

ENTRANCE CONFERENCE: MANDATORY IN-PERSON TRAINING FOR CANDIDATES AND TREASURERS



Presented by
The Office of Campaign Finance
1015 Half Street, SE, Suite 775
Washington, DC 20009

Introduction

- This training aims to provide candidates and treasurers with the basic understanding of the campaign finance regulations pertaining to:
 - Registration Requirements;
 - Reporting Deadlines;
 - Audits and Desk Reviews; and
 - Enforcement.
- Participation and completion of this training course will satisfy the mandatory in-person training requirement for candidates and treasurers, pursuant to D.C. Official Code § 1-1163.04(7A) and 3 DCMR § 4202.

Training Outline

- **Presentation #1: Reporting Requirements & Reporting Deadlines**
 - ▶ Presented by Wesley Williams, Public Affairs Manager of the Public Information and Records Management Division.
- **Presentation #2: Reports, Audits and Desk Reviews**
 - ▶ Presented by Renee Coleman-Rollins, Audit Manager of the Reports Analysis and Audit Division.
- **Presentation #3: Fair Elections Process**
 - ▶ Presented by Erick L. Jackson, Program Manager of the Fair Elections Division.
- **Presentation #4: Campaign Finance Regulations & Enforcement**
 - ▶ Presented by William SanFord, General Counsel of the Office of the General Counsel.

REPORTING REQUIREMENTS & REPORTING DEADLINES

Wesley Williams, Public Affairs Manager

Reporting Deadlines

D.C. Official Code § 1-1163.09 and 3 DCMR § 30017

- During an ELECTION year, reports shall be filed by all committees on:
 - January 31st R&E Report
 - March 10th R&E Report
 - April 10th R&E Report**
 - May 10th R&E Report**
 - 8 Day Pre Primary R&E
 - June 10th R&E Report
 - August 10th R&E Report
 - October 10th R&E Report
 - 8 Day Pre General R&E Report
 - December 10th R&E Report
 - Termination R&E Report

**Required filing date for Public Finance Candidates Only

Reporting Deadlines Cont'd

3 DCMR §§ 3016 and 3017

- During a NON-ELECTION year, reports shall be filed by:
 - Political committees on January 31st and July 31st; and
 - Political action committees and independent expenditure committees on January 31st, April 10th, July 31st; and October 10th.
 - To officially close out, all committees are required to file a Termination Report of Receipts & Expenditures showing an ending balance of \$0 with no outstanding debts or obligations.

Reporting Deadlines Cont'd

3 DCMR § 4212

Optional Filing Dates – Public Finance Candidates Only

- January 10th R&E Report
- February 10th R&E Report
- March 30th R&E Report
- April 30th R&E Report
- June 30th R&E Report
- July 10th R&E Report
- August 31st R&E Report
- September 30th R&E Report

\$500 Exemption candidates are only required to file the Report of Exemption for a Candidate Expending Less than \$500 (OCF Form 6) fifteen (15) days before the election and again thirty (30) days after.

Reporting Requirements

3 DCMR §§ 3006, 3009, and 3017.13

Initiative and Referendum Committees: are required to file on January 31st and July 31st. Also, they are required to file on the tenth (10th) day of the fourth month preceding the election, the tenth (10th) day of the second (2nd) month preceding the election and eight (8) days prior to the election in which the initiative/referendum measurer is on the ballot.

- Reminder Letters are mailed/emailed to treasurers two/three weeks before each filing date to remind of the upcoming filing date.
- A committee may request an extension for filing the report. The extension request must be in writing and must provide a detailed explanation as to why the report cannot be filed on time. The request must be received on or before the filing date.
- All reports are required to be filed electronically by midnight of the filing date. (If the filing date falls on a weekend or holiday, the report is due on the next business day).

