

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS AND ETHICS**

**NOTICE OF PROPOSED RULEMAKING**

The District of Columbia Board of Elections and Ethics pursuant to the authority set forth in D.C. Official Code § 1-1103.01 (b-1) (1) (2001 Edition), hereby gives notice of its intent to adopt the following amendments to Chapter 30, "Campaign Finance Operations", of Title 3 of the District of Columbia Municipal Regulations in not less than thirty (30) days from the date of the publication of this Notice in the D.C. Register.

The proposed amendments represent updates to the rules of the Board's Office of Campaign Finance (OCF). Specifically, the majority of the rules augments and clarifies the campaign finance procedures and the requirements of financial reports and statements to provide the general public and OCF filers with a better understanding of the agency processes, and to correct technical and typographical errors. The rules also change the contribution and expenditure limits for citizen-service programs in view of the recently enacted "Citizen-Service Programs Amendment Act of 2009", effective September 23, 2009 (D.C. Law 18-52; 56 DCR 5491); and to authorize an electronic certification process for the verification of electronically filed documents, pursuant to the "Campaign Finance Electronic Signature Amendment Act of 2009", effective October 15, 2009 (D.C. Act 18-207).

*Section 3000 of Chapter 30 of 3 DCMR, "Organization of Political Committees", shall be amended to read as follows:*

**"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 the determination by the Board of Elections and Ethics of the appropriateness of a proposed measure for filing, 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 § 3008.

- 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 § 3002.2.
- 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 § 3002.2, 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 § 3002.2, 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 § 3006; 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; and
  - (b) Exploratory Committees - formed solely for the purpose of determining the feasibility of an individual's candidacy.
- 3000.10 Each political committee shall indicate its intent not to support a candidate in the following manner:
- (a) Declare its intention on the Notification of Non-Support form; and
  - (b) File the Notification of Non-Support form, within ten (10) days of the change 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 the following officers:
- (a) A chairperson; and
  - (b) A treasurer.
- 3000.13 When either the office of chairperson or treasurer of a political committee, under § 3000.12, is vacant, the political committee shall perform the following:
- (a) Designate a successor chairperson or treasurer, within five (5) days of the vacancy; and
  - (b) Amend its Statement of Organization within 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 a treasurer.
- 3000.15 Each expenditure made for, or on behalf of, a political committee shall be authorized only by the following:
- (a) Chairperson;
  - (b) 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 the following:

- (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 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, prescribed by the Director, 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 the following:

- (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 and candidate, if an authorized committee, within forty-eight (48) hours of assuming the office:
- (b) Periodic R&E Reports, under § 3008, 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.”

*Section 3001 of Chapter 30 of 3 DCMR, "Exploratory Committees", shall be amended to read as follows:*

"3001 EXPLORATORY COMMITTEES

- 3001.1 Any individual, or group of individuals, who organizes for the purpose of exploring the feasibility of a person's candidacy for an elective office in the District of Columbia, shall form an exploratory committee.
- 3001.2 An exploratory committee shall include, but not be limited to, the following:
- (a) Draft Committees; and
  - (b) "Testing the Waters" Committees.
- 3001.3 Each exploratory committee shall include the name of the potential candidate in the name of the committee.
- 3001.4 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.
- 3001.5 Each exploratory committee shall be required to file an informational report, in accordance with §3008.
- 3001.6 Informational reports shall be filed in accordance with §3017, except that an informational report shall be filed on the following dates:
- (a) January 31st and July 31st; and
  - (b) On the last day of each month within the 12 month period of an election for the office which is under consideration by the exploratory committee.
- 3001.7 Contributions in support of an exploratory committee shall be received or made in accordance with §3011, except that individual and aggregate contributions shall be limited for the following exploratory committees:

- (a) Mayoral - \$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.
- 3001.8 The life of an exploratory committee for any office shall not exceed 18 months.
- 3001.9 When an exploratory committee reaches 18 months, one of the following acts shall occur:
- (a) The exploratory committee terminates; or
  - (b) The named individual of the exploratory committee becomes a candidate.
- 3001.10 When the named individual of an exploratory committee becomes a candidate, the individual must perform the following:
- (a) File a declaration of candidacy, pursuant to §3002;
  - (b) Form a principal campaign committee, pursuant to §3005; and
  - (c) Apply all contributions received during the life of the exploratory committee to the campaign contribution limitations for the specific candidate, pursuant to §3011.
- 3001.11 Any remaining funds of an exploratory committee shall be transferred only to the following:
- (a) An established principal campaign or political committee; or
  - (b) A charitable, scientific, literary, or educational organization, or organizations, which meet the requirements of tax laws of the District of Columbia.
- 3001.12 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.

3001.13 Each exploratory committee shall file a final informational report within thirty (30) days of the termination of the committee.”

*Section 3002 of Chapter 30 of 3 DCMR, “Candidate Status”, shall be amended to read as follows:*

“3002 CANDIDATE STATUS

- 3002.1 An individual shall be considered a candidate when the individual performs any of the following acts:
- (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.
- 3002.2 With the exception of candidates for Advisory Neighborhood Commission (ANC) member, each candidate shall file, within five (5) days after becoming a candidate, under §3002.1, a Statement of Candidacy form, prescribed by the Director, indicating the following:
- (a) Whether spending is anticipated at less than five hundred dollars (\$500); or
  - (b) Whether a principal campaign committee will be designated.
- 3002.3 Each candidate, pursuant to § 3002.2, who indicates on the Statement of Candidacy that a principal campaign committee will be designated on behalf of the candidate shall complete the form with the following:
- (a) The name of the principal campaign committee, pursuant to § 3005;
  - (b) Any other authorized committees, pursuant to § 3000.6; and
  - (c) One (1) or more national banks located in the District of Columbia as the campaign depository.
- 3002.4 The candidate shall commence filing personal R&E Reports in accordance with this chapter, unless reporting is otherwise exempted, pursuant to § 3003, or waived, pursuant to § 3004.

