing the ten thousand dollar (\$10,000) limitation on honoraria and royalties prescribed in this section, an honorarium or royalty shall be considered received in the year in which the right to receive it accrues.

3204.4 Any honorarium, royalty, or part thereof paid to a charitable organization by or on behalf of a public official shall not be calculated as part of an aggregate total.

Chapter 33 of title 3 of the DCMR is amended in its entirety to read as follows:

**CHAPTER 33 CONFLICT OF INTEREST AND USE OF GOVERNMENT
RESOURCES FOR CAMPAIGN-RELATED PURPOSES**

3300 PROHIBITED CONDUCT

**3301 NOTIFICATION OF CONFLICT OF INTEREST: NON-ELECTED
OFFICIALS**

3302 NOTIFICATION OF CONFLICT OF INTEREST: ELECTED OFFICIALS

3303 INTERPRETATIVE OPINIONS

3300 PROHIBITED CONDUCT

3300.1 No District government employee shall:

- (a) Use his or her official position or title, or personally and substantially participate, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter, or attempt to influence the outcome of a particular matter, in a manner that the employee knows is likely to have a direct and predictable effect on the employee's financial interests or the financial interests of a person closely affiliated with the employee;
- (b) Receive any compensation, salary, or contribution to salary, gratuity, or any other thing of value from a source other than the District government for the employee's performance of official duties; or
- (c) Knowingly acquire:
 - (1) Stocks, bonds, commodities, real estate, or other property, whether held individually or jointly, the acquisition of which could unduly influence or give the appearance of unduly influencing the employee in the conduct of his or her official duties and responsibilities; or
 - (2) An interest in a business that:
 - (A) Is related directly to the employee's official duties;
 - (B) Might otherwise be involved in an official action taken or recommended by the employee; or
 - (C) Is related to matters over which the employee could wield any influence, official or otherwise.

- 3300.2 The prohibition set forth in § 3300.1(c) shall also apply to members of District government employees' households.
- 3300.3 No District of Columbia Government resources shall be used to support or oppose any of the following:
- (a) A candidate for elected office, whether partisan or nonpartisan; or
 - (b) An initiative, referendum, or recall measure, or a charter amendment referendum.
- 3300.4 Resources of the District of Columbia Government shall include, but not be limited to, the following:
- (a) The personal services of employees during their hours of work; and
 - (b) Nonpersonal services.
- 3300.5 Nonpersonal services shall include, but not be limited to, the following:
- (a) Supplies;
 - (b) Materials;
 - (c) Equipment;
 - (d) Office space;
 - (e) Facilities; and
 - (f) Utilities, for example, telephone, gas, and electric services.
- 3300.6 Notwithstanding the prohibition set forth in § 3300.3, the following public officials may, as part of their official duties, express their views on a District of Columbia election:
- (a) The Mayor;
 - (b) The Chairman of the Council;
 - (c) Each Member of the Council;
 - (d) The President of the State Board of Education; and
 - (e) Each Member of the State Board of Education.

3301 NOTIFICATION OF CONFLICT OF INTEREST: NON-ELECTED OFFICIALS

3301.1 Any District government employee who, in the discharge of his or her official duties, would be required to act in any manner prohibited under § 3300.1(a) shall:

- (a) Prepare a written statement that:
 - (1) Advises of the nature and circumstances of the particular matter; and
 - (2) Makes full disclosure of the financial interest; and
- (b) Deliver such statement to his or her supervisor and the Director.

3301.2 A District government employee shall be exempt from the prohibition set forth in § 3300.1(a) if he or she, upon complying with § 3301.1, receives in advance a written determination made by his or her supervisor and the Director that:

- (a) The financial interest is not so substantial as to be deemed likely to affect the integrity of the services that the government may expect from the employee; or
- (b) Another legally cognizable basis for waiver exists.

3302 NOTIFICATION OF CONFLICT OF INTEREST: ELECTED OFFICIALS

3302.1 Any elected official who, in the discharge of his or her official duties, would be required to act in any manner prohibited under § 3300.1(a) shall:

- (a) Prepare a written statement that:
 - (1) Advises of the nature and circumstance of the particular matter; and
 - (2) Makes full disclosure of the financial interest; and
- (b) Deliver such statement to:
 - (1) The Council Chairman, in the case of a member of the Council; or
 - (2) The Director, in the case of an elected official other than a member of the Council.

3302.2 During any proceeding in which an elected official, who has delivered a statement under § 3302, would be required to take action that is prohibited under 3300.1(a), the Chairman of the impacted body shall:

- (a) Read the statement delivered under § 3302 into the record of proceedings; and
- (b) Excuse the elected official from votes, deliberations, and other actions on the matter.

3302.3 No Councilmember excused from votes, deliberations, or other actions on a matter under § 3302.2 shall in any way participate in or attempt to influence the outcome of the particular matter in a manner that is likely to have a direct and predictable effect on the employee's financial interests or the financial interests of a person closely affiliated with the employee.

3303 INTERPRETATIVE OPINIONS

3303.1 Any person subject to this chapter may request a written interpretative opinion concerning the application of the Act, and chapters 30-41 of this title.

3303.2 The request shall be addressed to the Director in writing.

3303.3 Each request shall contain the following:

- (a) The full name and address of the requestor;
- (b) A query as to an application of the Act, and chapters 30-41 of this title, solely with respect to an actual or potential event concerning a specific or general transaction or activity of the person;
- (c) Any related documentation.

3303.4 The Director shall notify the requestor in writing of the acceptance of each request.

3303.5 The Director shall respond in writing to each request within thirty (30) days after it has been accepted for review by the Office of Campaign Finance.

3303.6 If the requestor disagrees with the interpretative opinion issued by the Director, the requestor may request an advisory opinion from the Board of Elections, pursuant to chapter 3 of this title.

Chapter 34 of title 3 of the DCMR is amended in its entirety to read as follows:

CHAPTER 34 CAMPAIGN FINANCE RECORDKEEPING AND AUDITS

- 3400 RECORDKEEPING PROCEDURES**
- 3401 EXPENDITURES**
- 3402 RECEIPT**
- 3403 AVAILABILITY OF FINANCIAL RECORDS**
- 3404 DESK REVIEWS AND AUDITS**

3400 RECORDKEEPING PROCEDURES

3400.1 To ensure financial accountability, this chapter governs the recordkeeping procedures for the following:

- (a) Candidates, including candidates seeking election to an Advisory Neighborhood Commission (ANC);
- (b) Political Committees;
- (c) Lobbyists;
- (d) Constituent-Service Programs;
- (e) Statehood Funds;
- (f) Exploratory Committees;
- (g) Inaugural Committees;
- (h) Legal Defense Committees; and
- (i) Transition Committees.

3400.2 Each person who is required to file records under §3400.1 shall obtain and preserve, from the date of registration, detailed records of all contributions and expenditures disclosed in reports and statements filed with the Director, including the following:

- (a) Check stubs;
- (b) Bank statements;
- (c) Canceled checks;

- (d) Contributor cards and copies of donor checks;
- (e) Deposit slips;
- (f) Invoices;
- (g) Receipts;
- (h) Contracts;
- (i) Subcontracts;
- (j) Payroll records;
- (k) Lease agreements;
- (l) Petty cash journals, if applicable;
- (m) Ledgers;
- (n) Vouchers; and
- (o) Loan documents.

3400.3 Bank statements may be submitted in lieu of canceled checks to show financial transactions, as long as the bank statements include photocopies of the canceled checks.

3400.4 A contribution received after an election cycle (primary and general) shall be earmarked to indicate that the contribution is for the retirement of the debt of a candidate or political committee.

3400.5 Each filer, with the exception of lobbyists, shall maintain the records required under § 3400.2 for a period of three (3) years from the date of the filing of the final Report of Receipts and Expenditures (R&E Report) and the Statement of Committee Termination under § 3014.

3400.6 Each lobbyist shall maintain the records required under § 3400.2 for a period of five (5) years from the date of the filing of the Lobbying Activity Report required under § 3102.

3401 EXPENDITURES

3401.1 With the exception of petty cash disbursements, each expenditure shall be made by:

- (a) Serially pre-numbered check that identify the required filer on the face of the check; and
- (b) A commercial-business type of check that includes spaces for the entry of each check and a brief explanation of the nature of the disbursement.

3401.2 Checks shall be issued by the filer:

- (a) In consecutive numerical order; and
- (b) Out of the depository account.

3401.3 Checks shall be recorded:

- (a) In a cash disbursement journal; and
- (b) On the check stub, as provided.

3401.4 Voided or stale-dated checks shall be:

- (a) Stamped "void" or made non-negotiable; and
- (b) Retained in accordance with § 3400.2.

3401.5 Each expenditure from petty cash shall be made in accordance with the following procedures:

- (a) Each disbursement from the petty cash fund shall be supported by a petty cash voucher; and
- (b) Each reimbursement out of the petty cash fund shall be accompanied by appropriate documentation, for example, receipts or invoices.

3401.6 Each expenditure shall be reconciled with the total monthly disbursements, as shown by the following:

- (a) Canceled checks; and
- (b) Bank statements.

3402 RECEIPTS

3402.1 To fully identify the donor of a contribution, each receipt shall contain:

- (a) The donor's full name;

- (b) The donor's mailing address;
- (c) The donor's occupation and principal place of business, if any;
- (d) The date of the contribution; and
- (e) The amount of the contribution.

3402.2 Each receipt shall be handled in the following manner:

- (a) A pre-numbered receipt shall issue for each contribution received; and
- (b) Receipts shall be documented by contributor cards and copies of the donor's check.

3402.3 Records of receipts and contributions shall be maintained to show:

- (a) Cumulative totals, with the exception of receipts for sales or collections; and
- (b) For receipts for sales or collections, a detailed record of receipts and expenditures.

3402.4 Each filer shall separately identify itemized receipts from unitemized receipts (for example, those receipts obtained at fundraising events).

3403 AVAILABILITY OF FINANCIAL RECORDS

3403.1 The Director shall have access to:

- (a) All books, records, accounts, reports, surveys, and other documentation deemed necessary by the Director for the administration and enforcement of this title; and
- (b) All books, accounts, records, reports, surveys, and any other evidence or documentation within the custody of any organization, including subcontractors, agency, board, commission, department, or any instrumentality of the District of Columbia government, pertaining to the activities of any filer.

3403.2 All records, under this chapter, shall be made available for review and audit no later than ten (10) days after receipt of a written request by the Director.

3404 DESK REVIEWS AND AUDITS

- 3404.1 The Report Analysis and Audit Division (Audit Division) of the Office of Campaign Finance shall conduct Desk Reviews of each Report of Receipt and Expenditure filed with the Agency to ensure the accurate reporting of financial activity, as shown by the following:
- (a) The ending balance from the last report filed is carried forward as the beginning balance for the report under review;
 - (b) The information on the Summary Page, including both columns A and B, is complete and correct mathematically, and presents an overall view of the financial activities of the filer;
 - (c) The information on the Detailed Summary Page, including both columns A and B, is complete and correct mathematically, and presents an overall breakdown of the categories of all receipts;
 - (d) All Schedules A provide complete and detailed information for each receipt, an itemized list of, and which equals, all receipts for each of the categories on the Detailed Summary Page, and that each contribution does not exceed contribution limits;
 - (e) All Schedules B provide complete and detailed information for each disbursement, an itemized list of, and which equals, all disbursements for each of the categories on the Detailed Summary page, and list valid purposes for each expenditure;
 - (f) The information on Schedule C is complete and detailed as to all receipts received from sales and collections, and the total is carried to the Summary Page;
 - (g) The information on Schedule D is complete and detailed as to all debts and obligations (excluding loans) owed by or to the filer, and the total is carried to the Summary Page; and
 - (h) The information on Schedule E is complete and detailed as to all loans made by or to the filer, and the total is carried to the Summary Page.
- 3404.2 At the conclusion of the Desk Review, the Audit Division will issue a Request for Additional Information (RFAI) letter to each filer whose Report of Receipts and Expenditures was found to contain errors or discrepancies. The RFAI will detail the errors and discrepancies noted during the Desk Review, and will require the filer to respond within fifteen (15) calendar days and provide corrections or file an amended report.
- 3404.3 In addition, the Audit Division may conduct full field audits and periodic random field audits of the receipts, disbursements, and debts and obligations of

candidates; principal campaign committees; political committees; inaugural, transition, and exploratory committees; legal defense funds; and constituent-service and statehood fund programs.

3404.4 Full Field Audits may be initiated as follows:

- (a) Following an election year, the principal campaign committees of candidates newly elected to office may be selected for full field audit in the non-election year occurring thereafter; or
- (b) The Director of the Office of Campaign Finance may direct the conduct of full field audits as the result of complaints received for the investigation of alleged violations of the Campaign Finance Act of 2011 from either the OCF or members of the public, or by order of the Board of Elections.

3404.5 Periodic Random Field Audits will be conducted as follows:

- (a) For candidates and continuing principal campaign committees, the auditees will be selected from the list of timely filers for each January 31st and July 31st report date, following the close of the filing deadline;
- (b) For political action committees, the auditees will be selected from the list of timely filers for each January 31st and July 31st report date, following the close of the filing deadline; and
- (c) For Constituent Service and Statehood Fund Programs, the auditees will be selected commencing with the April 1st report date and every other quarterly filing deadline thereafter, during the calendar year.

3404.6 The Audit Branch must notify the Treasurer of the committee selected for audit in writing of the audit, and request the delivery to OCF by a date certain within thirty (30) calendar days of the issuance of the letter, of all underlying documentation, including bank statements and records, copies of deposit slips, contributor checks and cards, invoices, and loan documents supporting each and every transaction reported during the coverage period.

