

DISTRICT OF COLUMBIA

CAMPAIGN FINANCE AND BALLOT MEASURE GUIDE

These resources are current as of 4/25/2016. We do our best to periodically update these resources and welcome any comments or questions regarding new developments in the law. Please email us at advocacy@afj.org.

This guide summarizes key aspects of laws and regulations governing campaign finance. It is not intended to provide legal advice or to serve as a substitute for legal advice.

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CONTRIBUTION LIMITS AND SOURCE RESTRICTIONS

| From: | To Candidates | | | | | | To Committees | | To Ballot Meas. |
|---------------|---------------|-----------------------------|------------------|---------------------------------------|--------------------------------------|-----|---------------|-------|-----------------|
| | Mayor | Council Chair/Atty. General | At-Large Council | Council (Ward)/ Bd. Of Ed. (At-Large) | Bd. Of Ed (At-large)/ Party Official | ANC | PAC* | Party | |
| Indiv. | 2,000 | 1,500 | 1,000 | 500 | 200 | 25 | 5,000 | 5,000 | No Limit |
| PACs | 2,000 | 1,500 | 1,000 | 500 | 200 | 25 | 5,000 | 5,000 | No Limit |
| Corps/ Unions | 2,000 | 1,500 | 1,000 | 500 | 200 | 25 | 5,000 | 5,000 | No Limit |

*No contribution limits to an independent expenditure-only PAC (IE PAC)

- Primary and general elections are the same cycle, so share a **single** contribution limit.
- Special elections are considered a **separate** cycle, so limits reset.
- Contributions to an exploratory committee also count toward that candidate’s contribution limit.
- A PAC and any connected organization share a single contribution limit. 3 DCMR § 3011.21.
 - The term “connected organization” means any organization which is **not** a PAC but which directly or indirectly establishes, administers, or financially supports a PAC. 3 DCMR § 3000.8(a).
- An organization and any “affiliated” entities share a single contribution limit. 3 DCMR § 3014.13.
 - The term “affiliated committee” means a committee established, financed, maintained, or controlled by the connected organization. 3 DCMR § 3014.11.
- Cash contributions received or made may not exceed \$100. 3 DCMR § 3011.4.
- Contributions may not be received or made in the name of another. DC Code § 1-1163.33(g).
- There is an \$8,500 per-election-cycle aggregate limit on contributions to all candidates running for a particular office (e.g., \$8,500 in total contributions to all mayoral candidates). Contributions made in a special election do not count toward the aggregate limit. [The D.C. Attorney General has \(almost certainly correctly\) advised that these aggregate limits are likely unconstitutional, but the aggregate limit has not been repealed.](#)¹

COMMUNICATIONS

Types of Communications Regulated: The rule in DC is that communications “made for the principal purpose of promoting or opposing” a candidate, party, or ballot measure may trigger registration and reporting requirements. D.C. Code § 1-1161.01(28A); (43A). The District of Columbia has not provided clear guidance of what this means. It is not clear that this standard is limited to express advocacy or its functional equivalent; it may sweep more broadly.

- Issue-Oriented Communications Exempted: Communications made by an issue-oriented organization that “neither endorse nor oppose any candidate for office” are not regulated under DC campaign finance law. D.C. Code § 1-1161.01(10)(B)(iii).
- Member Communications Exempted: Communications by an organization to its members and their families are not regulated under DC campaign

¹ *Regarding Bills 20-21 and 20-649: Hearing before the Comm. Of the Whole, 2014. Council Period 20, (D.C. 2014) (statement of Irving B. Nathan, Att’y Gen. for the District of Columbia).*

finance law. D.C. Code § 1-1161.01(10)(B)(ii). DC does not provide any formal guidance as to what “member” means for campaign finance purposes, although it would certainly include dues-paying members or other persons recognized as members by an organization.

Independent Expenditures: An “independent expenditure” means an expenditure that is “made for the principal purpose of promoting or opposing” a candidate, party, initiative, referendum or recall and that is “[n]ot controlled by or coordinated with” any public official or candidate or person acting on their behalf. D.C. Code § 1-1161.01(28A).