- 3002.5 The Summary Financial Statement of Candidate for the Office of Advisory Neighborhood Commission form, prescribed by the Director, shall be filed no later than sixty (60) days after the certification by the Board of Elections and Ethics of the election results by the following:
- (a) ANC candidates, pursuant to § 1616, who qualified for the ballot by the write- in process;
  - (b) ANC candidates, pursuant to §§ 1608 and 1609, who qualified for the ballot by the nominating petition process;
  - (c) ANC candidates who accepted contributions or made expenditures; and did not qualify for the ballot, pursuant to §§ 1608, 1609 and 1616; and
  - (d) ANC candidates who qualified as candidates for selection in the ANC vacancy filling process, pursuant to § 1310.
- 3002.6 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, prescribed by the Director, upon termination of the candidacy.”

*Section 3005 of Chapter 30 of 3 DCMR, “Principal Campaign Committee”, shall be amended to read as follows:*

“3005 PRINCIPAL CAMPAIGN COMMITTEE

- 3005.1 With the exception of persons who make independent expenditures under the Act, only a candidate’s designated principal campaign committee, and its authorized committees, pursuant to § 3000.6, shall accept contributions or make expenditures on behalf of that candidate.
- 3005.2 An individual who is a candidate for more than one (1) office shall designate a separate principal campaign committee for each office sought, except in accordance with § 3005.3.
- 3005.3 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.
- 3005.4 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), cashed or redeemed by the candidate, pursuant to § 3004.2 shall be disallowed by the principal campaign committee and returned by the candidate to the donor.

3005.5 No contributions shall be commingled with the candidate's personal funds or accounts."

*Section 3008 of Chapter 30 of 3 DCMR, "Financial Reports and Statements", shall be amended to read as follows:*

**"3008 FINANCIAL REPORTS AND STATEMENTS**

3008.1 Candidates, political committees, citizen-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.

3008.2 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 form filed under §3008.2(a).

3008.3 The R&E Report may be filed in an electronic format at the OCF Website under § 3018; Provided that the original R&E Report, verified by the treasurer, is also filed. The filing of the paper copy may be eliminated where the treasurer submits a signed letter request for a PIN Number.

3008.4 Each contribution, rebate, refund, or any other receipt of \$15 or more shall be reported.

3008.5 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 citizen-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.

3008.6 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.

3008.7 Partnership contributions, under § 3011.15, 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.
- 3008.8 Each operating expenditure, transfer to other authorized committees, refund of a contribution, independent expenditure, offset to receipts, and in the case of a citizen-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.
- 3008.9 Each in-kind contribution, under §§ 3008.5 and 3008.8, 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.
- 3008.10 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).
- 3008.11 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.
- 3008.12 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.
- 3008.13 The R&E Report shall be complete, as of five (5) days prior to the date of any filing, under § 3017; Provided, that any contribution of two hundred dollars (\$200) or more received after any closing date, under § 3017, for the last R&E Report required to be filed prior to an election, shall be reported within 24 hours after its receipt.
- 3008.14 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 §

3008.5, from the issuer and shall be reported as an in-kind contribution.

- 3008.15 Each person, other than a political committee or candidate, who makes contributions or expenditures exceeding fifty dollars (\$50) or more 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 § 3017, for the period when the expenditure occurred.
- 3008.16 The Summary Financial Statement of Candidate for the Office of Member of an Advisory Neighborhood Commission (ANC), filed under § 3002.5, shall include the following:
- (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.
- 3008.17 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 a signed letter request for a PIN Number to file the report online, under § 3018.”

*Section 3009 of Chapter 30 of 3 DCMR, “Reports of Initiative, Referendum, Recall and Proposed Charter Amendment Committees”, shall be amended to read as follows:*

- “3009 REPORTS OF INITIATIVE, REFERENDUM, RECALL AND PROPOSED CHARTER AMENDMENT COMMITTEES
- 3009.1 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.
- 3009.2 The Office of Campaign Finance 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, when necessary.

3009.3 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 measures;
- (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.

3009.4 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.

3009.5 With the exception of contributions to retire debt and expenditures made to wind down a campaign, under § 3016, contributions shall not 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 Election and Ethics; and
- (c) Subsequent to the exhaustion of all administrative and judicial remedies.

3009.6 Following the election, or the failure of an initiative, referendum, recall, or proposed charter amendment to qualify for ballot access, pursuant to this title, 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.

3009.7 Upon satisfaction of all debts and obligations, each committee shall immediately file a final R&E Report.

- 3009.8 In the absence of any debts and obligations, each committee shall, within sixty (60) days following the election, perform the following acts:
- (a) Disburse any remaining funds, if any, in accordance with § 3016; and
  - (b) File a Termination Report of Receipts and Expenditures.
- 3009.9 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.”

*Section 3011 of Chapter 30 of 3 DCMR, “Limitations on Contributions”, shall be amended to read as follows:*

“3011 LIMITATIONS ON CONTRIBUTIONS

- 3011.1 No person shall make any contribution which, 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 § 3011.2.
- 3011.2 Contributions in support of either individual candidates or their authorized committees, or for the recall of an incumbent, under § 3000.6, shall be limited to the following:
- (a) Mayor, U. S. Senator and 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).
- 3011.3 With the exception of special elections, no person shall make any contribution in any one election (primary and general) that, when totaled,

exceeds five thousand dollars (\$5,000), to any one (1) unauthorized committee, under § 3000.7.