Contribution Limitations (Traditional Candidates)

D.C. Official Code § 1-1163.33 and 3 DCMR § 3011

- Candidates: No contribution limit (Traditional Candidates, only).
- Individuals and other entities:
 - Mayor, US Senator, and US Representative to Congress - \$2,000.00;
 - Chairman of the Council and the Attorney General - \$1,500.00;
 - Member of Council At-Large - \$1,000.00;
 - Member of Council (Ward) - \$500.00;
 - Member State Board of Education At-Large - \$500.00;
 - Member State Board of Education (Ward) - \$200.00;
 - Official of a political party - \$200.00;
 - Member of Advisory Neighborhood Commission - \$25.00; and
 - Political Action Committees - \$5,000.
- Aggregate contribution(s) to any one political action committee per calendar year - \$5,000.00.
 - Contributions in excess of \$100 in the form of cash or money order are strictly prohibited.

Contribution Limits & Requirements

(Public Financing Only)

D.C. OFFICIAL CODE § 1-1163.32b and 3 DCMR § 4205

- Candidates seeking certification and participating candidates may only accept QSDC from District residents, or contributions from non-District resident individuals, that in the aggregate, does not exceed, per election cycle:
 - a. **\$200** in support of a candidate for the seat of **Mayor, Council Chairman or Attorney General**;
 - b. **\$100** in support of a candidate for the seat of **At-Large Council**;
 - c. **\$50** in support of a candidate for the seat of **Ward Council or At-Large State Board of Education**; or
 - d. **\$20** in support of a candidate for the seat of **Ward State Board of Education**.

Business Contributions (Traditional Program Only)

D.C. Official Code § 1-1163.33 and 3 DCMR § 3011

Business contributors and their affiliated entities share a single contribution limit. Accordingly, a business and its entities are considered one contributor.

Business contributors will be required to certify at the time of the contribution that none of their affiliated entities have contributed a combined amount that would exceed the respective contribution limit to a candidate's committee.

To ensure compliance with this requirement, it is the responsibility of each political committee, political action committee, and independent expenditure committee to use the Affirmation Statement of Business Contributor form (OCF Form 32) for the certification by the business contributor.

Campaign Literature

D.C. Official Code § 1-1163.15 and 3 DCMR § 3018

- Campaign literature is defined as any printed matter distributed with the intent to support or oppose candidates, initiatives, referenda, or recall measures, including:
 - Newspaper or magazine advertising, and mass mailings
 - Posters
 - Circulators
 - Billboards
 - Handbills
 - Buttons
 - Bumper stickers
 - Sample ballots
 - Initiative, referendum, or recall petitions
 - Stuffed animals
 - Match covers
 - Key chains
 - Any advertisement transmitted electronically by satellite, radio, cable internet, mobile communication, or telephone bank-robo calls

Identification of Campaign Literature

D.C. Official Code § 1-1163.15

- Campaign literature must be identified by the words “**paid for by**” followed with the name and address of the payer **or** the committee **or** other person **and** the name of its treasurer on whose behalf the materials appear.
- Campaign literatures and advertisements soliciting funds must identify on the face or front page of the material that “a copy of our reports is filed with the Director of Campaign Finance...”
- Any advertisement to support or oppose candidates, initiatives, referenda, or recall measures that is disseminated to the public by a **political committee, political action committee, or independent expenditure committee or any other person**, shall disclose in the advertisement, the identity of the advertisement’s sponsor.

Identification of Campaign Literature

D.C. Official Code § 1-1163.15 and 3 DCMR § 3018

An independent expenditure committee or person making an independent expenditure shall identify its political advertising by the words "**paid for by**", followed by the name and address of the independent expenditure committee and the name of the committee's treasurer, or the name and address of the person making the independent expenditure.

The political advertising shall also include a written or oral statement of the words "**Top Five Contributors**", followed by a list of the 5 largest contributors over the amount of \$5,000, whose contributions were made for the purpose of making an independent expenditure, to the independent expenditure committee or person making the independent expenditure, if applicable, during the 12-month period before the date of the political advertising.

Identification of Campaign Literature

D.C. Official Code § 1-1163.15 and 3 DCMR § 3018

Please note that the disclaimer need not be included on items the size of which makes the inclusion of such notice impractical. Such items include, but are not limited to:

- a. Pens, pencils, and erasers;
- b. Buttons;
- c. Balloons;
- d. Hats;
- e. Noise makers;
- f. Key rings;
- g. Magnets;
- h. Business cards; and
- i. Name tags.