3404.7 Upon receipt of all financial records, the audit field work shall commence and include the review of all disclosure reports for completeness and mathematical accuracy, the reconciliation of bank account records to the disclosure reports filed, and such other audit procedures as deemed necessary.

3404.8 Once the fieldwork is completed, the Audit Division shall issue a Preliminary Audit Report, with Findings and Recommendations, and require the submission of a written response, amended report, and/or additional documentation by the committee within thirty (30) calendar days or less after receipt of the Report.

- 3404.9 The Final Audit Report will be released and made available to the public following the receipt and review of the committee response for compliance with all outstanding issues.
- 3404.10 In the event of the failure to provide committee records or to respond to the Preliminary Audit Report, in whole or in part, or to any other request of the Audit Division, including the Request for Additional Information, the Audit Branch will refer the failure to comply to the OCF General Counsel for the initiation of the enforcement process pursuant to § 3700 of this title.
- 3404.11 It is the policy of the Board of Elections that extensions of time to take action required within a period of time under this chapter will not be routinely granted, without a demonstration that good cause exists for such a request, and the extension shall not exceed 15 days.
- 3404.12 During the period of any audit under this chapter, the committee must continue to file any reports of receipts and expenditures which may become due.

Chapter 35 of title 3 of the DCMR is amended in its entirety to read as follows:

CHAPTER 35 MINOR PARTY EXEMPTION

3500 REQUEST FOR EXEMPTION
3501 INFORMAL HEARING FOR EXEMPTION
3502 PROCEDURES FOR INFORMAL HEARING
3503 DECISIONS OF THE DIRECTOR
3504 REVIEW BY THE BOARD OF ELECTIONS

3500 REQUEST FOR EXEMPTION

3500.1 Any member, contributor, or recipient of expenditures involving a minor party may request an exemption from the disclosure provisions of this title.

3500.2 The requestor shall apply, in writing, to the Director.

3501 INFORMAL HEARING FOR EXEMPTION

3501.1 Within fifteen (15) days following a request for an exemption, the Director shall conduct an informal hearing.

3501.2 To obtain an exemption, the requestor shall show, by a reasonable probability, that the disclosure of the names of the members, contributors, and recipients of expenditures shall expose the persons to economic reprisals, harassment, loss of employment, or threat of physical coercion from government officials or private parties.

3501.3 Evidence of the type of harm alleged, pursuant to § 3501.2, shall include past or present harassment of members, recipients, or contributors due to their associational ties, and/or threats, reprisals, or public hostility toward the minor party, its members, supporters, or individuals representing similar views.

3502 PROCEDURES FOR INFORMAL HEARING

3502.1 Notice of an informal hearing shall be issued in writing at least seven (7) days prior to the hearing.

3502.2 In the notice, the requester shall be informed of:

- (a) The authority upon which the hearing is based;
- (b) The time and place of the hearing;
- (c) The right to be represented by legal counsel; and

(d) The fact that the requester's failure to appear may result in a dismissal of the matter.

3502.3 The Director shall regulate the course of the informal hearing and the conduct of the parties and their counsel.

3502.4 The requester, or counsel for the requester, shall present the requester's case and evidence to the Director.

3502.5 The Director may wait a reasonable period of time for the requester to appear before beginning the informal hearing.

3502.6 If the requester fails to appear after a reasonable period of time, the Director shall:

(a) Reschedule the informal hearing;

(b) Issue notice of the rescheduled hearing; and

(c) Serve the requester both by certified and regular mail.

3502.7 If the requester fails to appear after an informal hearing has been rescheduled, the Director may proceed with the informal hearing; provided, that the requester has received notice.

3502.8 Following the conduct of each informal hearing, the Director shall issue a written order with findings of facts and conclusions of law.

3503 DECISIONS OF THE DIRECTOR

3503.1 If the Director denies the request, the minor party shall disclose all necessary information in accordance with this title.

3503.2 If the Director approves the request, the minor party shall add the following sentence on all campaign literature: "By Order of the Director, pursuant to Title 3 DCMR, Chapter 35, we are exempt from disclosing the names of the members, contributors, and recipients of expenditures to protect our First Amendment rights."

3503.3 Nothing in this chapter shall preclude the Director from conducting an investigation for violations of this title, other than those disclosure requirements exempted under this chapter.

3504 REVIEW BY THE BOARD OF ELECTIONS

3504.1 Any party adversely affected by any order of the Director may obtain review of the order by filing with the Board of Elections a request for a hearing *de novo*.

3504.2 The request pursuant to § 3504.1 shall be filed:

- (a) Within fifteen (15) days from the issuance by the Director of an order; and
- (b) In accordance with chapter 4 of this title.

Chapter 36 of title 3 of the DCMR is amended in its entirety to read as follows:

**CHAPTER 36 DISTRICT OF COLUMBIA SENATOR AND
REPRESENTATIVE**

**3600 DISTRICT OF COLUMBIA STATEHOOD FUNDS
3601 STATEHOOD FUND PETTY CASH
3602 APPLICABILITY
3603 DISSOLUTION OF STATEHOOD FUND
3604 PENALTIES**

3600 DISTRICT OF COLUMBIA STATEHOOD FUNDS

- 3600.1 The D.C. Senator or Representative (Senator or Representative) may establish a District of Columbia Statehood Fund (Statehood fund) to support the purposes and operations of the public office of a Senator or Representative, which may include:
- (a) Office expenses; and
 - (b) Staff salaries; provided, that the Senator and Representative shall receive compensation no greater than that of the Chairman of the Council.
- 3600.2 The Senator and Representative shall be prohibited from expending monies from the Statehood fund for:
- (a) Promoting or opposing any political party or committee; or
 - (b) Promoting or opposing the nomination, election, or recall of any individual to or from public office.
- 3600.3 To finance the Statehood fund, each Senator and Representative may solicit and receive the following contributions:
- (a) Services;
 - (b) Monies;
 - (c) Gifts;
 - (d) Endowments;
 - (e) Donations; and
 - (f) Bequests.

- 3600.4 Except for any monies included in annual Congressional appropriations, all contributions shall be deposited in the respective District of Columbia Statehood fund (Statehood fund) for each Senator and Representative.
- 3600.5 Each Senator and Representative shall designate one or more District of Columbia federally chartered depository institutions, including a national bank, which is insured by either:
- (a) The Federal Deposit Insurance Corporation;
 - (b) The Federal Savings and Loan Insurance Corporation; or
 - (c) The National Credit Union Administration.
- 3600.6 Each Senator or Representative may establish more than one (1) account at any depository; provided, that at least one (1) checking account shall be maintained at one (1) depository.
- 3600.7 Each Senator and Representative may designate a financial officer to manage the Statehood fund; provided, that the Senator and Representative shall remain solely responsible for the lawful administration of the Statehood fund.
- 3600.8 Within ten (10) days of assuming office, each Senator and Representative shall file a Statement of Information (Statement), on a form prescribed by the Director, regarding the Statehood fund.
- 3600.9 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.

3601 STATEHOOD FUND PETTY CASH

3601.1 A Senator or Representative may establish a petty cash fund; provided, that the monies for the petty cash shall derive from the Statehood fund.

3601.2 A Senator or Representative shall maintain the petty cash fund and records in accordance with chapter 30 of this title.

3602 APPLICABILITY

3602.1 Each Senator and Representative shall submit and file a Report of Receipts and Expenditures (R&E Report) for each Statehood fund in accordance with chapter 30 of this title.

3602.2 Each Senator and Representative shall maintain their records in accordance with chapter 35 of this title.

3602.3 Within this title, each Senator and Representative shall be subject to the following provisions:

- (a) Limitations on contributions, pursuant to chapter 30 of this title;
- (b) Limitations on constituent-service programs, pursuant to chapter 30 of this title;
- (c) Financial disclosure, pursuant to chapter 32 of this title;
- (d) Honoraria limitations, pursuant to chapter 32 of this title; provided, that the salary of the Senator or Representative is supported by public revenues; and
- (e) Conflict of interest, pursuant to chapter 33 of this title.

3603 DISSOLUTION OF STATEHOOD FUND

3603.1 A Senator or Representative shall dissolve the respective Statehood fund in accordance with chapter 30 of this title.

3603.2 A Senator or Representative shall disburse any surplus funds remaining in the respective Statehood fund in accordance with chapter 30 of this title.

3604 PENALTIES

3604.1 Penalties for any violations of this chapter shall be imposed pursuant to chapter 37 of this title.

Chapter 37 of title 3 of the DCMR is amended in its entirety to read as follows:

CHAPTER 37 INVESTIGATIONS AND HEARINGS

- 3700 INVESTIGATIONS IN GENERAL**
- 3701 INITIATION OF INVESTIGATION**
- 3702 INTERNAL INQUIRY**
- 3703 PRELIMINARY INVESTIGATIONS**
- 3704 FULL INVESTIGATIONS**
- 3705 ADMINISTRATIVE DISPOSITION OF INVESTIGATIONS**
- 3706 INSTITUTION OF A CHARGE AND FORMAL HEARING**
- 3707 SUBPOENAS AND DEPOSITIONS**
- 3708 SERVICE OF SUBPOENAS AND NOTICE OF DEPOSITION**
- 3709 INFORMAL HEARING FOR ALLEGED VIOLATIONS OF REPORTING REQUIREMENTS**
- 3710 CEASE AND DESIST ORDERS BASED ON VIOLATIONS**
- 3711 SCHEDULE OF FINES**
- 3712 PROCEDURES REGARDING EXCESSIVE CONTRIBUTIONS**
- 3713 PUBLIC ACCESS TO DOCUMENTS**
- 3714 REPORTS AND STATEMENTS UNDER OATH**

3700 INVESTIGATIONS IN GENERAL

- 3700.1 The provisions of this chapter shall establish the procedures for the conduct of all investigations by the Director of Campaign Finance (Director), and/or his or her designee, of alleged violations of the Campaign Finance Act (Act), and chapters 30 - 41 of this title.
- 3700.2 Investigations shall be conducted fairly and professionally, and in a manner that protects the rights and reputations of public employees and officials.
- 3700.3 Investigations shall be identified as one (1) of the following:
 - (a) Internal Inquiry;
 - (b) Preliminary Investigation; or
 - (c) Full Investigation.
- 3700.4 All proceedings and records of the Office of Campaign Finance (OCF) relating to the initiation or conduct of any investigation shall be confidential and closed to the public, except all orders of the Director issued during investigative proceedings shall be made available to the public at OCF's website.
- 3700.5 The disposition of each investigation shall be made part of the public record.

3701 INITIATION OF INVESTIGATION

3701.1 An investigation may commence upon referral by the Board of Elections (Board) or the filing of a complaint in writing with the Director.

3701.2 Each complaint shall include:

- (a) The full name and address of the complainant and the respondent;
- (b) A clear and concise statement of facts that alleged to constitute a violation of the Act, or of chapters 30-41 of this title;
- (c) The complainant's signature;
- (d) A verification of the complaint under oath; and
- (e) Supporting documentation, if any.

3702 INTERNAL INQUIRY

3702.1 An internal inquiry shall involve an examination by the Director of a possible violation of the Act, when the possible violation comes to the attention of the Director.

3702.2 The Director may initiate an internal inquiry through the following sources:

- (a) The media; or
- (b) Documents filed with the OCF.

3702.3 Within a reasonable time after examination of an internal inquiry, the Director shall determine whether to initiate a preliminary investigation.

3703 PRELIMINARY INVESTIGATIONS

3703.1 A preliminary investigation shall entail an inquiry by the Director to determine whether there is reasonable cause to believe that a violation has occurred.

3703.2 Preliminary investigations may be initiated by any one (1) of the following means:

- (a) Referral by the Board of Elections;
- (b) Complaint by any employee or resident of the District of Columbia; or

(c) Complaint generated by the OCF.

3703.3 A preliminary investigation conducted by OCF shall be strictly investigatory, non-adversarial, and non-adjudicatorial.

3703.4 Within thirty (30) days of initiation of a preliminary investigation, the Director shall determine whether a full investigation is necessary.

3703.5 Within ten (10) days after initiation of a preliminary investigation, the Director shall notify, in writing, the person (respondent) who is the subject of the preliminary investigation.

3703.6 Notification to the respondent shall consist of the following:

(a) A copy of the complaint;

(b) Explanation of the existence of the investigation and the general nature of the alleged violation; and

(c) An offer to the subject affording the opportunity to respond to the allegation(s).

3704 FULL INVESTIGATIONS

3704.1 A full investigation regarding any alleged violation of the Act or chapters 30-41 of this title shall commence upon a finding of reasonable cause by the Director, and notice to the respondent that a full investigation has commenced.

3704.2 The full investigation shall be conducted by evidence gathered and explored by the following:

(a) Subpoena;

(b) Depositions;

(c) Interrogatories;

(d) Interviews;

(e) Audits;

(f) Affidavits;

(g) Documents; and

(h) Other means deemed appropriate.

- 3704.3 The Director may require any person to submit in writing certain reports and answers to questions, as prescribed by the Director, relating to the administration and enforcement of the Act, and chapters 30-41 of this title.
- 3704.4 Any person required by the Director to submit in writing certain reports or to answer questions under shall submit such reports and/or answers within seven (7) calendar days after receipt of the request.
- 3704.5 If any person required by the Director to submit in writing certain reports or to answer questions fails to submit such reports or answers within seven (7) calendar days after receipt of the request, the Director shall issue a subpoena in accordance with § 3707 of this chapter.
- 3704.6 All submissions of reports or answers shall be made under oath; provided, that the person is not represented by counsel.
- 3704.7 Within ninety (90) days of receipt of any complaint, the Director shall:
- (a) Cause evidence to be presented to the Board, if sufficient evidence exists constituting an apparent violation, pursuant to § 3706;
 - (b) Dismiss the complaint, if insufficient evidence exists to present the matter, pursuant to § 3705; or
 - (c) Impose civil penalties, pursuant to § 3711, upon a determination that a violation of the reporting and disclosure requirements prescribed by the Act and/or chapters 30-41 of this title has occurred.
- 3704.8 The Director may seek, upon a showing of good cause, an extension of time as reasonably necessary to complete an investigation.