- 3011.4 With the exception of special elections, no person shall make any contribution in any one election (primary and general) per elective office for Mayor, U. S. Senator and 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 §§ 3011.2 and 3011.3.
- 3011.5 No person shall receive or make any cash contribution of twenty-five dollars (\$25) or more in legal tender.
- 3011.6 For the purposes of § 3011, expenditures for candidates for office shall not be considered contributions or expenditures by or on behalf of a candidate when derived from the following sources:
- (a) Personal funds belonging to candidates; and
  - (b) Funds from any person 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.
- 3011.7 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 the following:
- (a) Terms;
  - (b) Conditions; and
  - (c) Parties to the loan or advance; and
  - (d) Documentation of the source of the funds when the loan or advance is from the candidate.
- 3011.8 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 § 3011, 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.
- 3011.9 Contributions to a candidate or political committee shall be attributed to the person actually making the contribution.

- 3011.10 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.
- 3011.11 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.
- 3011.12 Corporations may make contributions in the District of Columbia.
- 3011.13 A corporation, its subsidiaries, and each political committee established financed, maintained or controlled by the corporation and its subsidiaries share a single contribution limitation.
- 3011.14 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).
- 3011.15 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 § 3011.
- 3011.16 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.
- 3011.17 No portion of any contribution, under § 3011.15, shall derive from the profits of a corporation that is a partner.
- 3011.18 Limitations on contributions, under § 3011, apply to a limited liability company depending on whether it is established as a corporation or partnership.
- 3011.19 Limitations on contributions, under § 3011, shall not apply to initiative or referendum measures.

- 3011.20 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 where the candidate notifies the Office of Campaign Finance of the intent to terminate the candidacy.
- 3011.21 Limitations on contributions, under § 3011, shall not apply to unauthorized political committees during any calendar year in which an election (primary and general) is not scheduled.”

*Section 3014 of Chapter 30 of 3 DCMR, “Citizen-Service Program”, shall be amended to read as follows:*

“3014 CITIZEN-SERVICE PROGRAM

- 3014.1 A citizen-service program shall encompass any activity or program which provides charitable, scientific, educational, medical, recreational or other services to the residents of the District of Columbia, and promotes their general welfare.
- 3014.2 Citizen-service programs shall be prohibited from participating in any of the following:
- (a) Promoting or opposing a political party or committee;
  - (b) Promoting or opposing the nomination or election of an individual to public office;
  - (c) Promoting or opposing any initiative, referendum or recall measure;
  - (d) Distributing campaign literature or paraphernalia;
  - (e) Using any funds for personal purposes of the elected official; and
  - (f) Conducting any other campaign activities covered in this Title.
- 3014.3 A citizen-service program may be maintained only by the following elected public officials:
- (a) The Mayor of the District of Columbia;
  - (b) The Chairman and Members of the Council of the District of Columbia; and
  - (c) The Representative or Senator of the District of Columbia.
- 3014.4 A citizen-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.
- 3014.5 An elected official shall fund the citizen-service program only through the following methods:
- (a) By transferring any surplus, residue, or unexpended campaign funds to the citizen-service program;
  - (b) By receiving contributions which do not exceed, in the aggregate, eighty thousand dollars (\$80,000) in any one (1) calendar year;
  - (c) By 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) By 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.
- 3014.6 The amount of any transfer of surplus, residue, or unexpended campaign funds by the elected official shall not be subject to the eighty thousand dollars (\$80,000) contribution limitation, under § 3014.5(b).
- 3014.7 The amount of any funds contributed by the elected official to the official's citizen-service program shall not be subject to the five hundred dollars (\$500) contribution limitation, under § 3014.5(c).
- 3014.8 No person shall receive or make any cash contribution of twenty-five dollars (\$25) or more in legal tender to a citizen-service program.
- 3014.9 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.
- 3014.10 Corporations may make contributions to citizen-service programs.
- 3014.11 A corporation 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.
- 3014.12 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).

- 3014.13 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 § 3014.5.
- 3014.14 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 citizen-service program or the elected official; or
  - (b) Agreement of the partners; provided, that the profits of non-contributing partners are not affected.
- 3014.15 No portion of any contribution, under § 3014.5, shall derive from the profits of a corporation that is a partner.
- 3014.16 Limited liability companies may make contributions in the District of Columbia, under the contribution limitations of § 3014.5, dependent on whether the limited liability company is established as a corporation or partnership.
- 3014.17 The contribution limitations, under § 3014, shall apply only to the elected official's citizen-service program.
- 3014.18 An elected official shall comply with the following:
- (a) Spend no more than eighty thousand (\$80,000) in any one (1) calendar year for the citizen-service program;
  - (b) File the Statement of Organization for a Citizen-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 Reports, in accordance with §§ 3008 and 3017.
- 3014.19 A citizen-service program may have a treasurer.
- 3014.20 A treasurer shall be required to file the following:
- (a) The Statement of Acceptance of Position of Treasurer for a Citizen-Service Program form, prescribed by the Director, within forty-eight (48) hours of assuming the office; and

- (b) The Statement of Withdrawal of Position of Treasurer for a Citizen-Service Program form, prescribed by the Director, and a copy of written notification sent to the address of record of the custodian of records, if indicated, and the elected official, within forty-eight (48) hours of vacating the office.

3014.21 A citizen-service program may establish and maintain a petty cash fund; provided, that records shall be maintained in accordance with § 3010 of this Chapter.”

*Section 3015 of Chapter 30 of 3 DCMR, “Use of Surplus Funds”, shall be amended to read as follows:*

“3015 USE OF SURPLUS FUNDS

3015.1 Surplus funds of a citizen-service program or a Statehood fund shall be disbursed within one hundred twenty (120) days of the date that the elected official performs the following:

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

3015.2 Surplus funds of a citizen-service program shall be disbursed only for the following:

- (a) To retire the debts of the program; and
- (b) To donate to a not-for-profit organization within the meaning of the federal tax laws.

3015.3 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.

3015.4 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.