REPORTS, AUDITS AND DESK REVIEWS

Renee Coleman-Rollins, Audit Manager

Authority

- D.C. Official Code § 1-1163.03(a)(1)(A) et seq. and Chapter 30 of the District of Columbia Municipal Regulations provides the Reports Analysis and Audit Division with the authority to conduct desk reviews, audits, and investigations of the campaigns of all individuals and committees running for public office in the District of Columbia.

Objectives

3 DMCR § 3400

- To ensure financial accountability, the Audit Division seeks to:
 - Provide guidance to committees regarding their recordkeeping and reporting responsibilities and the adequacy of procedures employed;
 - Verify the accuracy of statements and reports filed under the provisions of D.C. Official Code Section § 1-1163.09 by candidates, treasurers and committees; and
 - Determine if the committee has complied with the requirements of the Campaign Finance laws and regulations.

Reports of Receipts and Expenditures

D.C. Official Code §1-1163.09 and 3 DCMR § 3008 and §3400

- Candidates and committees are required to report on each Report of Receipts and Expenditures (“R&E Report”) the following types of financial transactions (if applicable):
 - Schedule A - Receipts
 - Schedule B - Expenditures
 - Schedule C - Sales and Mass Collections
 - Schedule D - Debts and Obligations
 - Schedule E – Loans

***See Handout: OCF Form 16.**

Reports of Receipts and Expenditures

D.C. Official Code § 1-1163.09 and 3 DCMR § 3008

Tips for Treasurers

- The beginning balance for the 1st Report filed should be **\$0.00**. Please be reminded that the ending balance from the last report filed should be carried forward as the beginning balance of the next subsequent filing.
- In-Kind transactions (non-monetary contributions) must be reported on both Schedules A and B.
- A report cannot reflect a negative beginning or ending cash on hand balance.
- Contributions from individuals/entities with the same address will require documentation (copy of the individual contributor check/credit card information/contributor card).

Reports of Receipts and Expenditures

D.C. Official Code § 1-1163.33 and 3 DCMR § 3015

Tips for Treasurers Cont'd

- All business contributions must accompany a Form 32 (Business Affirmation Statement – Affiliated Entities).
- No cash contributions or money order contributions may exceed **\$100** from each contributor.
- Candidates can only be reimbursed a maximum of **\$25,000** for Loans made to the Committee (Schedule E) for loans made by the candidate. Additionally, documentation will be required as to the source of the funds.
- All expenses for “Consultant” must be accompanied by documentation (contract/statement of work).

Reports of Receipts and Expenditures

3 DCMR §§ 3010, 3016 and 3400

Tips for Treasurers Cont'd

- No cash withdrawals may be made in excess of **\$300**. This amount can be used for petty cash and may be replenished.
- **RECORDKEEPING** is very important. A committee must keep all records to substantiate every receipt and expenditure reported for up to **3 years after termination**. (Records may be requested at any time).
- All committees **must** continue to file until all funds are fully exhausted and there are no debts, obligations and/or loans outstanding. At that time, the committee must file a Termination Report.

Please be reminded that committees have twelve (12) months to retire all debts after the election. At that point, the candidate will be held liable for any debts, obligation, and/or loans outstanding.

Loans

- No candidate or member of the immediate family of a candidate may make a loan or advance from his or her personal funds for use in connection with a campaign of that candidate for nomination for election, or for election to a public office unless a written instrument fully discloses the terms, conditions, and parts to the loan or advance - 3 DCMR § 3011.6.
- The amount of any loan or advance shall be included in computing and applying the limitations contained in this section to the extent of the balance of the loan or advance that is unpaid at the time of determination. 3 DCMR § 3011.7
- For the purpose of this subsection, the term “immediate family” means the candidate’s spouse, domestic partner, parent, brother, sister, or child, and the spouse or domestic partner of a candidate’s parent, brother, sister, or child. D.C. Official Code § 1-1163.01(26) and 3 DCMR § 4205.10.

Fund Balance Requirements

D.C. Official Code § 1-1163.10a provides that:

“(a)(2) Except as provided in § 1-1163.32(h) within the limitations specified in this act, any surplus, residual, or unexpended campaign funds received by or on behalf of a candidate shall be,

- (1) Contributed to a political party for political purposes;
- (2) Within 12 months after the election, used to retire the proper debts of his or her political committee that received the funds, after which the candidate shall be personally liable for any remaining debts, provided that:
 - (A) Personal liability shall not attach until the Director of Campaign Finance is no longer auditing the principal campaign committee; and
 - (B) Any loans made by the candidate to support his or her campaign may only be repaid up to the amount of \$25,000...”