3705 ADMINISTRATIVE DISPOSITION OF INVESTIGATIONS

- 3705.1 The Director may dismiss any case administratively for any of the following reasons:
- (a) Insufficient evidence exists to support a violation;
 - (b) Stipulation of the parties;
 - (c) Inability to serve process on respondent;
 - (d) Lack of jurisdiction over respondent; or
 - (e) Lack of subject matter jurisdiction.

3705.2 The Director shall report to the Board any dismissal issued under § 3705.1 by order with written findings of facts and conclusions of law.

3705.3 The order issued under § 3705.2 shall be served upon all parties or their representatives.

3705.4 Any party adversely affected by any order of the Director issued under § 3705.2 may obtain review of the order by filing a request with the Board of Elections pursuant to § 3709.12.

3706 INSTITUTION OF A CHARGE AND FORMAL HEARING

3706.1 Upon belief that sufficient evidence exists constituting an apparent violation of the Act and/or of chapters 30-41 of this title, the Director shall institute a formal charge or complaint against the alleged violator pursuant to chapter 4 of this title.

3706.2 The complaint shall include:

- (a) The basis for the Director's jurisdiction over the alleged violation(s);
- (b) A recitation of the facts alleged to be violations of the Act and/or regulations;
- (c) Proposed sanctions; and
- (d) A prayer for relief.

3706.3 The Director shall present evidence of the violation to the Board in an adversarial and open hearing.

3707 SUBPOENAS AND DEPOSITIONS

3707.1 The Director shall have the power to require, by subpoena, the attendance and testimony of witnesses and the production of documentary evidence.

3707.2 Except as provided in § 3704.7 of this chapter, each subpoena issued by the Director shall be approved by the Board, and shall include:

- (a) The name of the respondent;
- (b) The title of the action;
- (c) A specification of the time allowed for compliance with the subpoena; and
- (d) A command to the person to whom it is directed to:

- (1) Attend and give testimony at a time and place specified in the subpoena; and/or
- (2) Produce and permit inspection and copying of the books, papers, documents, or tangible things designated in the subpoena.

- 3707.3 A complainant may request the Director to subpoena particular persons or evidence; provided, that the subpoena shall not be obtained as a matter of right to the complainant.
- 3707.4 Any person to whom a subpoena is directed may, prior to the time specified in the subpoena for compliance, file a motion to request that the Board quash or modify the subpoena.
- 3707.5 Any application to quash a subpoena shall be accompanied by a brief statement of the reasons supporting the motion to quash.
- 3707.6 The Board may quash or modify the subpoena upon a showing of good cause.
- 3707.7 Upon written notice, the Director may, in any proceeding or investigation, order testimony to be taken by deposition, under oath, before any person who is designated by the Director.
- 3707.8 A deposition may be scheduled at a time and place convenient to the parties.
- 3707.9 A respondent or witness may be represented by counsel at a deposition.
- 3707.10 A transcript of a deposition may be requested and furnished at reasonable cost to the requestor.

3708 SERVICE OF SUBPOENAS AND NOTICE OF DEPOSITION

- 3708.1 A subpoena or a notice of a deposition shall be served upon a person by delivering a copy of the subpoena or notice to the named person, pursuant to this section.
- 3708.2 If a person is represented by counsel in a proceeding, a subpoena or a notice may be served upon counsel.
- 3708.3 Service of a subpoena or a notice of deposition and fees to an individual may be made by any of the following means:
- (a) Handing the subpoena or notice to the person;

- (b) Leaving the subpoena or notice at the person's office with the person in charge of the office;
- (c) Leaving the subpoena or notice at the person's dwelling place or usual place of abode with some person of suitable age and discretion residing in that dwelling place or abode;
- (d) Mailing the subpoena or notice by registered or certified mail to the person at the person's last known address with return receipt requested; or
- (e) Any other method whereby actual notice is given to the person.

3708.4 When the person to be served is not an individual, a copy of the subpoena or notice of the deposition and fees shall be delivered by one (1) of the following means:

- (a) Handing the subpoena or notice to a bona fide registered agent;
- (b) Handing the subpoena or notice to any office, director, or agent in charge of any office of that entity;
- (c) Mailing the subpoena or notice by registered or certified mail to a representative or agent of the entity at his or her last known address with return receipt requested; or
- (d) Any method whereby actual notice is given to an agent or representative of the entity.

3709 INFORMAL HEARING FOR ALLEGED VIOLATIONS OF REPORTING REQUIREMENTS

3709.1 The Director may institute or conduct an informal hearing on alleged violations of the reporting and disclosure requirements, prescribed by the Act and chapters 30-41 of this title.

3709.2 The reporting and disclosure requirements shall apply to the following documents:

- (a) Statement of Acceptance of Position of Chairperson;
- (b) Statement of Acceptance of Position of Treasurer;
- (c) Identification of Campaign Literature;
- (d) Lobbyist Registration Form;
- (e) Lobbyist Activity Report;

- (f) Notice of Not Receiving Contributions or Expenditures;
- (g) Notification of Non-Support;
- (h) Report of Exemption for a Candidate Expending Less Than \$500;
- (i) Report of Receipts and Expenditures;
- (j) Request for Candidate Waiver;
- (k) Request for Additional Information;
- (l) Statement of Candidacy;
- (m) Statement of Candidate Withdrawal;
- (n) Statement of Committee Termination;
- (o) Statement of Information;
- (p) Statement of Organization;
- (q) Statement of Potential Conflict of Interest;
- (r) Summary Financial Statement for Advisory Neighborhood Commission (ANC);
- (s) Verified Statement of Contribution Report;
- (t) Withdrawal of Chairperson;
- (u) Withdrawal of Treasurer;
- (v) 24-Hour Report of Receipts for Candidates and Political Committees; and
- (w) Public Financial Disclosure Statement.

3709.3 Notice of an informal hearing shall be issued in writing at least ten (10) days prior to the hearing; provided that the ten (10) day period may be waived for good cause shown as long as the party is given a sufficient opportunity to prepare for the hearing.

3709.4 In the notice, an alleged violator of the reporting requirements shall be informed of:

- (a) The nature of the alleged violation;
- (b) The authority on which the hearing is based;

- (c) The time and place of the hearing;
 - (d) The right to be represented by legal counsel;
 - (e) The fact that the alleged violator's failure to appear may be considered an admission of the allegation; and
 - (f) The fact that service of process shall be by regular mail.
- 3709.5 The Director shall regulate the course of the informal hearing and the conduct of the parties and their counsel.
- 3709.6 The respondent, or his or her counsel, may present the respondent's case and evidence to the Director.
- 3709.7 The Director may wait a reasonable period of time for the respondent to appear before beginning the informal hearing.
- 3709.8 If the respondent fails to appear after a reasonable period of time, the Director shall:
- (a) Reschedule the informal hearing;
 - (b) Issue notice of the rescheduled informal hearing; and
 - (c) Serve the respondent both by certified and regular mail.
- 3709.9 If the respondent fails to appear after an informal hearing has been rescheduled under § 3709.8, the Director may proceed with the informal hearing by making a record of the proceeding.
- 3709.10 Following the conduct of each informal hearing, the Director shall:
- (a) Determine whether a violation has occurred; and
 - (b) Issue a written order with findings of facts and conclusions of law.
- 3709.11 Any party adversely affected by any order of the Director may obtain review of the order by filing, with the Board of Elections, a request for a hearing *de novo*.
- 3709.12 The request for a hearing *de novo* pursuant to § 3709.12 shall be filed:
- (a) Within fifteen (15) days from the issuance by the Director of an order; and
 - (b) In accordance with chapter 4 of this title.

- 3709.13 Within five (5) days after receipt of an order of the Director where a fine has been imposed, a respondent may file a Motion for Reconsideration to address issues considered mitigating that were not presented during the hearing.
- 3709.14 The Motion shall not address issues that were not the subject of the alleged violation for which the penalty was assessed.
- 3709.15 The Director shall respond to the Motion within five (5) days after its receipt by issuing a new order which either:
- (a) Modifies or vacates the original order, providing clearly articulated reasons; or
 - (b) Denies the Motion and affirms the original order, providing clearly articulated reasons.
- 3709.16 The filing of the Motion shall toll the appeal period for requesting a hearing *de novo* before the Board of Elections, or the payment of the fine.
- 3709.17 The appeal period shall be recalculated from the date of issuance of the subsequent order of the Director in the matter, if appropriate.

3710 CEASE AND DESIST ORDERS BASED ON VIOLATIONS

- 3710.1 Upon a determination that a violation has occurred, the Director may issue an order to the offending party to cease and desist the violation within the five (5) day period immediately following the issuance of the order.
- 3710.2 A cease and desist order shall contain the specific violation which occurred, and shall be delivered to the offending party personally or by certified mail.
- 3710.3 Should the offending party or parties fail to comply with the order, the Director shall present evidence of such noncompliance to the Board in an adversarial and open hearing, pursuant to chapter 4 of this title.
- 3710.4 After the hearing under § 3710.3, the Board may either dismiss the action, or refer the matter to the United States Attorney for the District of Columbia pursuant to section 302(c) of the Act.

3711 SCHEDULE OF FINES

- 3711.1 Upon a determination, pursuant to § 3704 or 3709, that a violation has occurred, the Director may ministerially impose fines upon the offending party in the following manner:
- (a) Each allegation shall constitute a separate violation; and

(b) A fine shall attach for each day of non-compliance for each violation.

3711.2

Except for fines imposed under § 3711.3 for violations of the regulations and statutory provisions governing Constituent Services Programs, fines shall be imposed as follows:

- (a) Accepting a contribution or making an expenditure while office of treasurer is vacant: fifty dollars (\$50) per day;
- (b) Failure to designate a principal campaign committee: thirty dollars (\$30) per day;
- (c) Failure to designate a campaign depository: thirty dollars (\$30) per day;
- (d) Failure to file a Statement of Organization for a political, exploratory, inaugural, or transition committee: thirty dollars (\$30) per day;
- (e) Failure to file a Statement of Candidacy: thirty dollars (\$30) per day;
- (f) Failure to file a Report of Receipts & Expenditures: fifty dollars (\$50) per day;
- (g) Failure to file an Exemption for a Candidate spending less than \$500: fifty dollars (\$50) per day;
- (h) Accepting legal tender of twenty-five dollars (\$25) or more: five hundred dollars (\$500);
- (i) Failure to file a Statement of Information: thirty dollars (\$30) per day;
- (j) Using of Statehood funds for political activities: two thousand dollars (\$2,000);
- (k) Accepting honoraria in excess of ten thousand dollars (\$10,000): five hundred dollars (\$500);
- (l) Accepting royalties in excess of ten thousand dollars (\$10,000): five thousand dollars (\$5,000);
- (m) Making a contribution deposit into an account not designated as a campaign depository: five hundred dollars (\$500);
- (n) Failure to place Identification Notice on campaign literature: five hundred dollars (\$500);
- (o) Accepting a contribution in excess of contribution limitations: two thousand dollars (\$2,000);
- (p) Making a contribution in excess of contribution limitations: one thousand dollars (\$1,000);
- (q) Accepting a contribution made by one person in the name of another person: two thousand dollars (\$2,000);

- (r) Making a contribution in the name of another person: two thousand dollars (\$2,000);
- (s) Using official position in a manner known to be likely to have a direct and predictable effect on the financial interests of either the employee or a person closely affiliated with the employee: five thousand dollars (\$5,000);
- (t) Accepting any compensation, salary, or contribution to salary, gratuity, or any other thing of value from a source other than the District government for the employee's performance of official duties: five thousand dollars (\$5,000);
- (u) Giving any compensation, salary, or contribution to salary, gratuity, or any other thing of value to a District government employee in exchange for the employee's performance of his or her official duties: five thousand dollars (\$5,000);
- (v) In the case of a District government employee, or a member of a District government employee's household, knowingly acquiring stocks, bonds, commodities, real estate, or other property, whether held individually or jointly, the acquisition of which could unduly influence or give the appearance of unduly influencing the employee in the conduct of his or her official duties and responsibilities: five thousand dollars (\$5,000);
- (w) Failure to disclose potential conflicts of interest on a Financial Disclosure Statement (FDS): five thousand dollars (\$5,000);
- (x) Failure to file FDS: fifty dollars (\$50) per day;
- (y) Failure to timely dispose of surplus campaign funds: fifty dollars (\$50) per day;
- (z) Failure to file additional information requested by the Director: fifty dollars (\$50) per day;
- (aa) Failure to disclose required information on reports and statements: fifty dollars (\$50) per day;
- (bb) Failure to file ANC Summary Financial Report: thirty dollars (\$30) per day;
- (cc) Failure to file a Lobbyist Registration form: seven hundred fifty dollars (\$750);
- (dd) Failure to file a Lobbyist Activity Report: ten dollars (\$10) per day, up to thirty (30) days;
- (ee) Failure to file a Statement of Acceptance of Position of Chairperson: thirty dollars (\$30) per day;
- (ff) Failure to file a Statement of Acceptance of Position of Treasurer: thirty dollars (\$30) per day;

- (gg) Making an expenditure in excess of expenditure limitations: one thousand dollars (\$1,000);
- (hh) Using District government resources for campaign-related activities: two thousand dollars (\$2,000);
- (ii) Failure to designate an exploratory committee: thirty dollars (\$30) per day;
- (jj) Failure to file Informational Report: fifty dollars (\$50) per day;
- (kk) Accepting a contribution in excess of aggregate limitations: two thousand dollars (\$2,000);
- (ll) Failure to maintain records required under § 3400.2: two thousand dollars (\$2,000);
- (mm) Failure to provide notice of potential conflicts of interest: five thousand dollars (\$5,000); and
- (nn) In the case of a District government employee, or a member of a District government employee's household, knowingly acquiring an interest in a business or commercial enterprise that is related directly to the employee's official duties, or which might otherwise be involved in an official action taken or recommended by the employee, or which is related to matters over which the employee could wield any influence, official or otherwise: five thousand dollars (\$5,000).