3015.5 Surplus funds of a candidate or candidate-elect shall be disbursed within six (6) months of the following:

- (a) Defeat in an election;
  - (b) Election to office; and
  - (c) Withdrawal as a candidate.
- 3015.6 Surplus funds of a candidate or candidate-elect shall be disbursed by one (1) of the following methods:
- (a) Used to retire the debts of the political committee which received the funds;
  - (b) Returned to donors; or
  - (c) Contributed to a political party for political purposes.
- 3015.7 Surplus funds 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 by the following:
- (a) A candidate or candidate-elect for member of the State Board of Education; or
  - (b) A political committee formed to collect signatures or advocate the ratification or defeat of any initiative, referendum, or recall measure.
- 3015.8 Any candidate-elect, who is authorized to establish a citizen service program, under § 3014, may transfer any surplus funds to the respective citizen-service program.
- 3015.9 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.
- 3015.10 A campaign committee, pursuant to § 3015.9, shall comply with the following:
- (a) Dispose of all surplus funds in accordance with § 3015;
  - (b) Refrain from collecting or spending money to support a candidate in a future election;
  - (c) Adhere to contributions limitations, pursuant to § 3011; and
  - (d) File Reports, pursuant to § 3008.

- 3015.11 A citizen-service program or a Statehood fund shall continue to file R&E Reports, pursuant to §§ 3008 and 3017 of this chapter, until all debts are satisfied.”

*Section 3016 of Chapter 30 of 3 DCMR, “Termination of Political Committees, Citizen-Service Programs and Statehood Funds”, shall be amended to read as follows:*

- “3016 TERMINATION OF POLITICAL COMMITTEES, CITIZEN-SERVICE PROGRAMS AND STATEHOOD FUNDS
- 3016.1 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), citizen-service program (program), or Statehood fund (fund).
- 3016.2 An elected official shall terminate a program or fund if the elected official, in the following instances:
- (a) Fails to win re-election;
  - (b) Resigns; or
  - (c) Becomes ineligible to serve, by operation of law.
- 3016.3 An authorized committee shall terminate upon satisfaction of all debts and obligations, when the purpose for which the committee was organized ceases.
- 3016.4 Any committee, program or fund may terminate its reporting requirements by filing a final R&E Report; Provided, that the committee, program or fund meets the following requirements:
- (a) Ceased to receive contributions or make expenditures;
  - (b) Extinguished all debts and obligations;
  - (c) Is not involved in any enforcement, audit or litigation action with the Office; and
  - (d) Disbursed all surplus funds in accordance with § 3015.
- 3016.5 A committee, program or fund that cannot extinguish its outstanding debts and obligations may qualify to terminate its reporting requirements, by the following:
- (a) Settling its debts for less than the full amount owed to its creditors; and
  - (b) Demonstrating that a debt is unpayable.

- 3016.6 The types of debts that are subject to debt settlement shall include the following:
- (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.
- 3016.7 The types of debts that are not subject to debt settlement include the following:
- (a) Disputed debts; and
  - (b) Bank loans.
- 3016.8 A qualifying committee, program or fund shall be settled under the following conditions:
- (a) Credit was initially extended in the ordinary course of business;
  - (b) Reasonable efforts, 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 nonpolitical debtor in similar circumstances.
- 3016.9 Once a committee, program or fund has reached an agreement with a creditor, the treasurer shall file with the Director, a debt settlement proposal, on a form prescribed by the Director.
- 3016.10 Following receipt of the debt settlement proposal, the Director shall perform the following:
- (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.
- 3016.11 A debt may be considered unpayable, under § 3016.5, for the following reasons:
- (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.
- 3016.12 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 had been made.
- 3016.13 For purposes of this section, the term "Best efforts" shall include the following:
- (a) Ascertainment of current address and telephone number; and
  - (b) Contacting creditor by registered or certified mail, or in person or by telephone.
- 3016.14 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.”

*Section 3017 of Chapter 30 of 3 DCMR, "Filings and Deadlines", shall be amended to read as follows:*

“3017 FILINGS AND DEADLINES

- 3017.1 All candidates and political committees, except as otherwise noted in this chapter, shall file R&E Reports on the following dates:
- (a) January 31st, March 10th, June 10th, August 10th, October 10th, December 10th, 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;
  - (b) January 31st and July 31st; provided, that a political committee no later than January 31st declares its intention to not support a candidate during an election year, under § 3000.10 of this chapter; and
  - (c) January 31st and July 31st, in a non-election year.
- 3017.2 Citizen-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.
- 3017.3 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.
- 3017.4 Except as otherwise provided in this chapter, R&E Reports shall be filed, on January 31st and July 31st of each year until all debts and obligations are satisfied, by the following:
- (a) Authorized committees, pursuant to § 3015.9;
  - (b) Statehood fund when the U.S. Senator or Representative vacates office; and
  - (c) Citizen-service program when an elected official, pursuant to § 3014.3, vacates office.
- 3017.5 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.
- 3017.6 All contributions of two hundred dollars (\$200) or more, received after the closing date of the filing deadline for the eighth (8th) day preceding the election Report, shall be reported in writing within twenty-four (24) hours of receipt.
- 3017.7 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.
- 3017.8 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, where a confidential pin number is not used.
- 3017.9 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.”

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not 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 4<sup>th</sup> Street, N.W., Suite 270N, Washington, D.C. 20001. 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.

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS AND ETHICS**

**NOTICE OF PROPOSED RULEMAKING**

The District of Columbia Board of Elections and Ethics pursuant to the authority set forth in D.C. Official Code § 1-1103.01 (b-1) (1) (2001 Edition), hereby gives notice of its intent to adopt the following amendments to Chapter 31, "Lobbying", of Title 3 of the District of Columbia Municipal Regulations in not less than thirty (30) days from the date of the publication of this Notice in the D.C. Register.