Desk Reviews

3 DCMR § 3404

- The Audit Division will conduct Desk Reviews for every filing deadline, for the following filers:
 - Candidates and political committees,
 - Political action committees,
 - Constituent service programs,
 - Exploratory committees,
 - Transition committees,
 - Inaugural committees, and
 - Independent expenditures committees.

Requests for Additional Information (RFAI)

D.C. Official Code § 1-1163.03(a)(1)(A) and 3 DCMR § 3404.2

- At the conclusion of the Desk Review, the Audit Division may detect errors or discrepancies that require further explanation or documentation.
- In those cases, the Audit Division will issue an RFAI letter to each filer whose R&E Report was found to contain the 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 with corrections and/or an amended report.

***See Handout: Tips for Treasurers**

Periodic Random Audits

3 DCMR § 3404.5

- The Audit Division conducts Periodic Random Field Audits in each OCF program.
- These audits are conducted during the election cycle and require reporting entities to submit all banking records to support the contributions and expenditures reported in the coverage period of the selected filing.

Full Field Audits

3 DCMR § 3404.4

- The Audit Division conducts Full Field Audits of the entire operations of principal campaign committees of candidates newly elected to office, from the organization of the committee to its termination.
- The Audit Division may also initiate Full Field Audits and investigations based upon deficiencies and conditions noted during a Desk Review; or upon a complaint filed by the public; or upon order of the Board of Elections or the Director of Campaign Finance.

FAIR ELECTIONS PROCESS

Erick L. Jackson, Program Manager

Statement of Organization

D.C. OFFICIAL CODE § 1-1163.07 and 3 DCMR § 4203

- The candidate files the Public Finance Statement of Registration (Form OCF-FEP1) and indicates the intent to seek certification as a participating candidate.
- ❖ These rules do not apply to Candidates for Advisory Neighborhood Commissioner (ANC).

Threshold Requirements

D.C. OFFICIAL CODE § 1-1163.32c and 3 DCMR § 4206

To be certified as a participating candidate in the Fair Elections Program, a candidate must submit during the qualifying period:

- 1) A minimum total dollar amount of qualified small-dollar contributions (QSDCs) from a minimum of small-dollar contributors, for a seat for a covered office as follows:
 - a. For Mayor, QSDC from at least **1000** small-dollar contributors, which total **\$40,000** or more;
 - b. For Attorney General, QSDC from at least **500** small-dollar contributors, which total **\$20,000** or more;
 - c. For Council Chairman, QSDC from at least **300** small-dollar contributors, which total **\$15,000** or more;

Threshold Requirements Cont'd

D.C. OFFICIAL CODE § 1-1163.32c and 3 DCMR § 4206

- d. For At-Large Council seat, QSDC from at least **250** small-dollar contributors, which total **\$12,000** or more;
 - e. For Ward Council seat and At-Large State Board of Education seat, QSDC from at least **150** small-dollar contributors, which total **\$5,000** or more; and
 - f. For Ward State Board of Education seat, QSDC from at least **50** small-dollar contributors, which total **\$1,000** or more.
- 2) The Fair Elections Program Affidavit of Candidate and Treasurer (OCF – FEP2) signed by both the candidate and the treasurer.

Limitations on Contributions

D.C. OFFICIAL CODE § 1-1163.32b and 3 DCMR § 4205

- Candidates seeking certification and participating candidates may only accept QSDC from District residents, or contributions from non-District resident individuals, that in the aggregate, does not exceed, per election cycle:
 - a. **\$200** in support of a candidate for the seat of **Mayor, Council Chairman or Attorney General**;
 - b. **\$100** in support of a candidate for the seat of **At-Large Council**;
 - c. **\$50** in support of a candidate for the seat of **Ward Council or At-Large State Board of Education**; or
 - d. **\$20** in support of a candidate for the seat of **Ward State Board of Education**.