3711.3

Fines for violations of the regulations and statutory provisions governing Constituent Services Programs shall be imposed, as follows:

- (a) Failure to designate a constituent-service program depository: thirty dollars (\$30) per day;
- (b) Failure to file a Statement of Acceptance of Position of Chairperson: thirty dollars (\$30) per day;
- (c) Failure to file a Statement of Acceptance of Position of Treasurer: thirty dollars (\$30) per day;
- (d) Accepting a contribution or making an expenditure while office of treasurer is vacant: fifty dollars (\$50) per day;
- (e) Failure to file additional information requested by the Director: fifty dollars (\$50) per day;
- (f) Failure to disclose required information on reports and statements: fifty dollars (\$50) per day;
- (g) Accepting a contribution made by one person in the name of another person: five thousand dollars (\$5,000);
- (h) Making a contribution in the name of another person: five thousand dollars (\$5,000);

- (i) Accepting a contribution in excess of the constituent-services program contribution limitation: five thousand dollars (\$5,000);
- (j) Making a contribution in excess of the constituent-services program contribution limitation: five thousand dollars (\$5,000);
- (k) Conducting campaign activities in the constituent-services program: five thousand dollars (\$5,000);
- (l) Making an expenditure in excess of expenditure limitations: five thousand dollars (\$5,000);
- (m) Accepting a contribution in excess of aggregate limitations: five thousand dollars (\$5,000);
- (n) Failure to maintain records required under § 3400.2: five thousand dollars (\$5,000);
- (o) Promoting or opposing, as a primary purpose, a political party, committee, candidate, or issue: five thousand dollars (\$5,000);
- (p) Making any expenditure for the payment of penalties and fines inured to the District: five thousand dollars (\$5,000);
- (q) Making any expenditures of cash from constituentservice program funds: five thousand dollars (\$5,000);
- (r) Making expenditures for sponsorships for political organizations: five thousand dollars (\$5,000); and
- (s) Conducting mass mailings within the ninety (90)-day period immediately preceding a primary, special, or general election by a member of the Council, or the Mayor, who is a candidate for office: five thousand dollars (\$5,000).

3711.4 The aggregate of the penalties imposed under the Director's authority, pursuant to §§ 3711.2 and 3711.3, may not exceed two thousand dollars (\$2,000) for each violation, except or unless otherwise authorized.

3711.5 In calculating the time period for delinquencies, Saturdays, Sundays, and holidays shall not be included.

3711.6 Any fine imposed by the Director, pursuant to §§ 3711.2 and 3711.3, shall become effective on the sixteenth (16th) day following the issuance of a decision and order; provided, that, the respondent does not request a hearing pursuant to § 3709.11.

3711.7 The Director may modify, rescind, dismiss, or suspend any fine imposed, pursuant to §§ 3711.2 and 3711.3, for good cause shown; provided, that fines imposed for failure to file an eight (8) day pre-election report shall be mandatory, unless a written extension for filing the report, pursuant to chapter 30 of this title, is granted by the Director.

3711.8 Fines imposed pursuant to this chapter shall be paid within ten (10) days of the effective date of the issuance of an Order of the Director. Payment by check or money order shall be payable to the D.C. Treasurer, and directed to the Office of Campaign Finance, Frank D. Reeves Municipal Building, 2000 - 14th Street, N.W., Washington, D.C., 20009.

3711.9 If a party fails to pay the ordered fine, the Director may petition for enforcement of its order before the Board in an adversarial and open hearing, pursuant to chapter 4 of this title, within sixty (60) days of the expiration of the period provided for payment of the fine.

3712 PROCEDURES REGARDING EXCESSIVE CONTRIBUTIONS

3712.1 The Director shall determine whether a contribution made to a person was in excess of the aggregate maximum to which the person was entitled.

3712.2 Upon a determination that an excessive contribution has been made, the Director shall, in writing, notify the recipient of the excessive contribution of:

- (a) The amount of the excessive contribution;
- (b) The requirement that an amount equal to the excess contribution shall be repaid to the contributor; and
- (c) The requirement that such repayment shall be accomplished within fifteen (15) days of the notice.

3712.3 Any person required by the Director to repay an excess contribution may apply in writing to the Director for an extension of time in which to repay the excess contribution.

3712.4 The Director may grant an extension for a reasonable amount of additional time for good cause to any person who files an application in accordance with § 3712.3.

3712.5 If the person who has been determined to have received an excessive contribution disputes the Director's determination, the person shall so advise the Director in writing within seven (7) days upon receipt of the notice issued under § 3712.2.

3712.6 Within ten (10) days after receiving notice of the existence of the dispute pursuant to § 3712.5, the Director shall schedule and conduct an informal hearing in accordance with § 3709.

3713 PUBLIC ACCESS TO DOCUMENTS

- 3713.1 All reports and statements required to be filed with the Director under § 3709.2 shall be public documents.
- 3713.2 Public documents shall be available for inspection and copying at OCF within forty-eight (48) hours after receipt.
- 3713.3 Public documents may be received in the OCF without charge.
- 3713.4 Any person may request copies of documents by making written application to the Director.
- 3713.5 Copies of documents may be produced at a cost of fifteen cents (15¢) per page in order to recover the direct cost of reproduction.
- 3713.6 Documents may be copied and inspected each business day, excluding District of Columbia legal holidays, between the hours of 9:00 a.m. and 4:00 p.m.

3714 REPORTS AND STATEMENTS UNDER OATH

- 3714.1 All reports and statements filed pursuant to the Act shall be verified by the oath or affirmation of the person filing such reports or statements in accordance with chapter 30 of this title.
- 3714.2 During regular business days and hours, the Director shall maintain a notary public to administer the oaths; provided, that in the absence of the notary public, an Affirmation Statement, on a form prescribed by the Director, shall suffice.

Chapter 38 of title 3 of the DCMR is added to read as follows:

CHAPTER 38 LEGAL DEFENSE COMMITTEES

- 3800 LEGAL DEFENSE COMMITTEES, GENERALLY**
- 3801 ORGANIZATION OF LEGAL DEFENSE COMMITTEES**
- 3802 FILING AND RECORDKEEPING REQUIREMENTS**
- 3803 LEGAL DEFENSE COMMITTEE CONTRIBUTION LIMITATIONS**
- 3804 LIMITATIONS ON THE USE OF LEGAL DEFENSE COMMITTEE FUNDS**
- 3805 USE OF SURPLUS FUNDS**
- 3806 PENALTIES**

3800 LEGAL DEFENSE COMMITTEES, GENERALLY

- 3800.1 A legal defense committee is a person, or group of persons, organized for the purpose of soliciting, accepting, or 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.
- 3800.2 One legal defense committee and one legal defense checking account may be established and maintained for the purpose set forth in § 3800.1.
- 3800.3 No committee, fund, entity, or trust may be established to defray professional fees and costs except pursuant to this chapter.

3801 ORGANIZATION OF LEGAL DEFENSE COMMITTEES

- 3801.1 A legal defense committee shall be deemed "organized" when any person, or group of persons, formally agree, orally or in writing, to solicit, accept, or expend funds to defray the professional fees and costs for a public official's legal defense to one or more civil, criminal, or administrative proceedings.
- 3801.2 Each legal defense committee shall file a Statement of Organization form, prescribed by the Director of the Office of Campaign Finance (the Director) (OCF), within ten (10) days of organization.
- 3801.3 A legal defense committee shall amend its Statement of Organization within ten (10) days of any change in information previously reported on its Statement of Organization.
- 3801.4 If a legal defense committee that has filed at least one (1) Statement of Organization disbands or determines that it will no longer receive contributions or make expenditures during a calendar year, it must so notify the Director immediately and file a final Report of Receipts & Expenditures (R&E Report).

- 3801.5 A legal defense committee shall have a chairperson and a treasurer.
- 3801.6 No person may simultaneously serve as the chairperson and treasurer of a legal defense committee.
- 3801.7 A chairperson shall be required to file a Statement of Acceptance of Position of Chairperson form with the Director within five (5) days of assuming the office.
- 3801.8 A chairperson shall be required to file a Statement of Withdrawal of Position of Chairperson form with the Director within five (5) days of vacating the office.
- 3801.9 A treasurer shall be required to file a Statement of Acceptance of Position of Treasurer form with the Director within forty-eight (48) hours of assuming the office.
- 3801.10 A treasurer shall be required to file a Statement of Withdrawal of Position of Treasurer form with the Director within forty-eight (48) hours of vacating the office.
- 3801.11 When either the office of chairperson or treasurer is vacant, the legal defense committee shall:
- (a) Designate a successor chairperson or treasurer within five (5) days of the vacancy; and
 - (b) Amend its Statement of Organization within ten (10) days of the designation of the successor; provided, that the successor officer agrees to accept the position.
- 3801.12 The treasurer of a legal defense committee shall obtain and preserve receipted bills and records in accordance with chapter 34 of this title.
- 3801.13 A legal defense committee shall neither accept a contribution nor make an expenditure when the office of treasurer is vacant and no other person has been designated and agreed to perform the functions of treasurer.
- 3801.14 Each expenditure made for, or on behalf of, a legal defense committee shall be authorized by either:
- (a) The chairperson;
 - (b) The treasurer; or
 - (c) Their designated agent, as listed on the Statement of Organization filed under § 3801.3.

- 3801.15 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 a bank designated by the legal defense committee as its depository in its Statement of Organization.
- 3801.16 A detailed account of each contribution of fifty dollars (\$50) or more for or on behalf of a legal defense committee shall be submitted to the treasurer of such committee within five (5) days of the receipt of the contribution upon the treasurer's demand.
- 3801.17 The detailed account submitted pursuant to § 3801.16 shall include:
- (a) The amount of the contribution or expenditure;
 - (b) The name and address (including the occupation and principal place of business, if any) of the contributor or the individual to whom the expenditure was made;
 - (c) The date of the contribution; and
 - (d) In the case of an expenditure, the office sought by the candidate on whose behalf the expenditure was made, if applicable.
- 3801.18 All funds of a legal defense committee shall be segregated from, and may not be commingled with, any campaign funds, or the personal funds of officers, members, or associates of the committee.

3802 FILING AND RECORDKEEPING REQUIREMENTS

- 3802.1 The treasurer of each legal defense committee must file R&E Reports, on forms prescribed by the Director, within thirty (30) days after the committee's organization and every thirty (30) days thereafter until dissolution.
- 3802.2 R&E Reports must disclose:
- (a) The amount of cash on hand at the beginning of the reporting period;
 - (b) The full name and mailing address, including occupation and principal place of business, if any, of each person who has made one or more contributions to or for the committee within the calendar year in an aggregate amount or value in excess of fifty dollars (\$50) or more, together with the amount and date of the contributions;
 - (c) The total sum of individual contributions made to or for the committee during the reporting period that is not reported under § 3802.2(b);

- (d) Each loan to or from any person within the calendar year in an aggregate amount or value of fifty (\$50) or more, together with the full names and mailing addresses (including the occupation and the principal place of business, if any) of the lender and endorsers, if any, and the date and amount of the loans;
- (e) The total sum of all receipts by or for the committee during the reporting period;
- (f) The full name and mailing address, including the occupation and the principal place of business, if any, of each person to whom expenditures have been made by or on behalf of the committee within the calendar year in an aggregate amount or value of ten dollars (\$10) or more;
- (g) The total sum of expenditures made by the committee during the calendar year;
- (h) The amount and nature of debts and obligations owed by or to the committee, in a form as the Director of Campaign Finance may prescribe; and
- (i) Other information as may be required by the Director of Campaign Finance.

3802.3 R&E Reports must be complete no later than five (5) days before the prescribed filing deadline.

3802.4 The treasurer of a legal defense fund, and each beneficiary of such a fund, shall keep a detailed and exact account of:

- (a) Each contribution made to or for the legal defense committee;
- (b) The full name and address (including the occupation and principal place of business, if any) of each person that made a contribution of at least fifty dollars (\$50) or more, and the date and amount of such contribution;
- (c) Each expenditure made by or on behalf of the legal defense committee; and
- (d) The full name and address (including the occupation and principal place of business, if any) of each person to whom an expenditure was made, and the name, address, and the office held or sought, or the position held, by the public official, whichever is applicable.

3803

LEGAL DEFENSE COMMITTEE CONTRIBUTION LIMITATIONS

3803.1 Contributions in support of a legal defense committee shall be received or made in accordance with § 3009, except that no person shall make any contribution to or for a legal defense committee which, when aggregated with all other contributions received from such person, exceeds ten thousand dollars (\$10,000) in an aggregate amount.

3803.2 Notwithstanding § 3803.1, the legal defense committee contribution limitations shall not apply to contributions made by the public official for the purpose of funding his or her own legal defense committee within the District.

3803.3 A legal defense committee shall not accept a contribution from a lobbyist or a person acting on behalf of a lobbyist or registrant.

3803.4 A lobbyist or registrant or a person acting on behalf of a lobbyist or registrant shall be prohibited from making a contribution to a legal defense committee.