The proposed amendments represent updates to the rules of the Board's Office of Campaign Finance (OCF). Specifically, the majority of the amendments augment and clarify the lobbying procedures to provide the general public and OCF filers with a better understanding of the registration and reporting requirements for lobbyists; authorize an electronic certification process for the verification of electronically filed documents, pursuant to the "Campaign Finance Electronic Signature Amendment Act of 2009", effective October 15, 2009 (D.C. Act 18-207); and correct technical and typographical errors.

*Section 3100 of Chapter 31 of 3 DCMR, "Registration Requirements", shall be amended to read as follows;*

**"3100 REGISTRATION REQUIREMENTS**

- 3100.1 A person shall register as a lobbyist with the Director of the Office of Campaign Finance (the Director) (OCF) by filing the Lobbyist Registration Form if that person, under the following circumstances:
- (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; and
  - (c) Expends funds of two hundred fifty dollars (\$250) or more in any three (3) consecutive calendar month period for lobbying.
- 3100.2 Each 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 assigned to performs lobbying duties on behalf of the registered entity, shall be listed as a lobbyist on the Lobbyist Registration Form, under § 3100.6.
- 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, under § 3100.6.

- 3100.4 Each 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 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 registration filed under § 3100.6.
- 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."

*Section 3102 of Chapter 31 of 3 DCMR, "Activity Reports", shall be amended to read as follows:*

**"3102      ACTIVITY REPORTS**

- 3102.1 Each registrant, under § 3100, 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 pro-rated listing and break down 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 break down 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, honoraria, 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 and employment of each official in the executive or legislative branch, and member of the official's personal staff, who was compensated in any manner by the registrant, on Schedule C.

3102.3 Each registrant shall maintain the following:

- (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."

*Section 3103 of Chapter 31 of 3 DCMR, "Filing Deadlines", shall be amended to read as follows:*

“3103 FILING DEADLINES

- 3103.1 Each registrant shall file a Lobbyist Registration Form at the following times:
- (a) No later than fifteen (15) days after becoming a lobbyist; and
  - (b) On or before 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.”

*Section 3104 of Chapter 31 of 3 DCMR, “Limitations on Lobbying”, shall be amended to read as follows:*

“3104 LIMITATIONS ON LOBBYING

- 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 A person shall be prohibited from intentionally engaging in the following:
- (a) Making 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) Causing a copy of a document, knowing the document to contain a false statement, under § 3104.4(a), to be transmitted to an official

in the legislative or executive branch without notifying the official in writing of the truth; and

- (c) Selling or utilizing 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 Except as provided in § 3101.1, a public official shall be precluded from employment as a lobbyist while acting as a public official.

3104.6 Penalties for any violation of this chapter shall be imposed pursuant to Chapter 37 of this Title.”

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not 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 4<sup>th</sup> Street, N.W., Suite 270N, Washington, D.C. 20001. 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.

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS AND ETHICS**

**NOTICE OF PROPOSED RULEMAKING**

The District of Columbia Board of Elections and Ethics pursuant to the authority set forth in D.C. Official Code § 1-1103.01 (b-1) (1) (2001 Edition), hereby gives notice of its intent to adopt the following amendments to Chapter 32, “Financial Disclosure”, of Title 3 of the District of Columbia Municipal Regulations in not less than thirty (30) days from the date of the publication of this Notice in the D.C. Register.

The proposed amendments represent updates to the rules of the Board’s Office of Campaign Finance (OCF). Specifically, the majority of the rules augments and clarifies the financial disclosure procedures to provide the general public and OCF filers with a better understanding of the filing and disclosure requirements of the Financial Disclosure Statement, and to correct technical and typographical errors.

*Section 3200 of Chapter 32 of 3 DCMR, “Applicability”, shall be amended to read as follows:*

“3200        APPLICABILITY

3200.1        The Financial Disclosure Statement (FDS) form, prescribed by the Director of the Office of Campaign Finance (the Director) (OCF), shall be filed by the following public officials:

- (a)        Any candidate for 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)        All elected officials, except ANC members;
- (c)        Members of specific boards and commissions, pursuant to the Act;
- (d)        Employees within the excepted and legal services, paid at a rate of DS-13 or above;
- (e)        Employees within the management supervisory service, paid at a rate of MS-13, or above;
- (f)        Persons serving as subordinate agency heads pursuant to the Personnel Act; and
- (g)        Any other public official expressly subject to the financial disclosure provisions of the Act.

3200.2        The FDS shall also be filed by members of any board or commission created after April 23, 1980, which makes decisions in the following areas:

- (a) Contracting;
- (b) Procurement;
- (c) Administration of grants or subsidies;
- (d) Planning or developing policies;
- (e) Inspecting;
- (f) Licensing;
- (g) Regulating;
- (h) Auditing; or
- (i) Acting in areas of responsibility involving any potential conflict of interest.

3200.3 The Honoraria and Outside Income Disclosure Statement (HOIDS) form, prescribed by the Director, shall be filed by the following public officials:

- (a) The Mayor;
- (b) Each member of the Council; and
- (c) Each member of the State Board of Education.

3200.4 Any potential filer may request an exemption by the Director on the basis that the activities of the potential filer may be deemed de minimis.”