Certification Requirements

D.C. OFFICIAL CODE § 1-1163.32c and 3 DCMR § 4206

- The OCF must determine whether the candidate meets the requirements for certification (i.e., met the threshold requirements and filed an affidavit).
- If the requirements are not met, the OCF must provide the opportunity to cure any deficiencies and the opportunity to appeal the determination.

Certification Requirements Cont'd

D.C. OFFICIAL CODE §§1-1163.32c (a)(2)(D), 1-1163.01(47B) and 3 DCMR § 4206.1

BALLOT ACCESS

- The OCF must determine at the close of the “Qualifying Period” whether the ballot access requirement has been met:
 - a. Filed a Declaration of Candidacy; and
 - b. Filed a Nominating Petitions with the required number of valid signatures for covered office sought.

QUALIFYING PERIOD

- Qualifying Period means (1) the period beginning on the day after the most recent general election for the covered office sought and ending on the last day to file nominating petitions for the primary or general election for office sought; or (2) the period beginning on the day the special election is called and ending on the last day to file nominating petitions for the office sought.

CANDIDATES SEEKING CERTIFICATION AND INTO THE FAIR ELECTIONS PROGRAM (FEP) MUST OBTAIN THE FOLLOWING DURING THE QUALIFYING PERIOD:

- a) For a candidate for Mayor, qualified small dollar contributions from at least 1000 small dollar contributors, which in the aggregate, total \$40,000 or more
- b) For a candidate for Attorney General, qualified small dollar contributions from at least 500 small dollar contributors, which in the aggregate, total \$20,000 or more
- c) For a candidate for Council Chairman, qualified small dollar contributions from at least 300 small dollar contributors, which in the aggregate, total \$15,000 or more
- d) For a candidate for an At-Large Council seat, qualified small dollar contributions from at least 250 small dollar contributors, which in the aggregate, total \$12,000
- e) For a candidate for a Ward Council seat and the At-Large State Board of Education seat, qualified small dollar contributions from at least 150 small dollar contributors, which in the aggregate, total \$5,000 or more
- f) For a candidate for a Ward State Board of Education seat, qualified small dollar contributions from at least 50 small dollar contributors, which in the aggregate, total \$1,000 or more.

Verification of Contributions

3 DCMR § 4300

All R&E Reports filed with the Director shall include the following documents underlying the transactions reported during the respective coverage period for upload into the Fair Elections Program E-Filing and Disclosure System:

1. ALL CONTRIBUTIONS REQUIRE A CONTRIBUTION CARD/AFFIRMATION STATEMENT: Contribution Card/Affirmation Statement must have a signature or a digital receipt of the contributor
2. Contribution types:
 - a) Check (copy of the check)
 - b) Cash, Money Order
 - c) Credit Card

Base Amount Payments

D.C. OFFICIAL CODE § 1-1163.32d and 3 DCMR § 4207

- Once certified as a “***Participating Candidate***”, the OCF shall distribute one half of the **Base Amount** for the covered office sought.
 - After the participating candidate qualifies for **Ballot Access**, the OCF shall distribute the remaining one half of the base amount for the covered office sought.
- ❖ The participating candidate is only eligible to receive the Base Amount Payment in contested elections; but is otherwise eligible to receive Matching Payments in uncontested elections.

Matching Payments

D.C. OFFICIAL CODE § 1-1163.32e and 3 DCMR § 4208

- QSDC received in an election cycle **before** certification as a “participating candidate” may not be matched until the candidate is certified.
- Once certified, a “participating candidate” may receive matching funds for QSDC received before and after certification equal to 500% of the amount of the QSDC.
- Contributions from **non-District resident** individuals cannot be matched.
- Payments shall be made no later than five (5) business days after the receipt of the R&E Report.
- The OCF will be required to provide a written explanation of the denial payment and provide the opportunity to appeal within five (5) business days.

Limitations On Contribution & Expenditures

D.C. OFFICIAL CODE § 1-1163.32f and 3 DCMR § 4209

- There are limitations on the sources of contributions and prohibitions on expenditures made for certain purposes.
- Contributions received from prohibited sources must be returned within ten (10) days after certification; however, if the contribution has been expended:
 - a. OCF shall subtract the total amount of the expended contributions from the base amount in which the candidate would be eligible; or
 - b. OCF shall subtract the total amount of the expended contributions from the “matching payments” to which the candidate would be eligible.
- A candidate seeking certification who expends contributions **from prohibited sources, which exceeds the “base amount”** to which the candidate would be eligible, **may not** participate in the Fair Elections Program.