3804 LIMITATIONS ON THE USE OF LEGAL DEFENSE COMMITTEE FUNDS

3804.1 The legal defense committee shall be prohibited from expending monies from the Legal Defense Fund for the following purposes:

- (a) Expenses for fundraising, media, political consulting fees, mass mailing, or other advertising;
- (b) Payment or reimbursement for a fine, penalty, judgment, or settlement; or
- (c) A payment to return or disgorge contributions made to any other committee controlled by the candidate or officer.

3804.2 Legal defense funds shall be used solely for the purpose of defraying attorney fees and other related legal costs associated with a public official's legal defense to one or more civil, criminal, or administrative proceedings.

3805 USE OF SURPLUS FUNDS

3805.1 Any remaining funds of a legal defense committee shall be transferred only to either:

- (a) A non-profit 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 prior to the date of any transfer; or
- (b) A constituent-service program.

3806

PENALTIES

3806.1

Penalties for any violation of this chapter shall be imposed pursuant to chapter 37 of this title.

Chapter 39 of title 3 of the DCMR is added to read as follows:

**CHAPTER 39 CAMPAIGN FINANCE OPERATIONS: INAUGURAL
COMMITTEES**

- 3900 INAUGURAL COMMITTEES, GENERALLY**
- 3901 ORGANIZATION OF INAUGURAL COMMITTEES**
- 3902 FILING AND RECORDKEEPING REQUIREMENTS**
- 3903 PETTY CASH FUNDS**
- 3904 INAUGURAL COMMITTEE CONTRIBUTION LIMITATIONS**
- 3905 LIMITATIONS ON THE USE OF INAUGURAL COMMITTEE FUNDS**
- 3906 DURATION OF INAUGURAL COMMITTEES**
- 3907 USE OF SURPLUS FUNDS**
- 3908 PENALTIES**

3900 INAUGURAL COMMITTEES, GENERALLY

3900.1 An inaugural committee is 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.

3901 ORGANIZATION OF INAUGURAL COMMITTEES

- 3901.1 An inaugural committee shall be deemed "organized" when any person, or group of persons, formally agree, orally or in writing, to solicit, accept, and spend funds and coordinate activities to celebrate the election of a new Mayor.
- 3901.2 Each inaugural committee shall file a Statement of Organization form, prescribed by the Director of the Office of Campaign Finance (the Director) (OCF), within ten (10) days of organization.
- 3901.3 An inaugural committee shall amend its Statement of Organization within ten (10) days of any change in information previously reported on its Statement of Organization.
- 3901.4 If an inaugural committee that has filed at least one (1) Statement of Organization disbands or determines that it will no longer receive contributions or make expenditures during a calendar year, it must so notify the Director immediately and file a final Report of Receipts & Expenditures (R&E Report).
- 3901.5 An inaugural committee shall have a chairperson and a treasurer.
- 3901.6 No person may simultaneously serve as the chairperson and treasurer of an inaugural committee.

- 3901.7 A chairperson shall be required to file a Statement of Acceptance of Position of Chairperson form with the Director within five (5) days of assuming the office.
- 3901.8 A chairperson shall be required to file a Statement of Withdrawal of Position of Chairperson form with the Director within five (5) days of vacating the office.
- 3901.9 A treasurer shall be required to file a Statement of Acceptance of Position of Treasurer form with the Director within forty-eight (48) hours of assuming the office.
- 3901.10 A treasurer shall be required to file a Statement of Withdrawal of Position of Treasurer form with the Director within forty-eight (48) hours of vacating the office.
- 3901.11 When either the office of chairperson or treasurer is vacant, the inaugural committee shall:
- (a) Designate a successor chairperson or treasurer within five (5) days of the vacancy; and
 - (b) Amend its Statement of Organization within ten (10) days of the designation of the successor; provided, that the successor officer agrees to accept the position.
- 3901.12 The treasurer of an inaugural committee shall obtain and preserve receipted bills and records in accordance with chapter 34 of this title.
- 3901.13 An inaugural committee shall neither accept a contribution nor make an expenditure when the office of treasurer is vacant, and no other person has been designated and agreed to perform the functions of treasurer.
- 3901.14 Each expenditure made for, or on behalf of, an inaugural committee shall be authorized by either:
- (a) The chairperson;
 - (b) The treasurer; or
 - (c) Their designated agent, as listed on the Statement of Organization filed under § 3901.2.
- 3901.15 No expenditures may be made by an inaugural committee except by check drawn payable to the person to whom the expenditure is being made on the account at a bank designated by the inaugural committee as its depository in its Statement of Organization.

- 3901.16 A detailed account of each contribution or expenditure of fifty dollars (\$50) or more for or on behalf of an inaugural committee shall be submitted to the treasurer of such committee within five (5) days of the receipt of the contribution or the making of the expenditure upon the treasurer's demand.
- 3901.17 The detailed account submitted pursuant to § 3901.16 shall include:
- (a) The amount of the contribution or expenditure;
 - (b) The name and address (including the occupation and principal place of business, if any) of the contributor or the individual to whom the expenditure was made;
 - (c) The date of the contribution; and
 - (d) In the case of an expenditure, the office sought by the candidate on whose behalf the expenditure was made, if applicable.
- 3901.18 All funds of an inaugural committee shall be segregated from, and may not be commingled with, any campaign funds, or the personal funds of officers, members, or associates of the committee.

3902 FILING AND RECORDKEEPING REQUIREMENTS

- 3902.1 The treasurer of each inaugural committee must file Report of Receipts & Expenditures (R&E Reports), on forms prescribed by the Director, within thirty (30) days after the committee's organization and every thirty (30) days thereafter until dissolution.
- 3902.2 R&E reports required by this section must be filed in accordance with § 3015 of this title.
- 3902.3 R&E Reports must disclose:
- (a) The amount of cash on hand at the beginning of the reporting period;
 - (b) The full name and mailing address, including occupation and principal place of business, if any, of each person who has made one or more contributions to or for the committee, including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events, within the calendar year in an aggregate amount or value in excess of fifty dollars (\$50) or more, together with the amount and date of the contributions;
 - (c) The total sum of individual contributions made to or for the committee during the reporting period;

- (d) Each loan to or from any person within the calendar year in an aggregate amount or value of fifty dollars (\$50) or more, together with the full names and mailing addresses (including the occupation and the principal place of business, if any) of the lender and endorsers, if any, and the date and amount of the loans;
- (e) The net amount of proceeds from:
 - (1) The sale of tickets to each dinner, luncheon, rally, and other fundraising events organized by the committee;
 - (2) Mass collections made at events; and
 - (3) Sales by a transition committee of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;
- (f) Each contribution, rebate, refund, or other receipt of fifty dollars (\$50) or more not otherwise listed under paragraphs (b) through (e) of this subsection;
- (g) The total sum of all receipts by or for the committee during the reporting period;
- (h) The full name and mailing address, including the occupation and the principal place of business, if any, of each person to whom expenditures have been made by or on behalf of the committee within the calendar year in an aggregate amount or value of ten dollars (\$10) or more;
- (i) The amount, date, and purpose of each expenditure;
- (j) The total sum of expenditures made by the committee during the calendar year;
- (k) The amount and nature of debts and obligations owed by or to the committee, in a form as the Director of Campaign Finance may prescribe; and
- (l) Other information as may be required by the Director of Campaign Finance.

3902.4 R&E Reports must be complete within five (5) days before the prescribed filing deadline.

3903 PETTY CASH FUNDS

- 3903.1 An inaugural committee may maintain a Petty Cash Fund which shall not exceed three hundred dollars (\$300) at any time.
- 3903.2 All records and transactions shall be maintained and authorized by either:
- (a) The chairperson;
 - (b) The treasurer; or
 - (c) Their designated agents, as listed on the Statement of Organization filed under § 3901.2.
- 3903.3 Petty cash funds shall be administered in the following manner:
- (a) Funds shall be received by check drawn on the account of the inaugural committee;
 - (b) Cash expenditures shall not exceed fifty dollars (\$50) to any person in connection with a single purchase or transaction; and
 - (c) All transactions shall be recorded in a journal designated for petty cash.
- 3903.4 For each deposit to the petty cash fund, the amount and date shall be recorded in the journal.
- 3903.5 For each disbursement, the journal shall include:
- (a) The name and address of each recipient;
 - (b) The date of the disbursement;
 - (c) The amount of the disbursement;
 - (d) The purpose of the disbursement; and
 - (e) The candidate's name and the office sought, or the name of the inaugural committee for which the disbursement is made.
- 3903.6 All receipts, vouchers, petty cash journals, and other documentation shall be retained by the inaugural committee for a period of three (3) years from the date of the filing of the final R&E Report by the inaugural committee.

3904 INAUGURAL COMMITTEE CONTRIBUTION LIMITATIONS

3904.1 Contributions in support of an inaugural committee shall be received or made in accordance with § 3009, except that no person shall make any contribution to an inaugural committee, and the Mayor shall not receive any contribution from any person which, when aggregated with all other contributions received from such person, exceeds ten thousand dollars (\$10,000) in an aggregate amount.

3904.2 Notwithstanding § 3904.1, the ten thousand dollar (\$10,000) inaugural committee contribution limitation shall not apply to contributions made by the Mayor-elect for the purpose of funding his or her own inaugural committee within the District.

3905 LIMITATIONS ON THE USE OF INAUGURAL COMMITTEE FUNDS

3905.1 Inaugural committee funds shall be used solely for the purpose of financing activities to celebrate the election of a new Mayor.

3905.2 The provisions of § 3011 of this title, concerning impermissible uses of campaign funds, shall apply to inaugural committees unless the expenditures stated therein are directly related to activities to celebrate the election of a new Mayor.

3906 DURATION OF INAUGURAL COMMITTEES

3906.1 An inaugural committee shall terminate no later than forty-five (45) days from the beginning of the term of the new Mayor, except that the inaugural committee may continue to accept contributions necessary to retire the debts of the committee.

3906.2 When terminating, inaugural committees shall adhere to the applicable provisions of § 3014 of this title.

3907 USE OF SURPLUS FUNDS

3907.1 Any remaining funds of an inaugural committee shall be transferred only to either:

(a) A non-profit 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 prior to the date of any transfer; or

(b) A constituent-service program.

3908 PENALTIES

3908.1 Penalties for any violation of this chapter shall be imposed pursuant to chapter 37 of this title.

Chapter 40 of title 3 of the DCMR is added to read as follows:

**CHAPTER 40 CAMPAIGN FINANCE OPERATIONS: TRANSITION
COMMITTEES**

- 4000 TRANSITION COMMITTEES, GENERALLY**
- 4001 ORGANIZATION OF TRANSITION COMMITTEES**
- 4002 FILING AND RECORDKEEPING REQUIREMENTS**
- 4003 PETTY CASH FUNDS**
- 4004 TRANSITION COMMITTEE CONTRIBUTION LIMITATIONS**
- 4005 LIMITATIONS ON THE USE OF TRANSITION COMMITTEE FUNDS**
- 4006 DURATION OF TRANSITION COMMITTEES**
- 4007 USE OF SURPLUS FUNDS**
- 4008 PENALTIES**

4000 TRANSITION COMMITTEES, GENERALLY

4000.1 A transition committee is a person, or group of persons, organized for the purpose of soliciting, accepting, or expending funds for office and personnel transition on behalf of the Chairman of the Council or the Mayor.

4001 ORGANIZATION OF TRANSITION COMMITTEES

4001.1 A transition committee shall be deemed "organized" when any person, or group of persons, formally agree, orally or in writing, to solicit, accept, or expend funds for office and personnel transition on behalf of the Chairman of the Council or the Mayor.

4001.2 No transition committee may be organized if an appropriation pursuant to section 446 of the Home Rule Act has been made for transition purposes.

4001.3 Each transition committee shall file a Statement of Organization form, prescribed by the Director of the Office of Campaign Finance (the Director) (OCF), within ten (10) days of organization.

4001.4 A transition committee shall amend its Statement of Organization within ten (10) days of any change in information previously reported on its Statement of Organization.

4001.5 If a transition committee that has filed at least one (1) Statement of Organization disbands or determines that it will no longer receive contributions or make expenditures during a calendar year, it must so notify the Director immediately and file a final Report of Receipts & Expenditures (R&E Report).

4001.6 A transition committee shall have a chairperson and a treasurer.

- 4001.7 No person may simultaneously serve as the chairperson and treasurer of a transition committee.
- 4001.8 A chairperson shall be required to file a Statement of Acceptance of Position of Chairperson form with the Director within five (5) days of assuming the office.
- 4001.9 A chairperson shall be required to file a Statement of Withdrawal of Position of Chairperson form with the Director within five (5) days of vacating the office.
- 4001.10 A treasurer shall be required to file a Statement of Acceptance of Position of Treasurer form with the Director within forty-eight (48) hours of assuming the office.
- 4001.11 A treasurer shall be required to file a Statement of Withdrawal of Position of Treasurer form with the Director within forty-eight (48) hours of vacating the office.
- 4001.12 When either the office of chairperson or treasurer is vacant, the transition committee shall:
- (a) Designate a successor chairperson or treasurer within five (5) days of the vacancy; and
 - (b) Amend its Statement of Organization within ten (10) days of the designation of the successor; provided, that the successor officer agrees to accept the position.
- 4001.13 The treasurer of a transition committee shall obtain and preserve receipted bills and records in accordance with chapter 34 of this title.
- 4001.14 A transition committee shall neither accept a contribution nor make an expenditure when the office of treasurer is vacant, and no other person has been designated and agreed to perform the functions of treasurer.
- 4001.15 Each expenditure made for, or on behalf of, a transition committee shall be authorized by either:
- (a) The chairperson;
 - (b) The treasurer; or
 - (c) Their designated agent, as listed on the Statement of Organization filed under § 4001.3.