Disclaimers:

- “Paid for by ...”: All newspaper or magazine advertising, mass mailings, posters, circulars, billboards, handbills, bumper stickers, sample ballots, initiative, referendum, or recall petitions, and other printed matter, along with each advertisement transmitted electronically by satellite, radio, cable, internet, or mobile communications, robocalls, public websites, or other forms of electronic advertisement with reference to or intended for the support or defeat of a candidate or group of candidates for nomination or election to any public office, or for the support or defeat of any initiative, referendum, or recall measure must include the following disclaimer:
 - “Paid for by [name and address of PAC or organization], [name of Treasurer], Treasurer.”
 - **A disclaimer is not required** for pens, buttons, balloons, hats, noise makers, key rings, magnets, business cards, name tags, or other circumstances where the size of the object makes identification impractical.

D.C. Code § 1-1163.15(a); 3 DCMR § 3018.

“Advertising” is not clearly defined in DC statute or regulations, but at minimum would include communications placed for a fee.

- Disclaimer for solicitation by PAC: A registered committee must include on the face or front page of any solicitation the following notice:
 - “A copy of our report is filed with the Director of Campaign Finance of the District of Columbia Board of Elections.”

D.C. Code § 1-1163.15(b).

| |
|---------------------|
| COORDINATION |
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“Coordination” means an action, including making an expenditure:

- At the request or suggestion of a candidate or public official, a PAC affiliated with a candidate or public official, or an agent of a candidate or public official or of a PAC affiliated with the candidate or public official; or

- With the material involvement of a candidate or public official, a PAC affiliated with a candidate or public official, or an agent of a candidate or public official or of a PAC affiliated with a candidate or public official. D.C. Code § 1-1161.01(10B).

REGISTRATION AND REPORTING REQUIREMENTS

Types of Political Committees:

- Political Action Committee (PAC): In DC, a PAC is any committee, club, association, organization, or other group of individuals not controlled by a public official or candidate that is “[o]rganized **for the principal purpose** of promoting or opposing the nomination or election of a person to public office; a political party; or any initiative, referendum, or recall.” D.C. Code § 1-1161.01(10B) (emphasis added).
 - A federal PAC, 527 organization, or other type of political organization or non-profit entity is *not* required to register as a PAC in DC **unless** its “principal purpose” is DC political activity.
- Independent Expenditure Committee (IE PAC): DC defines an IE PAC as any committee, club, association, organization, or other group of individuals that not controlled by a public official or candidate that is “organized **for the principal purpose** of making independent expenditures,” and does not make contributions to any candidate or committee. D.C. Code § 1-1161.01(28B) (emphasis added).
 - A federal PAC, 527 organization, or other type of political organization or non-profit entity is *not* required to register as an IE PAC in DC **unless** its “principal purpose” is making independent expenditures in DC.

Registration: PACs and IE PACs must register with the Office of Campaign Finance **within 10 days** of organization using [OCF Form 14](#).

- Identify any “connected organization” or “affiliated committee.”
 - The term “Connected Organization” means any organization which is *not* a PAC but which directly or indirectly establishes, administers, or financially supports a PAC. 3 DCMR § 3000.8(a).
 - The term “Affiliated Committee” means a committee established, financed, maintained, or controlled by the connected organization. 3 DCMR § 3014.11.
- Identify a Treasurer **and** a Custodian of Records (may be same person, need not be a resident of DC).
 - Treasurer **must** attend an in-person training with OCF *within 15 days* of the Statement of Organization being filed. 3 DCMR § 3001.4.
 - An Assistant Treasurer may also be designated, which is recommended.

- Treasurer must *also* submit a Statement of Acceptance of Position of Treasurer ([OCF Form 2](#)) **within 48 hours** of assuming office.
- Withdrawal of Treasurer ([OCF Form 4](#)) must be submitted within 48-hours of vacancy.
- Identify a Chair of the committee.
 - Chair must **also** submit a Statement of Acceptance of Position of Chairperson ([OCF Form 1](#)) within 48 hours of assuming office.
 - Withdrawal of Chairperson ([OCF Form 3](#)) must be submitted within 48 hours of vacancy.
- Identify depository, including account number (must be a national bank with a branch located in DC).