*Section 3201 of Chapter 32 of 3 DCMR, “Disclosure Requirements”, shall be amended to read as follows:*

“3201 DISCLOSURE REQUIREMENTS

3201.1 The public official shall list on the FDS the following:

- (a) Business entities transacting any business with the District government in which the public official (or spouse for jointly titled property) has a beneficial interest, including those held in the public officials’ name, in trust, or in the name of a nominee, valued in excess of one thousand dollars (\$1,000);
- (b) Business entities transacting any business with the District government in which the public official (or spouse for jointly titled property) has a beneficial interest consisting of corporate stock, registered and traded on a national exchange, with a value over five thousand dollars (\$5,000);

- (c) Business entities transacting any business with the District government in which the public official (or spouse for jointly titled property) earns income for services rendered during a calendar year in excess of one thousand dollars (\$1,000);
- (d) Business entities transacting any business with the District government in which the public official (or spouse for jointly titled property) serves as an officer, director, partner, employee, consultant, contractor or in any other formal capacity or affiliation;
- (e) Each outstanding liability borrowed by the individual (or spouse if joint liability) exceeding one thousand dollars (\$1,000) which is not a loan from a federal or state insured or regulated financial institution, immediate family, or revolving credit or installment accounts;
- (f) Each real property located in the District of Columbia (other than the personal residence actually occupied by the public official or spouse) with a fair market value in excess of five thousand dollars (\$5,000) in which the public official or spouse (jointly titled) holds an interest;
- (h) Each professional or occupational license issued by the District government;
- (i) Each gift received in excess of one hundred dollars (\$100) in a calendar year from any business entity transacting any business with the District government; and
- (j) 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.

3201.2 The public official shall list on the HOIDS the following:

- (a) The source and amount of all outside income earned during the calendar year;
- (b) The name of each client who transacted business with the District government from whom the public official received outside income during the calendar year;
- (c) The name of each client who stands to gain a direct financial benefit from legislation that was pending before the Council during the calendar year;
- (d) Each honorarium earned by the public official or any member of the public official's immediate family during the year in which the

- right to receive the honorarium accrued, including the source and amount;
- (e) Royalties during the year in which the right to receive the royalty accrues received by the Mayor, Chairman of the Council or any member of their immediate families for the works of the Mayor or of the Chairman of the Council; and
  - (f) Any honoraria or royalties paid to a charitable organization.
- 3201.3 No public official, required to file a HOIDS, pursuant to § 3201.2, shall earn honoraria in excess of ten thousand dollars (\$10,000) during the year in which the right to receive the honorarium accrues, except that any amounts paid to a charitable organization, on behalf of the public official, shall not be calculated as part of the aggregate total.
- 3201.4 Neither the Mayor nor the Chairman of the Council shall earn royalties in excess of ten thousand dollars (\$10,000) during the year in which the right to receive the royalty accrues, except that any amounts paid to a charitable organization, on behalf of the public official, shall not be calculated as part of the aggregate total.
- 3201.5 The limitation on the receipt of royalties in excess of ten thousand dollars (\$10,000) in any calendar year shall apply to the following public officials and their immediate families:
- (a) The Mayor; and
  - (b) The Chairman of the Council.”

*Section 3202 of Chapter 32 of 3 DCMR, “Filing Requirements”, shall be amended to read as follows:*

“3202 FILING REQUIREMENTS

- 3202.1 The 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 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.
- 3202.3 The HOIDS shall be filed with the Director of Campaign Finance not later than May 15th of each year for the prior calendar year in which the public official served.

- 3202.4 The HOIDS shall be deemed timely filed in person or by first class mail when received in the Office of Campaign Finance by no later than 5:30 p.m. on May 15th of each year for the prior calendar year in which the public official served.
- 3202.5 A public official shall submit an amended FDS and HOIDS within thirty (30) days after changes in any information represented on the FDS and the HOIDS.
- 3202.6 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 and the HOIDS.
- 3202.7 The Director may extend the period of time for submission of the FDS and the HOIDS by a public official, for good cause shown.
- 3202.8 The list of public official required to file the FDS shall be published in the DC Register in April of each calendar year, and made available to the public, under Chapter 37 of this Title.”

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not 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 4<sup>th</sup> Street, N.W., Suite 270N, Washington, D.C. 20001. 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.

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS AND ETHICS**

**NOTICE OF PROPOSED RULEMAKING**

The District of Columbia Board of Elections and Ethics pursuant to the authority set forth in D.C. Official Code § 1-1103.01 (b-1) (1) (2001 Edition), hereby gives notice of its intent to adopt the following amendments to Chapter 33, "Conflict of Interest and Use of Government Resources for Campaign – Related Purposes", of Title 3 of the District of Columbia Municipal Regulations in not less than thirty (30) days from the date of the publication of this Notice in the D.C. Register.

The proposed amendments represent updates to the rules of the Board's Office of Campaign Finance (OCF). Specifically, the majority of the rules augments and clarifies the conflict of interest procedures to provide the general public and OCF filers with a better understanding of the agency processes, and to correct technical and typographical errors.

*Section 3300 of Chapter 33 of 3 DCMR, "Applicability", shall be amended to read as follows:*

**"3300        APPLICABILITY**

- 3300.1        A conflict of interest shall occur when a public official exerts any "effort to realize personal gain", as defined in § 9900.1, through official conduct.
- 3300.2        The use of a government resource for a campaign-related purpose occurs when a person draws upon a service of the District of Columbia government for any campaign matter, pursuant to this Title.
- 3300.3        For the purposes of a conflict of interest, this Chapter 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 the public office;
  - (b)        Each elected official, including ANC members;
  - (c)        Members of specific boards and commissions, pursuant to the Act;
  - (d)        Employees within the excepted and legal services, and paid at a rate of DS-13 or above;
  - (e)        Employees within the management supervisory service and paid at a rate of MS-13, or above;
  - (f)        Persons serving as subordinate agency heads pursuant to the Personnel Act; and

- (g) Any other public official expressly subject to the financial disclosure provisions of the Act.
- 3300.4 For the purposes of the use of a government resource for a campaign-related purpose, this chapter shall apply to all persons.
- 3300.5 This chapter shall not prohibit a public official from voting on the following matters:
- (a) One which affects a class of persons of fifty (50) or more of which the public official is a member, and the financial gain to be realized is de minimis;
  - (b) Compensation of the public official as authorized by law; and
  - (c) Elections laws.
- 3300.6 This chapter shall not apply to any person who registers as a lobbyist and engages in lobbying, under § 3100.”