- 4001.16 No expenditures may be made by a transition committee except by check drawn payable to the person to whom the expenditure is being made on the account at a bank designated by the transition committee as its depository in its Statement of Organization.
- 4001.17 A detailed account of each contribution or expenditure of fifty dollars (\$50) or more for or on behalf of a transition committee shall be submitted to the treasurer of such committee within five (5) days of the receipt of the contribution or the making of the expenditure upon the treasurer's demand.
- 4001.18 The detailed account submitted pursuant to § 4001.17 shall include:
- (a) The amount of the contribution or expenditure;
 - (b) The name and address (including the occupation and principal place of business, if any) of the contributor or the individual to whom the expenditure was made;
 - (c) The date of the contribution; and
 - (d) In the case of an expenditure, the office sought by the candidate on whose behalf the expenditure was made, if applicable.
- 4001.19 All funds of a transition committee shall be segregated from, and may not be commingled with, any campaign funds, or the personal funds of officers, members, or associates of the committee.

4002 FILING AND RECORDKEEPING REQUIREMENTS

- 4002.1 The treasurer of each transition committee must file Reports of Receipts and Expenditures (R&E Reports), on forms prescribed by the Director, within thirty (30) days after the committee's organization and every thirty (30) days thereafter until dissolution.
- 4002.2 R&E reports required by this section must be filed in accordance with § 3015 of this title.
- 4002.3 R&E Reports must disclose:
- (a) The amount of cash on hand at the beginning of the reporting period;
 - (b) The full name and mailing address, including occupation and principal place of business, if any, of each person who has made one or more contributions to or for the committee, including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events, within the calendar year in an aggregate amount or value in excess of fifty

dollars (\$50) or more, together with the amount and date of the contributions;

- (c) The total sum of individual contributions made to or for the committee during the reporting period;
- (d) Each loan to or from any person within the calendar year in an aggregate amount or value of fifty dollars (\$50) or more, together with the full names and mailing addresses (including the occupation and the principal place of business, if any) of the lender and endorsers, if any, and the date and amount of the loans;
- (e) The net amount of proceeds from:
 - (1) The sale of tickets to each dinner, luncheon, rally, and other fundraising events organized by the committee;
 - (2) Mass collections made at events; and
 - (3) Sales by a transition committee of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;
- (f) Each contribution, rebate, refund, or other receipt of fifty dollars (\$50) or more not otherwise listed under paragraphs (b) through (e) of this subsection;
- (g) The total sum of all receipts by or for the committee during the reporting period;
- (h) The full name and mailing address, including the occupation and the principal place of business, if any, of each person to whom expenditures have been made by or on behalf of the committee within the calendar year in an aggregate amount or value of ten dollars (\$10) or more;
- (i) The amount, date, and purpose of each expenditure;
- (j) The total sum of expenditures made by the committee during the calendar year;
- (k) The amount and nature of debts and obligations owed by or to the committee, in a form as the Director of Campaign Finance may prescribe; and
- (l) Other information as may be required by the Director of Campaign Finance.

4002.4 R&E Reports must be complete within five (5) days before the prescribed filing deadline.

4003 PETTY CASH FUNDS

4003.1 A transition committee may maintain a Petty Cash Fund which shall not exceed three hundred dollars (\$300) at any time.

4003.2 All records and transactions shall be maintained and authorized by either:

- (a) The chairperson;
- (b) The treasurer; or
- (c) Their designated agents, as listed on the Statement of Organization filed under § 4001.3.

4003.3 Petty cash funds shall be administered in the following manner:

- (a) Funds shall be received by check drawn on the account of the transition committee;
- (b) Cash expenditures shall not exceed fifty dollars (\$50) to any person in connection with a single purchase or transaction; and
- (c) All transactions shall be recorded in a journal designated for petty cash.

4003.4 For each deposit to the petty cash fund, the amount and date shall be recorded in the journal.

4003.5 For each disbursement, the journal shall include:

- (a) The name and address of each recipient;
- (b) The date of the disbursement;
- (c) The amount of the disbursement;
- (d) The purpose of the disbursement; and
- (e) The candidate's name and the office sought, or the name of the transition committee for which the disbursement is made.

4003.6 All receipts, vouchers, petty cash journals, and other documentation shall be retained by the transition committee for a period of three (3) years from the date of the filing of the final R&E Report by the transition committee.

4004 TRANSITION COMMITTEE CONTRIBUTION LIMITATIONS

4004.1 Contributions in support of a transition committee shall be received or made in accordance with § 3009, except that:

- (a) No person shall make any contribution to a Mayoral transition committee, and the Mayor shall not receive any contribution from any person which, when aggregated with all other contributions received from such person, exceeds two thousand dollars (\$2,000) in an aggregate amount; and
- (b) No person shall make any contribution to a Council Chairman transition committee, and the Council Chairman shall not receive any contribution from any person which, when aggregated with all other contributions received from such person, exceeds one thousand dollars (\$1,000) in an aggregate amount; and

4004.2 Notwithstanding § 4004.1, the transition committee contribution limitations shall not apply to contributions made by the Mayor or the Chairman of the Council for the purpose of funding their respective transition committees within the District.

4005 LIMITATIONS ON THE USE OF TRANSITION COMMITTEE FUNDS

4005.1 Transition committee funds shall be used solely for the purpose of facilitating the office and personnel transition on behalf of either the Chairman of the Council or the Mayor.

4005.2 The provisions of § 3011 of this title, concerning impermissible uses of campaign funds, shall apply to transition committees, unless the expenditures stated therein are directly related to activities necessary to facilitate the office and personnel transition on behalf of the newly elected official.

4006 DURATION OF TRANSITION COMMITTEES

4006.1 A transition committee shall terminate no later than forty-five (45) days from the beginning of the term of the new Mayor or Council Chairman, except that the transition committee may continue to accept contributions necessary to retire the debts of the committee.

4006.2 When terminating, transition committees shall adhere to the applicable provisions of § 3014 of this title.

4007 USE OF SURPLUS FUNDS

4007.1 Any remaining funds of a transition committee shall be transferred only to either:

(a) A non-profit 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 (1) calendar year prior to the date of any transfer; or

(b) A constituent-service program.

4008 PENALTIES

4008.1 Penalties for any violation of this chapter shall be imposed pursuant to chapter 37 of this title.

Chapter 41 of title 3 of the DCMR is added to read as follows:

**CHAPTER 41 CAMPAIGN FINANCE OPERATIONS: EXPLORATORY
COMMITTEES**

- 4100 EXPLORATORY COMMITTEES, GENERALLY**
- 4101 DESIGNATION OF AN EXPLORATORY COMMITTEE AS A
PRINCIPAL CAMPAIGN COMMITTEE**
- 4102 ORGANIZATION OF EXPLORATORY COMMITTEES**
- 4103 FILING AND RECORDKEEPING REQUIREMENTS**
- 4104 PETTY CASH FUNDS**
- 4105 EXPLORATORY COMMITTEE CONTRIBUTION LIMITATIONS**
- 4106 LIMITATIONS ON THE USE OF EXPLORATORY COMMITTEE
FUNDS**
- 4107 DURATION OF EXPLORATORY COMMITTEES**
- 4108 USE OF SURPLUS FUNDS**
- 4109 PENALTIES**

4100 EXPLORATORY COMMITTEES, GENERALLY

- 4100.1 An exploratory committee is a person, or group of persons, organized for the purpose of examining or exploring the feasibility of becoming a candidate for an elective office in the District.
- 4100.2 An exploratory committee shall include, but not be limited to, the following:
 - (a) Draft Committees; and
 - (b) “Testing the Waters” Committees.
- 4100.3 Each exploratory committee shall include in its name the name of the potential candidate.
- 4100.4 Exploratory committee activity to determine whether an individual should become a candidate may include, but not be limited to, the following:
 - (a) Polling;
 - (b) Travel;
 - (c) Telephone calls;
 - (d) Media expenses;
 - (e) Office space; and

(f) Administrative costs.

4101 **DESIGNATION OF AN EXPLORATORY COMMITTEE AS A
PRINCIPAL CAMPAIGN COMMITTEE**

4101.1 In the event that an individual on whose behalf an exploratory committee was organized becomes a candidate, that exploratory committee may be designated as that candidate's principal campaign committee, pursuant to chapter 30.

4101.2 If an exploratory committee is designated as a principal campaign committee:

- (a) All funds previously raised and spent by the committee shall be reported as contributions and expenditures, pursuant to chapter 30 of this title;
- (b) The existing exploratory committee shall account for all financial transactions including, but not limited to, contributions, expenditures, and loans, retroactive to the formation of the exploratory, draft, or "testing the waters" committee; and
- (c) The committee shall:
 - (1) Determine whether persons making contributions previously received by or on behalf of the candidate or by the political committee before designation may have exceeded the relevant limits, pursuant to § 3009; and
 - (2) Refund any contributions to donors who may have exceeded the contribution limitations.

4101.3 To ascertain individual donor compliance with the contribution limitations, contributions to a committee, prior to designation, shall be attributed in aggregate by donor name.

4102 ORGANIZATION OF EXPLORATORY COMMITTEES

4102.1 An exploratory committee shall be deemed "organized" when any person, or group of persons, formally agree, orally or in writing, to examine or explore the feasibility of becoming a candidate for an elective office in the District of Columbia.

4102.2 Each exploratory committee shall file a Statement of Organization form, prescribed by the Director of the Office of Campaign Finance (the Director) (OCF), within ten (10) days of organization.

- 4102.3 An exploratory committee shall amend its Statement of Organization within ten (10) days of any change in information previously reported on its Statement of Organization.
- 4102.4 If an exploratory committee that has filed at least one (1) Statement of Organization disbands or determines that it will no longer receive contributions or make expenditures during a calendar year, it must so notify the Director immediately and file a final Report of Receipts & Expenditures (R&E Report).
- 4102.5 An exploratory committee shall have a chairperson and a treasurer.
- 4102.6 No person may simultaneously serve as the chairperson and treasurer of an exploratory committee.
- 4102.7 A chairperson shall be required to file a Statement of Acceptance of Position of Chairperson form with the Director within five (5) days of assuming the office.
- 4102.8 A chairperson shall be required to file a Statement of Withdrawal of Position of Chairperson form with the Director within five (5) days of vacating the office.
- 4102.9 A treasurer shall be required to file a Statement of Acceptance of Position of Treasurer form with the Director within forty-eight (48) hours of assuming the office.
- 4102.10 A treasurer shall be required to file a Statement of Withdrawal of Position of Treasurer form with the Director within forty-eight (48) hours of vacating the office.
- 4102.11 When either the office of chairperson or treasurer is vacant, the exploratory committee shall:
- (a) Designate a successor chairperson or treasurer within five (5) days of the vacancy; and
 - (b) Amend its Statement of Organization within ten (10) days of the designation of the successor; provided, that the successor officer agrees to accept the position.
- 4102.12 The treasurer of an exploratory committee shall obtain and preserve receipted bills and records in accordance with chapter 34 of this title.
- 4102.13 An exploratory committee shall neither accept a contribution nor make an expenditure when the office of treasurer is vacant, and no other person has been designated and agreed to perform the functions of treasurer.

- 4102.14 Each expenditure made for, or on behalf of, an exploratory committee shall be authorized by either:
- (a) The chairperson;
 - (b) The treasurer; or
 - (c) Their designated agent, as listed on the Statement of Organization filed under § 4102.2.
- 4102.15 No expenditures may be made by an exploratory committee except by check drawn payable to the person to whom the expenditure is being made on the account at a bank designated by the exploratory committee as its depository in its Statement of Organization.
- 4102.16 A detailed account of each contribution or expenditure of fifty (\$50) or more for or on behalf of an exploratory committee shall be submitted to the treasurer of such committee within five (5) days of the receipt of the contribution or the making of the expenditure upon the treasurer's demand.
- 4102.17 The detailed account submitted pursuant to § 4102.16 shall include:
- (a) The amount of the contribution or expenditure;
 - (b) The name and address (including the occupation and principal place of business, if any) of the contributor or the individual to whom the expenditure was made;
 - (c) The date of the contribution; and
 - (d) In the case of an expenditure, the office sought by the candidate on whose behalf the expenditure was made, if applicable.
- 4102.18 All funds of an exploratory committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of the committee.

4103 FILING AND RECORDKEEPING REQUIREMENTS

- 4103.1 The treasurer of each exploratory committee must file Reports of Receipts and Expenditures (R&E Reports), on forms prescribed by the Director, within thirty (30) days after the committee's organization and every thirty (30) days thereafter until dissolution.
- 4103.2 R&E reports required by this section must be filed in accordance with § 3015 of this title.

4103.3

R&E Reports must disclose:

- (a) The amount of cash on hand at the beginning of the reporting period;
- (b) The full name and mailing address, including occupation and principal place of business, if any, of each person who has made one or more contributions to or for the committee, including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events, within the calendar year in an aggregate amount or value in excess of fifty dollars (\$50) or more, together with the amount and date of the contributions;
- (c) The total sum of individual contributions made to or for the committee during the reporting period;
- (d) Each loan to or from any person within the calendar year in an aggregate amount or value of fifty dollars (\$50) or more, together with the full names and mailing addresses (including the occupation and the principal place of business, if any) of the lender and endorsers, if any, and the date and amount of the loans;
- (e) The net amount of proceeds from:
 - (1) The sale of tickets to each dinner, luncheon, rally, and other fundraising events organized by the committee;
 - (2) Mass collections made at events; and
 - (3) Sales by a transition committee of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;
- (f) Each contribution, rebate, refund, or other receipt of fifty dollars (\$50) or more not otherwise listed under paragraphs (b) through (e) of this subsection;
- (g) The total sum of all receipts by or for the committee during the reporting period;
- (h) The full name and mailing address, including the occupation and the principal place of business, if any, of each person to whom expenditures have been made by or on behalf of the committee within the calendar year in an aggregate amount or value of ten dollars (\$10) or more;
- (i) The amount, date, and purpose of each expenditure;

- (j) The total sum of expenditures made by the committee during the calendar year;
- (k) The amount and nature of debts and obligations owed by or to the committee, in a form as the Director of Campaign Finance may prescribe; and
- (l) Other information as may be required by the Director of Campaign Finance.