Debate Requirement

D.C. OFFICIAL CODE § 1-1163.32g and 3 DCMR § 4210

- Participating candidates are required to participate in at least one (1) debate for each contested citywide election.
- Uncontested candidates are not required to debate.

Remission of Funds & Donating Equipment

D.C. OFFICIAL CODE § 1-1163.32h and 3 DCMR § 4211

- The remission of any remaining funds to the Office of Campaign Finance for deposit in the Elections Fund, or the donation of any equipment purchased by the campaign to a non-profit organization must occur as follows:
 - a. Due within 60 days after the Primary Election in which losing participating candidate was on the ballot;
 - b. Due within 60 days after Special or General Election by participating candidate on the ballot;
 - c. Due within 60 days after revocation of certification, and where revoked for fraud, the candidate is personally liable for any expended base amount or matching fund payments; and
 - d. An extension may be requested for an additional 180 days where funds are documented and needed to repay authorized expenditures or to retire proper debts or repay personal funds, if request is made no later than the last day of the 60day period.

The Fair Elections Fund

D.C. OFFICIAL CODE § 1-1163.32i

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

Reporting

D.C. OFFICIAL CODE § 1-1163.32j

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

CAMPAIGN FINANCE REGULATIONS AND ENFORCEMENT

William SanFord, General Counsel

Interpretative Opinions

3 DCMR § 3305

- May be obtained from the Director of Campaign Finance upon **written request** on issues under the Office of Campaign Finance's jurisdiction, including:
 - The use of surplus funds;
 - The circulation of campaign literature;
 - Establishing constituent service programs;
 - Permissible use of campaign funds, and more.
- In addition to Interpretative Opinions, the Office of the General Counsel provides "Expedited Advice."

Interpretative Opinions Cont'd

3 DCMR § 3305

Expedited Advice is generally an informal legal opinion that is provided in response to a request for guidance received via email regarding a particular legal issue. The Office of the General Counsel's response is also transmitted via email within five (5) days of receipt of the request and the advice provided has the same value as an Interpretative Opinion.

Visit the website of the Office of Campaign Finance's at www.ocf.dc.gov for additional information.

Independent Expenditures

D.C. Official Code § 1-1163.13

(a)(1) Every political action committee and independent expenditure committee shall certify, in each report filed with the Director of Campaign Finance, that the contributions it has received and the expenditures it has made have not been controlled by or coordinated with any public official, political committee affiliated with a public official, or an agent of a public official or political committee affiliated with a public official.

(2) Every independent expenditure committee shall further certify, in each report filed with the Director of Campaign Finance, that it has not made any contributions or transfers of funds to any public official, political committee, or any political action committee.

(b)(1) A business contributor to a political committee, political action committee, or independent expenditure committee shall provide the committee with the identities of the contributor's affiliated entities that have also contributed to the committee.

Independent Expenditures Cont'd

D.C. Official Code §1-1163.13

(2) A business contributor shall comply with all requests from the Director of Campaign Finance to provide information about its individual owners, the identity of affiliated entities, the individual owners of affiliated entities, the contributions or expenditures made by such entities, and any other information the Director of Campaign Finance deems relevant to enforcing the provisions of this chapter.

(3)(A) Any person other than a political committee, political action committee, or independent expenditure committee that makes one or more independent expenditures in an aggregate amount of \$1,000 or more within a calendar year shall, in a report filed with the Director of Campaign Finance, identify:

- (i) The name and address of the person;
- (ii) The name and address of any of the person's affiliated entities that have also made an independent expenditure;
- (iii) The amount and purpose of the expenditures;

Independent Expenditures Cont'd

D.C. Official Code §1-1163.13

(iv) The names of any candidates, initiatives, referenda, or recalls in support of or in opposition to which the expenditures are directed; and

(v) A certification that, to the best of the person's knowledge, the independent expenditures were not controlled by or coordinated with any public official, political committee affiliated with a public official, or an agent of any person described in this sub-subparagraph.