*Section 3301 of Chapter 33 of 3 DCMR, “Prohibited Conduct”, shall be amended to read as follows:*

“3301 PROHIBITED CONDUCT

- 3301.1 A public officials shall be prohibited from using their official position to obtain financial gain, other than that compensation provided by law for the public official, for the following:
- (a) The public official;
  - (b) Any member of the public official’s household; or
  - (c) Any business with which the public official or a member of the public official’s household is associated.
- 3301.2 A person shall be prohibited from offering, and a public official, or any member of a public official's household, shall be prohibited from receiving anything of value, based on the following:
- (a) Any understanding that the actions, judgment or vote of the public official would be influenced;
  - (b) Any reasonable inference that the thing of value would influence the public official in the discharge of his or her duties; or
  - (c) As a reward, except for political contributions publicly reported under Chapter 30 of this Title or transactions made in the ordinary course of business of the offeror.

- 3301.3 A person shall be prohibited from offering, and a public official shall be prohibited from soliciting or receiving any money for advice or assistance given in the course of or relating to the public official's employment, in addition to those monies lawfully received by the public official in the public official's entrusted position.
- 3301.4 A public official shall be prohibited from disclosing confidential information given in the course of or because of the entrusted position or activities of the public official which could result in financial gain for the public official or for any other person.
- 3301.5 A member or employee of the Council or the State Board of Education shall be prohibited from accepting an assignment to serve on a committee if its jurisdiction consists of matters in which the public official, a member of the public official's family, or any business with which the public official is associated, has any financial interest.
- 3301.6 The Mayor and each member of the Council shall be prohibited from representing another person before any regulatory agency or District of Columbia Court while serving in office, except under the following circumstances:
- (a) The public official appears before the regulatory agency or District of Columbia Court in their official capacity; or
  - (b) A member of the Council (excluding the Chairman) licensed to practice law, appears before any court or non-District of Columbia regulatory agency in any matter which does not affect their official position.
- 3301.7 Members of boards and commissions are prohibited from appointing the following:
- (a) A member from their respective board or commission to any paid office or position under the supervision of their respective board or commission; and
  - (b) A former member from their respective board or commission to any paid office or position under the supervision of their respective board or commission; provided, that at least 45 days have elapsed since the termination of service to the board of commission by the former member, and the former member has followed the hiring procedures required of other applicants for the paid office or position.
- 3301.8 District of Columbia Government resources shall be prohibited from use 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.

- 3301.9 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.
- 3301.10 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.
- 3301.11 The following public officials may express their views on a District of Columbia election, as part of their official duties:
- (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.
- 3302.12 A public official shall not act on, or decide, any matter in which there is conflict or a potential conflict, created by their financial, personal, family, business, or client interest.”

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not 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 4<sup>th</sup> Street, N.W., Suite 270N, Washington, D.C. 20001. 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.

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS AND ETHICS**

**NOTICE OF PROPOSED RULEMAKING**

The District of Columbia Board of Elections and Ethics pursuant to the authority set forth in D.C. Official Code § 1-1103.01 (b-1) (1) (2001 Edition), hereby gives notice of its intent to adopt the following amendments to Chapter 34, “Campaign Finance Recordkeeping”, of Title 3 of the District of Columbia Municipal Regulations in not less than thirty (30) days from the date of the publication of this Notice in the D.C. Register.

The proposed amendments represent updates to the rules of the Board’s Office of Campaign Finance (OCF). Specifically, the majority of the rules augments and clarifies the record keeping procedures to provide the general public and OCF filers with a better understanding of the agency processes, and to correct technical and typographical errors.

*Section 3400 of Chapter 34 of 3 DCMR, “Recordkeeping Procedures”, shall be amended to read as follows:*

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)        Citizen-service programs; and
- (e)        Statehood funds.

3400.2      Each required filer, 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) Payroll records;
- (j) Tax records;
- (k) Lease agreements;
- (l) Petty cash journals;
- (m) Ledgers;
- (n) Vouchers; and
- (o) Loan documents.

- 3400.3 Bank statements may be submitted in lieu of canceled checks to show financial transactions, where the bank statements include photocopies of canceled checks, required under § 3400.2.
- 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 required records, 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 § 3016.
- 3400.6 Each lobbyist shall maintain the required records, under § 3400.2, for a period of five (5) years from the date of the filing of the Activity Report, under § 3102.”

*Section 3401 of Chapter 34 of 3 DCMR, “Expenditures”, shall be amended to read as follows:*

“3401 EXPENDITURES

- 3401.1 With the exception of petty cash disbursements, each expenditure shall be made by utilization of the following:
- (a) Serially pre-numbered checks, which identify the required filer on the face of the check; and

- (b) A commercial-business type of checkbook, which 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 in the following manner:
  - (a) Consecutive numerical order; and
  - (b) Out of the depository account.
- 3401.3 Checks shall be recorded in the following:
  - (a) A cash disbursement journal; and
  - (b) The check stub, as provided.
- 3401.4 Voided or stale-dated checks shall be handled in the following method:
  - (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.”

*Section 3402 of Chapter 34 of 3 DCMR, "Receipt", shall be amended to read as follows:*

“3402 RECEIPT

- 3402.1 To fully identify the donor of a contribution, each receipt shall contain the following information:
  - (a) Full name;

- (b) Mailing address;
- (c) Occupation and principal place of business, if any;
- (d) Date of Contribution; and
- (e) The amount.

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 the following:

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

3402.4 Each filer shall separately identify undesignated receipts from designated receipts.”

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not 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 4<sup>th</sup> Street, N.W., Suite 270N, Washington, D.C. 20001. 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.