4103.4 R&E Reports must be complete within five (5) days before the prescribed filing deadline.

4104 PETTY CASH FUNDS

4104.1 An exploratory committee may maintain a Petty Cash Fund which shall not exceed three hundred dollars (\$300) at any time.

4104.2 All records and transactions shall be maintained and authorized by either:

- (a) The chairperson;
- (b) The treasurer; or
- (c) Their designated agents, as listed on the Statement of Organization filed under § 4102.2.

4104.3 Petty cash funds shall be administered in the following manner:

- (a) Funds shall be received by check drawn on the account of the exploratory committee;
- (b) Cash expenditures shall not exceed fifty dollars (\$50) to any person in connection with a single purchase or transaction; and
- (c) All transactions shall be recorded in a journal designated for petty cash.

4104.4 For each deposit to the petty cash fund, the amount and date shall be recorded in the journal.

4104.5 For each disbursement, the journal shall include:

- (a) The name and address of each recipient;
- (b) The date of the disbursement;

- (c) The amount of the disbursement;
- (d) The purpose of the disbursement; and
- (e) The candidate's name and the office sought, or the name of the exploratory committee for which the disbursement is made.

4104.6 All receipts, vouchers, petty cash journals, and other documentation shall be retained by the exploratory committee for a period of three (3) years from the date of the filing of the final R&E Report by the exploratory committee.

4105 EXPLORATORY COMMITTEE CONTRIBUTION LIMITATIONS

4105.1 Contributions in support of an exploratory committee shall be received or made in accordance with § 3009, except that individual and aggregate contributions shall be limited for the following exploratory committees to the amounts specified:

- (a) Mayor - \$2,000 individual, and \$200,000 aggregate;
- (b) Chairman of the Council - \$1,500 individual, and \$150,000 aggregate;
- (c) At-large member of the Council - \$1,000 individual, and \$100,000 aggregate;
- (d) Ward Councilmember or President of the State Board of Education - \$500 individual, and \$50,000 aggregate; and
- (e) Member of the State Board of Education - \$200 individual, and \$20,000 aggregate.

4106 LIMITATIONS ON THE USE OF EXPLORATORY COMMITTEE FUNDS

4106.1 Exploratory committee funds shall be used solely for the purpose of financing, directly or indirectly, the examination of the feasibility of becoming a candidate for an elective office in the District.

4106.2 The provisions of § 3011 of this title, concerning impermissible uses of campaign funds, shall apply to exploratory committees unless the expenditures stated therein are directly related to exploratory activities.

4107 DURATION OF EXPLORATORY COMMITTEES

4107.1 The life of an exploratory committee for any office shall not exceed eighteen (18) months.

4107.2 When the duration of an exploratory committee reaches eighteen (18) months, one of the following acts shall occur:

- (a) The exploratory committee shall terminate; or
- (b) The named individual of the exploratory committee shall become a candidate.

4107.3 When the named individual of an exploratory committee becomes a candidate, the individual must:

- (a) File a Statement of Candidacy Form and declare their candidacy, pursuant to § 3001 of this title;
- (b) Form a principal campaign committee, pursuant to § 4101; and
- (c) Apply all contributions received during the life of the exploratory committee to the campaign contribution limitations for the specific candidate, pursuant to § 3009 of this title.

4107.4 When terminating, exploratory committees shall adhere to the applicable provisions of § 3014 of this title.

4108 USE OF SURPLUS FUNDS

4108.1 Any remaining funds of an exploratory committee shall be transferred only to either:

- (a) An established principal campaign or political committee; or
- (b) A charitable organization that meets the requirements of tax laws of the District of Columbia.

4108.2 All contributions and fund balances of any exploratory committee shall not be deemed the personal funds of any individual, including the named individual of the exploratory committee.

4109 PENALTIES

4109.1 Penalties for any violation of this chapter shall be imposed pursuant to chapter 37 of this title.

Chapter 99 of title 3 of the DCMR is amended in its entirety to read as follows:

CHAPTER 99 DEFINITIONS

9900 DEFINITIONS

9900 DEFINITIONS

9900.1 The terms and phrases used in this title shall have the meanings set forth in the Election Act, the Campaign Finance Act, and this section unless the text or context of the particular chapter, section, subsection, or paragraph provides otherwise.

Activity - acts or functions of an agency or its authorized agent and the methods of performing them.

Address - personal residence, principal place of business, campaign office, political committee office, and citizen-service program office.

Administrative action – the execution of policies relating to persons or things as previously authorized, or required by official action of the agency, adopted at an open meeting of the agency. The term does not include the deliberation of agency business or taking official action. Examples of administrative action include the review of an agenda, setting witness testimony time limitations, and other such procedural discussions.

Administrative decision - any activity directly related to action by an executive agency to issue a Mayor's Order, to cause to be undertaken a rulemaking proceeding (which does not include a formal public hearing) under Chapter 5 of Title 2, or to propose legislation or make nominations to the Council, the President, or Congress.

Adversely affected – harm caused by an administrative action for which redress is necessary or required.

Affidavit – a written statement sworn to by the affiant before a notary or officer authorized to administer oaths, which attests to the truth of the stated written matter.

Aggrieved party – one who has been directly and detrimentally harmed by the outcome of an administrative decision or action.

Anything of value - related to the monetary worth of something.

Authorized committee – a principal campaign committee or any other political committee designated and authorized by a candidate, on the Statement of Candidacy Form, to support the candidate for election, receive contributions, or make expenditures on behalf of such candidate.

Authorized officer or agent - one who has the actual or apparent authority to bind the principal.

Ballot - a sheet of paper, or electronic card, filmstrip, or other device on which votes are recorded and stored. See also, “official ballot.”

Ballot card – see “ballot.”

Ballot measure – a specific category of ballot question, including initiatives, referenda, and recalls.

Ballot question – a direct vote in which the electorate is asked to either accept or reject a particular proposal, including ballot measures (initiatives, referenda, and recalls) and Charter Amendments.

Board - the District of Columbia Board of Elections, under Title III of the “Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011.”

Board Employee - as distinguished from a "polling place official," an individual who is employed by the District of Columbia Board of Elections to perform personal services for the Board either as a permanent, temporary, intermittent, or trainee employee and includes employees on leave, leave without pay, or on furlough or leave of absence for educational purposes.

Board’s office – the Board’s principal place of business, and for purposes of registration only, any voter registration agency (VRA) or early voting center location that the Board shall designate.

Bundling – the combining of one or more contributions by different donors to make a single contribution to a candidate for public office or to support an initiative, referendum, or recall measure in the District of Columbia.

Business - any corporation, partnership, sole proprietorship, firm, nonprofit corporation, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock, trust, or any legal entity through which business is conducted, whether for profit or not.

Campaign Finance Act – the Campaign Finance Act of 2011 under Title III of the “Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011,” as amended.

Candidate – one who qualifies and seeks election for public office in the District of Columbia.

Candidate for election - an individual who has won a party primary; or who has survived the challenge period (D.C. Official Code §§ 1-1001.08(o) and 1-1101.1(2) (2006 Repl.) after filing a petition to have his or her name printed directly on the general election ballot.

Candidate for nomination - an individual who is seeking to win a party primary; or an individual who is seeking ballot access in a general or special election by having registered voters sign a nominating petition to have the candidate's name printed directly on the ballot.

Chairman – the Chairman of the District of Columbia Board of Elections.

Close of business - 4:45 p.m. Monday through Friday, excluding District of Columbia legal holidays, unless otherwise indicated in this title.

Commingling - the improper mixing of personal and campaign or other funds donated for a specific or limited purpose.

Committee – an organized group consisting of a chairman and treasurer engaged for one of the following purposes:

- (a) to nominate, elect, or defeat a candidate for public office;
- (b) to solicit, accept, and expend funds to defray the costs of attorney fees, on behalf of a public officer;
- (c) to solicit, accept and expend funds for the transition of the Mayor or Chairman of the Council;
- (d) to explore or test the feasibility of an individual's viability as a candidate for public office in the District of Columbia;
- (e) to plan and raise and expend funds for inaugural celebration for a new Mayor of the Council; or
- (f) to qualify an initiative, referendum, or recall measure for ballot access.

Communicate directly - any oral or written communication by a lobbyist to an official, agent, or representative in the legislative or executive branch of the Government of the District of Columbia for the purpose of lobbying.

Compensation - anything of value regardless of services rendered.

Commingling – the improper mixing of personal and campaign funds.

Complainant – one who alleges a violation of District of Columbia campaign finance law or regulation.

Conflict of Interest – exists when a public official or an employee of the District of Columbia government uses his or her official position or title, or personally and substantially participates in an activity that may have a direct or predictable effect on the official's or employee's financial interests or that of a closely affiliated person.

Constituent Service Fund – monetary resources authorized by law for use by the Mayor, Chairman and members of the DC Council to provide certain services to benefit the citizens of the District of Columbia.

Contest - the aggregate of candidates who run against each other among themselves for a particular nomination or number of nominations, or a particular office or number of offices. The write-in options for each of the positions to be filled by the election are also part of the contest.

Contribution – the meaning provided in §1161.01(10)(A).

Council – the Council of the District of Columbia.

Days - calendar days, unless stated otherwise.

Director – the Director of Campaign Finance of the Board of Elections.

D.C. Official Code - the 2001 Edition of the Code, as amended.

Direct and predictable effect – existence of:

- (a) A close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the financial interest;
- (b) A real, as opposed to a speculative possibility, that the matter will affect the financial interest; and
- (c) The effect is more than *de minimis*.

Directly related - immediately or approximately connected to, allied to, or affiliated with.

Domestic partner – the same meaning as provided in § 32-701(3).

Duly registered voter - a registered voter who resides at the address listed on the Board's records.

Effective date (of registration) – the date from which a registered voter's information is valid.

Election – means a primary, general, or special election held in the District of Columbia to nominate an individual as candidate for election to office, or to elect a candidate for office, or to decide an initiative, referendum, or recall measure, including a convention or caucus of a political party held to nominate such candidate.

Elected officials - the following local public officials:

- (a) The Delegate to the United States House of Representatives from the District of Columbia, as provided for in the District of Columbia Delegate Act of 1970 (D.C. Official Code § 1-401 (2006 Repl.);
- (b) The Mayor of the District of Columbia, as provided for in D.C. Official Code §§ 1-204.21 and 1-204.22 (2006 Repl.);
- (c) The Chairperson and Members of the Council of the District of Columbia, as provided for in D.C. Official Code § 1-204.01 (2006 Repl.);
- (d) The Members of the State Board of Education, as provided for in D.C. Official Code § 38-2651 (2006 Repl.);
- (e) Electors of President and Vice President of the United States and the officials of political parties as provided for in D.C. Official Code § 1-1001.01 (2006 Repl.); and
- (f) Members of Advisory Neighborhood Commissions, as provided for in D.C. Official Code §§ 1-309.06 and 1-1001.02(13) (2006 Repl.).

Election Act - the District of Columbia Election Act, as amended (D.C. Official Code §§ 1-1001.01, *et seq.* (2006 Repl.)), which governs the administration of all elections in the District of Columbia.

Election Day worker – see “polling place official.”

Election observer – an individual who has received proper credentials from the Board to witness the administration of elections, including members of nonpartisan or bipartisan, domestic or international organizations, who are not affiliated with a candidate or ballot measure.

Election official – any employees of the Board and polling place officials, excluding poll watchers and election observers.

Election year - the calendar year in which there is held an election, where a political committee is engaged in promoting or opposing a political party, nomination or election of an individual to office, or any initiative, referendum, or recall measure.

Electronic filing - as provided by the Office of Campaign Finance in chapters 30-40, the procedure by which filers may process required forms online through the world wide web at www.ocf.dc.gov.

Eligible candidate - an individual who is not ineligible to be a candidate pursuant to D.C. Official Code § 1-1001.15(6) (2006 Repl.) and who meets or is capable of meeting those statutory requirements necessary to serve in a particular office by the date of the election in which he or she seeks the office.

Employee - unless otherwise apparent from the context, a person who performs a function of the District government and who receives compensation for the performance of such services, or a member of a District government board or commission, whether or not for compensation.

Employer - any person who compensates a registrant.

Entrusted position - an elective and public office which is a public trust in which the citizenry reposes special confidence in the officeholder for the execution of duties or services which inure to the benefit of the citizenry.

Executive agency - includes:

- (a) A department, agency, or office in the executive branch of the District government under the direct administrative control of the Mayor;
- (b) The State Board of Education or any of its constituent elements;
- (c) The University of the District of Columbia or any of its constituent elements;
- (d) The Board of Elections; and
- (e) Any District professional licensing and examining board under the administrative control of the executive branch.

Expenditure – the meaning provided in § 1161.01(21)(A).

Exploratory Committee – any person, or group of persons, organized for the purpose of examining the feasibility of becoming a candidate for an elective office in the District.

Fair market value - the fair and reasonable cash price for which the property can be sold in the market at the time of alleged violation, or at the time of filing of the financial statement.