Reporting:

- Periodic Report of Receipts and Expenditures: PACs and IE PACs must file a periodic Report of Receipts and Expenditures ([OCF Form 16](#)) on the following schedule. Reports cover five days before the filing deadline back through the last date previously reported. D.C. Code § 1-1163.09; 3 DCMR § 3008.
 - Election year: January 31st, March 10th, June 10th, August 10th, October 10th, December 10th, and 8 days preceding an election.
 - Election year (no activity): January 31st and July 31st if a Notification of Non-Support is filed with OCF ([OCF Form 12](#)).
 - Non-election year: July 31st.
- Special 24-hour Contribution Report: Each contribution of \$200 or more received *after* the closing date for 8-Day Pre-Election Reports must be reported **within 24 hours** of its receipt using [OCF Form 16a](#).
 - Such contribution must **also** be included in the committee's next period report.
- Special Independent Expenditure Reports: Any independent expenditure of \$50 or more, **whether made by a registered committee or not**, must be reported to OCF using [OCF Form 16](#), Schedule B-5. Reports must be filed on the committee schedule provided above. *But*, if the value of the independent expenditure **exceeds \$1,000 in a 2-week period**, a report must be **filed within 14 days** of the independent expenditure.
- Electronic Reporting: A committee may sign up to file its reports electronically. Information on how to sign up to file electronically is available [here](#), and the Electronic Filing and Reporting System is accessible [here](#).
- Itemization of Contributions and Expenditures:

- Contributions: The full name, mailing address, occupation, and principal place of business is required to be itemized for contributors who aggregate **\$50 or more** within a calendar year.
- Expenditures: The full name, mailing address, occupation, principal place of business, and purpose of expenditure is required to be itemized for expenditures which aggregate **\$10 or more** within a calendar year.
- Additional Requirements:
 - An Affirmation Statement ([OCF Form 23](#)) is required to be filed with all forms, however a separate form is not required if the affirmation is already incorporated into the form being filed.

Recordkeeping and Administration:

- Bank Account: A committee must use a national bank that has a branch located in the District.
- Treasurer and/or Custodian of Records: Does not need to be a resident of the District.
- Administrative/Fundraising Expenses: If an organization provides monetary or in-kind support to a committee it sponsors or is affiliated with for administrative or fundraising expenses, that committee must treat such support as a reportable contribution. Under DC law, there is no exception for administrative or fundraising expenses covered by the sponsor of a committee.
- Record Retention: Records must be maintained for 3 years following termination and a final report of receipts and expenditures. 3 DCMR § 3400.5. Documents that must be retained include:
 - Check stubs; bank statements; canceled checks; contributor cards and copies of donor checks; credit card contributions, including merchant statements; deposit slips; invoices; receipts; contracts; subcontracts; payroll records; lease agreements; petty cash journals, if applicable; ledgers; vouchers; and loan documents including the source of the funds. 3 DCMR § 3400.2.

Termination:

- A committee may terminate by filing [OCF Form 13](#) and filing a final Report of Receipts and Expenditures ([OCF Form 16](#)) if it:
 - Has ceased to receive contributions or make expenditures;
 - Has extinguished all debts and obligations;

- Is not involved in any enforcement, audit, or litigation action with the Office of Campaign Finance; and
 - Has disbursed all surplus funds.
- 3 DCMR § 3016.4

ENFORCEMENT AND PENALTIES

Fines for violations of DC's campaign finance laws are, in relevant part, as follows:

- Accepting a contribution or making an expenditure while office of treasurer is vacant: fifty dollars (\$50) per day;
- Failure to designate a campaign depository: fifty dollars (\$50) per day;
- Failure to file a Statement of Organization for a political committee, political action committee and independent expenditure committee: fifty dollars (\$50) per day;
- Failure to file a Report of Receipts & Expenditures: fifty dollars (\$50) per day;
- Accepting legal tender or a money order of one hundred dollars (\$100) or more: five hundred dollars (\$500);
- Making a contribution deposit into an account not designated as a campaign depository: one thousand dollars (\$1,000);
- Failure to place identification notice/identity of a sponsor on campaign literature: five hundred dollars (\$500);
- Accepting a contribution in excess of contribution limitations: four thousand dollars (\$4,000);
- Making a contribution in excess of contribution limitations: four thousand dollars (\$4,000);
- Accepting a contribution made by one person in the name of another person: four thousand dollars (\$4,000);
- Making a contribution in the name of another person: four thousand dollars (\$4,000);
- Failure to timely dispose of surplus campaign funds: fifty dollars (\$50) per day;
- Failure to file additional information requested by the Director: fifty dollars (\$50) per day;
- Failure to disclose/amend required information on reports and statements: fifty dollars (\$50) per day;
- Failure to file a Statement of Acceptance of Position of Chairperson: fifty dollars (\$50) per day;
- Failure to file a Statement of Acceptance of Position of Treasurer: fifty dollars (\$50) per day;
- Making an expenditure in excess of expenditure limitations: four thousand dollars (\$4,000);
- Accepting a contribution in excess of aggregate limitations: four thousand dollars (\$4,000);

- Failure to maintain records required under § 3400.2: four thousand dollars (\$4,000);
- Failure to file a Statement of Information: fifty dollars (\$50) per day;
- Failure to disclose bundled contributions in excess of ten thousand dollars (\$10,000): four thousand dollars (\$4,000);
- Failure to attend mandatory in-person training: fifty dollars (\$50) per day;
- Failure to disclose affiliated entities of a business contributor who also made contributions to the same committee: one thousand dollars (\$1,000);
- Making a contribution or transfer of funds if an independent expenditure committee: five hundred dollars (\$500);
- Failure to file a Statement of Withdrawal of Candidate, Treasurer or Chairperson: fifty dollars (\$50) per day; and
- Failure to file a Statement of Committee Termination: fifty dollars (\$50) per day.

3 DCMR § 3711.2.

INITIATIVE, REFERENDUM, RECALL MEASURE COMMITTEES

Contribution Limits: There are no source or amount restrictions on how much Measure Committees may accept or spend in support or opposition to an initiative, referendum, recall measure, or proposed Charter amendment.

Registration: A Measure Committee has the same registration requirements as a PAC, and must register with the Office of Campaign Finance *within 10 days* of organization using [OCF Form 14](#).

Reporting: A Measure Committee must file a periodic Report of Receipts and Expenditures ([OCF Form 16](#)) on the following schedule. Reports cover five days before the filing deadline the last date previously reported. D.C. Code § 1-1163.09; 3 DCMR § 3008.

- Upon commencement of initiative, referendum, recall or proposed charter amendment; or within 10 days after making an expenditure or accepting a contribution to oppose measure;
- 10th day of the 4th month preceding election;
- 10th day of the 2nd month preceding election;
- 8 days prior to election
- On January 31st and July 31st each year until debts satisfied

Reporting for Measure Committees must be done electronically through and the Electronic Filing and Reporting System, accessible [here](#).

Verified Statement of Contributions: A Verified Statement of Contributions Report ([OCF Form 14b](#)) is required to be filed by the proposer of an initiative, referendum, or recall measure.

CONTACT INFORMATION FOR STATE AND LOCAL AGENCIES

**Office of Campaign Finance
Frank D. Reeves Municipal Building
2000 14th Street NW, Suite 420
Washington, DC 20009**

**Phone: 202-671-0547
Fax: 202-671-0658
Email: ocf@dc.gov
[Webform](#)**

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FOR FURTHER ASSISTANCE

For assistance regarding these resources or for more information about federal law, please contact our attorney one-on-one counseling service:

**Email: advocacy@afj.org
Telephone: 1-866-NPLOBBY
(675-6229)**

For assistance regarding state law in District of Columbia, please contact:

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