(B) If the person under subparagraph (A) of this paragraph is not an individual, any report filed under this paragraph shall also include:

(i) The person's principal place of business;

(ii) The name and address of each person whose total contributions, made for the purpose of making an independent expenditure, to the person reporting during the period covered by the report exceeded \$500; and

Independent Expenditures Cont'd

D.C. Official Code §1-1163.13

(iii) The date and amount of each contribution, made for the purpose of making an independent expenditure, by each person whose total contributions to the person reporting during the period covered by the report exceeded \$500.

(C) The report shall be filed on the dates which reports by committees are filed, unless the value of the independent expenditure totals \$1,000 or more in a 2-week period, in which case the report shall be filed within 14 days after the independent expenditure.

(c) Statements required by this section shall be filed on the dates on which reports by committees are filed, but the content of the filings need not be cumulative.

(d) Every person who files statements with the Director of Campaign Finance has a continuing obligation to provide the Director with correct and up-to-date information.

Contribution Limitations

3 DCMR § 3011

- No contributor may make a contribution or cause a contribution to be made in the name of another person, and no person may knowingly accept a contribution made by one person in the name of another person. D.C. Official Code § 1-1163.33(g).
- All contributions made by a person directly or indirectly to or for the benefit of a particular candidate's political committee that are in any way earmarked, encumbered, or otherwise directed through an intermediary or conduit to that candidate or political committee shall be treated as contributions from that person to that candidate or political committee and shall be subject to the limitations established by this act. D.C. Official Code § 1-1163.33(i).

Civil Penalties and Personal Liability

D.C. Official Code § 1-1163.35(a)(2)(A)

- A Candidate or other person charged with responsibility for filing reports and documents (i.e., the treasurer), who fails, neglects or omits to file such report or document accurately and timely, may be assessed a civil penalty of not more than \$4,000 for the first offense and not more than \$10,000 for the second and each subsequent offense.
- Felony Prosecutions for Knowing Violation (D.C. Official Code §1-1163.35(c))
 - Any person who knowingly violates provisions of District of Columbia campaign finance laws shall be subject to criminal prosecution and shall be fined or imprisoned for not more than five (5) years or both.

Prosecution of Campaign Finance Laws

D.C. Official Code § 1-1163.35

- Concurrent Prosecutorial Jurisdiction for the United States Attorney for the District of Columbia and the Attorney General for the District of Columbia.
 - Misdemeanor violations of District of Columbia Campaign Finance Laws may be brought by either the United States or the District of Columbia for faster prosecution of these violations.

Enforcement

3 DCMR § 3711

- Ministerial fines may be imposed by the Director of Campaign Finance for certain violations of District of Columbia campaign finance laws and the Office of Campaign Finance regulations and the Office of Campaign Finance's Schedule of Fines.
 - ❖ ***The candidate, treasurer, committee or designated agent may be held personally liable for violations of the regulations and statutory provisions governing political committees, political action committees and independent expenditure committees.***
- Petitions for Enforcement of the Director's Orders, where compliance has not been obtained, are filed with the Board of Elections (Board). Cases that are not settled by the Board may be referred to the District of Columbia Superior Court for enforcement. (D.C. Official Code §1-1163.35(a)(4)).

Resources

- The following resources can be found on the OCF website (www.ocf.dc.gov):
 - Candidate Program and the Principal Campaign Committee Brochure
 - Political Action Committee Brochure
 - Campaign Finance Guide
 - Public Financing Brochure
 - Fair Elections Program Fact Sheet
 - Traditional Program Fact Sheet
 - District of Columbia Municipal Regulations – Campaign Finance
 - Campaign Finance Seminars, and much more.



**RECEIPT AND AFFIRMATION
STATEMENT FOR CONTRIBUTOR**
Fair Elections Program

(The contributor should complete and review the card in its entirety.)

D.C. OFFICIAL CODE § 1-1163.32b (b) requires that each qualified small dollar contribution from a District of Columbia resident individual and contribution from a Non-District of Columbia resident individual be acknowledged by a physical or digital receipt to the contributor, with a copy to be retained by the candidate.