Fictitious ballot – a ballot which shows the design and layout of a ballot in an upcoming election, and does not contain the names of nominees or candidates actually seeking office or ballot questions actually to appear on an official ballot.

File, filed, and filing – delivery in person, electronically or by mail to the OCF by 5:30 p.m. of the prescribed date.

Financial interest - any monetary advantage or claim.

FOIA- the District of Columbia Freedom of Information Act, which ensures disclosure of certain information relative to the conduct of the District of Columbia Government and its employees.

Full Field Audit – An audit that is conducted from the commencement of the filing date of the first Report of Receipts and Expenditures by the candidate or committee through the termination or last filing of the candidate or committee under audit, and that is conducted for the election period in which reports are filed.

Gift - a payment, subscription, advance, forbearance, rendering, or deposit of money, services, or anything of value, unless consideration of equal or greater value is received.

Government photo identification – a card issued by the District of Columbia government which bears a photograph of the face of the voter and the voter’s current, District of Columbia residential address.

Household - a public official or employee and any member of his or her immediate family with whom the public official or employee resides.

Identification - in the case of an individual, the full name, including first name, middle name or initial, if available, last name of an individual, and full address of the principal place of residence; and in the case of partnership, committee, corporation, labor organization, and any other organization, full name and mailing address.

Immediate family - the spouse or domestic partner of a public official or employee and any parent, grandparent, brother, sister, or child of the public official or employee, and the spouse or domestic partner of any such parent, grandparent, brother, sister, or child.

Inaugural Committee – any 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.

Incidental expenses - any unreimbursed payment from a volunteer’s personal funds for usual and normal local travel and subsistence expenses incident to volunteer activity.

Income - gross income as defined in section 61 of the Internal Revenue Code (26 U.S.C. § 61).

Independent expenditures - an expenditure for communications by a person expressly advocating the election or defeat of a clearly identified candidate, which is made without cooperation or consultation with any candidate or any authorized committee or agent of the candidate.

In-kind contribution - a contribution of goods, services, or property by the contributor to a campaign finance committee, candidate, citizen-service program, or Statehood fund.

Interpretative Opinion – a legal opinion issued by the Director of Campaign Finance concerning a proposed transaction relative to District of Columbia campaign finance law or regulation.

Legal Defense Committee – any person, or group of persons, organized for the purpose of soliciting, accepting, and spending funds to defray attorney and other related costs for a public official’s legal defense in civil, criminal, or administrative proceedings. Such funds shall not be used for fundraising, media or political consulting fees, mass mailing or advertising, payment or reimbursement for a fine, penalty, judgment, or settlement, or a payment to reimburse or to disgorge contributions from any other committee controlled by the public official.

Legal tender - currency and coins of the United States; ready money.

Legislative action - includes any activity conducted by an official in the legislative branch in the course of carrying out his or her duties as such an official, and relating to the introduction, passage, or defeat of any legislation in the Council.

Limited Liability Company (LLC) – is an unincorporated association established pursuant to District of Columbia Code (2001 Edition), Title 29, Chapter 8, with one or more members who have limited personal liability for the debts and actions of the LLC.

Lobbying - communicating directly with any official in the legislative or executive branch of the District government with the purpose of influencing any legislative action or an administrative decision.

Lobbyist - a person who receives compensation to communicate directly with public officials in the legislative or executive branch of the District of Columbia Government to influence any legislative action or administrative decision.

Logic and accuracy testing (“L&A testing”) – validation of the mathematical accuracy of vote recording and tabulation equipment for internal and external consistencies.

Made with cooperation or consultation with any candidate - any arrangement, coordination, or direction by the candidate or his or her agent prior to the publication, distribution, display, or broadcast of the communication. An expenditure will be presumed to be so made when it is as follows:

- (a) Based on information about the candidate’s plans, projects, or needs provided to the expending person by the candidate, or by candidate’s agent, with a view toward having an expenditure made; and
- (b) Made by or through any person who is, or has been, authorized to raise or expend funds; who is, or has been, an officer of an authorized committee; or who is, or has been receiving any form of compensation or reimbursement from the candidate, the candidate’s committee or agent.

Mass collections - the receipt of contributions by a committee, candidate, or individual, at dinners, luncheons, rallies, and other fundraising events organized by a committee, candidate, or individual.

Mass sales - to make available for purchase by a committee, candidate, or individual, at dinners, luncheons, rallies, and other fundraising events organized by such committee, candidate, or individual, items in bulk such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials.

Non-postmarked – not bearing the postal cancellation imprint on letters flats and parcels that shows the date, name, state, and ZIP Code of the post office or sectional center facility that accepted the mail.

Non-support year - any calendar year in which a political committee is not engaged in promoting or opposing a political party, the nomination or election of an individual to office, or any initiative, referendum, or recall measure.

Occupation - the principal job title or position, and type of business, or whether self-employed for the purposes of the Campaign Finance Act.

Office – the Office of Mayor, Attorney General, Chairman or member of the Council, President or member of the Board of Education, or an official of a political party in the District of Columbia.

Official ballot – a sheet of paper, or electronic card, filmstrip, or other device that has been approved by the Board for use during an election on which votes are recorded and stored. For DRE machines, the official ballot shall be the electronic card which records and stores the elector’s votes, except that the voter-verified paper audit trail (“VVPAT”) shall be the official ballot of record during all occurrences of manual tabulation, including audits and recounts.

Official in the executive branch - includes:

- (a) The Mayor;
- (b) Any officer or employee in the Executive Service;
- (c) Persons employed under the authority of §§ 1-609.01 through 1-609.03 (except § 1-609.03(a)(3)) paid at a rate of DS-13 or above in the General Schedule or equivalent compensation under the provisions of subchapter XI of Chapter 6 of this title designated in § 1-609.08 (except paragraphs (9) and (10) of that section; or
- (d) Members of boards and commissions designated in § 1-523.01(e).

Official in the legislative branch - any candidate for Chairman or member of the Council in a primary, special, or general election, the Chairman or Chairman-elect or any member or member-elect of the Council, officers, and employees of the Council appointed under the authority of §§ 1-609.01 through 1-609.03 or designated in § 1-609.08.

Official of a political party – national committeemen and committeewomen and their alternates; delegates to conventions of political parties nominating candidates for the Presidency and Vice Presidency of the United States and their alternates, where permitted by party rules; such members and officials of local committees of political parties as designated by duly authorized local committees of such parties for election, by public ballot, at large or by ward in the District of Columbia.

Ordinary course of business - transacting business according to customary and reasonable business practices.

Overvote – instance in which a voter casts a vote for a greater number of candidates or positions than the number for which he or she was lawfully entitled to vote and no vote shall be counted with respect to that office or question.

Particular matter - a deliberation, decision, or action that is focused upon the interests of specific persons, or a discrete and identifiable class of persons.

Partnership – an association of two (2) or more persons acting as co-owners of a business for profit.

Party – a person or group of persons directly involved in, or having an interest at stake in the outcome of a transaction, which is the subject of a legal proceeding as a litigant.

Party affiliation status – for registration and registration update purposes, the elector’s choice of “Democratic Party,” “Republication Party,” “D.C. Statehood Green Party,” “no party (independent),” or any other minor party.

Periodic Random Field Audit – an audit that is conducted only for specific filing dates which have specific coverage periods, and that is chosen randomly for each filing deadline.

Person – an individual, partnership, committee, corporation, limited liability company, labor organization, or any other organization.

Political Committee – any proposer, individual, committee (including a principal campaign committee), club, organization, association, or other group of individuals organized for the purpose of, or engaged in promoting or opposing, the nomination or election of an individual to office, a political party, or any initiative, referendum, or recall measure.

Political Party – an association, committee, or other organized group of individuals who share a similar ideology concerning government policy, and which nominates a candidate for election to office in the District of Columbia.

Political Action Committee (PAC) – an organized group of individuals not authorized by a candidate to act on his or her behalf, but may operate independently of the candidate for purposes of supporting or opposing a clearly identified candidate for office, political party, or may be solely issues-oriented.

Poll watcher – a qualified elector who has received proper credentials from the Board to monitor voting or ballot counting activity on behalf of a qualified candidate, or proponent or opponent of a proposed initiative, referendum, recall measure, or Charter amendment.

Polling place official - an individual who is employed by the District of Columbia Board of Elections on those dates when elections and early voting are conducted in the District of Columbia or any subsequent dates upon which the counting or recounting of ballots occurs and includes, but is not limited to, precinct captains, precinct workers, counters, or area representatives.

Postmarked – bearing the postal cancellation imprint on letters flats and parcels that shows the date, name, state, and ZIP Code of the post office or sectional center facility that accepted the mail.

Principal Campaign Committee (PCC) – an organized group of individuals, whose name includes the name of a clearly identified candidate, which is authorized by a candidate to cause his or her nomination or election to office in the District of Columbia.

Principal place of business - full name under which the business is conducted and the addresses, city, and state in which the person is employed or conducts business.

Prohibited source - any person that:

- (a) Has or is seeking to obtain contractual or other business or financial relations with the District government;
- (b) Conducts operations or activities that are subject to regulation by the District government; or
- (c) Has an interest that may be favorably affected by the performance or non-performance of the employee's official responsibilities.

Public official - includes:

- (a) A candidate for nomination for election, or election, to public office;
- (b) The Mayor, Chairman, and each member of the Council of the District of Columbia holding office under chapter 2 of this title;
- (c) The Attorney General;
- (d) A Representative or Senator elected pursuant to D.C. Official Code § 1-123;
- (e) An Advisory Neighborhood Commissioner;

- (f) A member of the State Board of Education;
- (g) A person serving as a subordinate agency head in a position designated as within the Executive Service;
- (h) A member of a board or commission listed in D.C. Official Code § 1-523.01(e); and
- (i) A District of Columbia Excepted Service employee paid at a rate of Excepted Service 9 or above, or its equivalent, who makes decisions or participates substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, regulating, or auditing, or acts in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest; and any additional employees designated by rule by the Ethics Board who make decisions or participate substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, regulating, or auditing, or act in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest.

Qualified elector – a registered voter who resides at the address listed on the Board’s records.

Qualified registered elector – a registered voter who resides at the address listed on the Board’s records.

Registered qualified elector - a registered voter who resides at the address listed on the Board’s records.

Registrant - a person who is required to register as a lobbyist under the provisions of § 1162.27.

Respondent – a party to a contested matter in an administrative proceeding.

Sample/specimen ballot – a representation of an original official ballot used for demonstration purposes only.

Statement of Candidacy - a written statement, filed with the Director, declaring one’s intention of becoming a candidate for election, made "under penalty of perjury" and signed by the candidate.

Statement of Organization – a prescribed form that identifies the name of any group of individuals, proposer, individual, club, organization, or association organized for the purpose of promoting or opposing the nomination or election of an individual to office, or promoting or opposing a political party or any initiative, referendum or recall measure, made "under penalty of perjury" and signed by the Treasurer or a designated agent.

Submission – the voter’s act of returning a voted ballot to the Board.

Surplus funds - residual or unexpended monies remaining in a candidate, citizen-service program, Statehood fund, or political committee account in excess of the amount necessary to defray expenses.

Testimonial committee - any committee, association, or organization organized and operated exclusively for the purpose of publicly acknowledging an official’s services, character, attainments, conduct, qualifications, or contributions while holding office. A testimonial committee is not a political committee.

Timely completed – the information given and signature made on or prior to the date required pursuant to the D.C. Official Code and the D.C. Code of Municipal Regulations, Title 3.

To cause to be undertaken - an actual writing, drawn up by an executive agency, intended to initiate a rulemaking proceeding. The phrase is not intended to include discussion among members of the agency or the public prior to their submission of the writing.

Transition Committee – any person or group of persons organized for the purpose of soliciting, accepting or expending funds for office and personnel transition on behalf of the Mayor or the Chairman of the Council.

Transmission – the Board’s act of sending a ballot to the voter.

To propose legislation - an actual written proposal signed by the head of a proposing agency and submitted to the Mayor, Council, President of the United States, or the United States Congress. It does not refer to discussion among members of the proposing agency before submission of the written request, nor does it refer to oral communications between the proposing agency and the Mayor, President, or members of the Council or the U. S. Congress.

Treasurer – an official of a political campaign or other committee, who is required to file a Statement of Acceptance of Treasurer with the Director of Campaign Finance, and authorized to receive contributions, to make expenditures and to file financial reports on behalf of a candidate or other committee.

Unauthorized committee – any organized political committee which has not been designated by a candidate for election.

Undervote – an instance in which a voter casts a vote for a lesser number of candidates or positions than the number for which he was lawfully entitled to vote.

Voter registration application – a form meeting federal requirements pursuant to the National Voter Registration Act (“NVRA”) (42 U.S.C. § 1973gg, *et seq.*) and the Help America Vote Act (“HAVA”) (42 U.S.C. § 15301 – 15545) with which a qualified elector registers to vote or updates registration information.

Voter Registration Application – the official voter registration application approved by the Board.

Voting system – any equipment or software used to tabulate ballots.

Write-in nominee - an individual whose name is written on or imprinted upon the ballot by a voter, in a primary, general, or special election and whose eligibility as a candidate in the election has not been determined by the Executive Director.

Write-in candidate (“qualified write-in candidate”) – as distinguished from a “write-in nominee,” an individual who is seeking nomination or election by the electorate and whose eligibility as a candidate in the election has been determined by the Executive Director.

All persons desiring to comment on the subject matter of this proposed rulemaking should file written comments by no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Office of the General Counsel, Board of Elections and Ethics, 441 4th Street, N.W., Suite 270N, Washington, D.C. 20001. Please direct any questions or concerns to the Office of the General Counsel at 202-727-2194 or ogc@dcboee.org. Copies of the proposed rules may be obtained at cost from the above address, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m.