This form must be completed by each individual making a contribution to a candidate and a copy retained by the receiving candidate for at least three years from the date of filing the termination report of the committee.

COMMITTEE

Committee Name :		Contribution Date:	
Contribution Type:	<input type="checkbox"/> Check <input type="checkbox"/> Cash <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other: _____		
Amount:			

CONTRIBUTOR INFORMATION

<input type="checkbox"/> District of Columbia Resident <input type="checkbox"/> Non-District of Columbia Resident			
Full Name (Last, First, M.I.):			
Home Address:	City:	State:	Zip Code:
Telephone Number:			
Email (Optional) :			

To comply with the Office of Campaign Finance reporting requirements, please provide your employment information. If you are not employed, indicate what best describes your employment status (e.g. "homemaker", "retired", "student", or "unemployed"). If self-employed, indicate employer as "self" and provide your occupation and employment address.

Principal Place of Business :

Street Address:	(Apt/Unit#):
City:	State: Zip Code:

AFFIRMATION OF CONTRIBUTOR

I certify and affirm that this contribution is being made in my name and from my own funds. I hereby affirm that I was not, nor, to my knowledge, was anyone else, reimbursed in any manner for this contribution; that this contribution is not being made as a loan; and that this contribution is being made from my personal funds or my personal account, which has no corporate or business affiliation. I am either a District of Columbia resident individual making a small-dollar contribution or a non-District of Columbia resident individual. I understand that making a false statement is a violation of the law.

SUBMISSION OF LATE, FALSE, ERRONEOUS, OR INCOMPLETE INFORMATION MAY SUBJECT THE PERSON TO THE PENALITIES OF D.C. OFFICIAL CODE § 1-1163.35

_____ Contributor's Signature	_____ Date

CONTRIBUTION CARD

(The contributor should complete and review the card in its entirety.)

(Committee Name)Contribution Type ☐ Check ☐ Cash (may not exceed \$100) ☐ Credit Card☐ Money Order (may not exceed \$100) ☐ Other

Amount \$ _____

Contributor Name _____

Home Address _____

City/State/Zip _____

Optional: Telephone _____ Email: _____

To comply with the Office of Campaign Finance reporting requirements, please provide your employment information. If you are not employed, indicate what best describes your employment status (e.g. "homemaker", "retired", "student", or "unemployed"). If self-employed, indicate employer as "self" and provide your occupation and employment address.

Employer _____ Occupation _____

Business Address _____

City/State/Zip _____

Contributor's Signature_____
Date of Contribution



GOVERNMENT OF DISTRICT OF COLUMBIA
OFFICE OF CAMPAIGN FINANCE
WASHINGTON, D.C. 20009

AFFIRMATION STATEMENT FOR BUSINESS CONTRIBUTOR

D.C. OFFICIAL CODE §§ 1-1163.13 (b) and 1-1163.33 (b) require that each "Business Contributor" to a committee provide the committee with the identities of the contributor's affiliated entities that have also contributed to the committee, and certify for each contribution made that no affiliated entities have contributed an amount that when aggregated with the contributor's contribution would exceed the contribution limits.

(This form must be completed by each Business Entity making a contribution to a committee and retained by the receiving committee for at least three years from the date of filing the termination report of the committee.)

Date of Contribution: _____ Contribution Amount: _____

Contribution Type: Check ☐ Cash ☐ Money Order ☐ Credit Card ☐

Description if Cash: _____

Name of Business making Contribution: _____

Address: _____ City: _____ State: _____ Zip: _____

Name of Recipient Committee: _____

Please list the Names and Address of all Individual Owners of the Business Contributor.

Full Name of Individual Owner:
Full Mailing Address and Zip Code:

Does the Business Contributor have Affiliated Entities? Yes ☐ No ☐

Did any of your Affiliated Entities make contributions to this committee Yes ☐ No ☐

If your response is "Yes", please list on page 2 the Names and Addresses of all Affiliated Entities of the Business Contributor that have made contributions to this committee, as well as the Business Type, Contribution Type, and the Date and Total Amount of each Contribution or Expenditure made by the Affiliated Entities to the Committee. See the Definition of the terms "Affiliated Entity" and "Business Contributor" on page 3.

If your response was "No", please proceed to the Affirmation Statement on page 2.