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS AND ETHICS**

**NOTICE OF PROPOSED RULEMAKING**

The District of Columbia Board of Elections and Ethics pursuant to the authority set forth in D.C. Official Code § 1-1103.01 (b-1) (1) (2001 Edition), hereby gives notice of its intent to adopt the following amendments to Chapter 37, “Investigations and Hearings”, of Title 3 of the District of Columbia Municipal Regulations in not less than thirty (30) days from the date of the publication of this Notice in the D.C. Register.

The proposed amendments represent updates to the rules of the Board’s Office of Campaign Finance (OCF). Specifically, the majority of the rules augments and clarifies the investigative procedures of the Office of Campaign Finance to provide the general public and OCF filers with a better understanding of the agency processes; to establish fines for the failure to maintain required receipts of financial transactions and the failure to provide notice of potential conflicts of interest to the Board and the Office of Campaign Finance; and to correct technical and typographical errors.

*Section 3700 of Chapter 37 of 3 DCMR, “Investigations in General”, shall be amended to read as follows:*

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 (the Director) (OCF) of alleged violations of the Campaign Finance Act (Act), and Chapters 30 - 37 of this Title.

3700.2 Investigations shall be conducted in the following manner:

- (a) Fairly and professionally; and
- (b) To protect 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 OCF relating to the initiation or conduct of any investigation shall be confidential.

3700.5 The disposition of each investigation shall be made part of the public record.”

*Section 3701 of Chapter 37 of 3 DCMR, "Initiation of Investigation", shall be amended to read as follows:*

**"3701 INITIATION OF INVESTIGATION**

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

3701.2 Each complaint shall include the following:

- (a) Full name and address of the complainant and the respondent;
- (b) A clear and concise statement of facts which are alleged to constitute a violation of the Act, or of Chapters 30 - 37 of this Title;
- (c) Complainant's signature;
- (d) Verification of the complaint under oath; and
- (e) Supporting documentation, if any."

*Section 3704 of Chapter 37 of 3 DCMR, "Full Investigations", shall be amended to read as follows:*

**"3704 FULL INVESTIGATIONS**

3704.1 A full investigation regarding any alleged violation of the Act, and Chapters 30 - 37 of this Title, shall commence upon a finding of reasonable cause by the Director.

3704.2 Within ten (10) days after initiation of a full investigation, the Director shall notify, in writing, the person (respondent), who is the subject of the full investigation.

3704.3 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).

3704.4 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.

3704.5 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 - 37 of this Title.

3704.6 Any person required by the Director to submit in writing certain reports or to answer questions, under § 3704.5, shall submit the reports or answers, within seven (7) calendar days after receipt of the request.

3704.7 All submissions of reports or answers, under § 3704.6, shall be made under oath; provided, that the person is not represented by counsel.

3704.8 Within ninety (90) days of receipt of any complaint, the Director shall perform one (1) of the following acts:

- (a) Cause evidence to be presented to the Board, if sufficient evidence exists constituting an apparent violation, pursuant to § 3706; or
- (b) Dismiss the complaint, if insufficient evidence exists to present the matter, pursuant to § 3705.

3704.9 The Director may seek, upon a showing of good cause, an extension of time as reasonably necessary to complete an investigation.”

*Section 3709 of Chapter 37 of 3 DCMR, “Informal Hearing for Alleged Violations of Reporting Requirements”, shall be amended to read as follows:*

“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 - 37 of this Title.
- 3709.2 The reporting and disclosure requirements shall apply to the following:
- (a) Lobbyist Activity Report;
  - (b) Lobbyist Registration Form;
  - (c) Citizen-Service Activity Report;
  - (d) Financial Disclosure Statement (FDS);
  - (e) Statement of Potential Conflict of Interest;
  - (f) Report of Receipts and Expenditures (R&E Report);
  - (g) Notification required on campaign literature, pursuant to the Act;
  - (h) The responses to Requests for Additional Information (RAFI);
  - (i) Statement of Candidacy;
  - (j) Statement of Organization;
  - (k) Statement of Information;
  - (l) ANC Summary Financial Statement; and
  - (m) Honoraria and Outside Income Disclosure Statement (HOIDS); and
  - (n) Statehood Fund Report.
- 3709.3 Notice of an informal hearing shall be issued in writing at least seven (7) days prior to the hearing.
- 3709.4 In the notice, an alleged violator of the reporting requirements shall be informed of the following:
- (a) Nature of the alleged violation;
  - (b) The authority on which the hearing is based;
  - (c) Time and place of the hearing;
  - (d) The right to be represented by legal counsel; and
  - (e) The alleged violator's failure to appear may be considered an admission of the allegation.

- 3709.6 The Director shall regulate the course of the informal hearing and the conduct of the parties and their counsel.
- 3709.7 The alleged violator, or counsel for the alleged violator, shall present the alleged violator's case and evidence to the Director.
- 3709.8 The Director may wait a reasonable period of time for the alleged violator to appear before beginning the informal hearing.
- 3709.9 If the alleged violator fails to appear after a reasonable period of time, the Director shall perform the following:
- (a) Reschedule the informal hearing;
  - (b) Issue the Notice of Informal Hearing, under §§ 3709.3 and 3709.4; and
  - (c) Serve the alleged violator both by certified and regular mail.
- 3709.10 If the alleged violator fails to appear after an informal hearing has been rescheduled, under § 3709.9, the Director may proceed with the informal hearing; provided, that the alleged violator has received notice.
- 3709.11 Following the conduct of each informal hearing, the Director shall perform the following:
- (a) Determine whether a violation has occurred; and
  - (b) Issue a written order with findings of facts and conclusions of law.
- 3709.12 Any party adversely affected by any order of the Director may obtain review of the order by filing, with the Board of Elections and Ethics, a request for a hearing de novo.
- 3709.13 The request for a hearing de novo, under § 3709.12, shall be filed in the following manner:
- (a) Within fifteen (15) days from the issuance by the Director of an order; and
  - (b) In accordance with Chapter 4 of this Title."

*Section 3711 of Chapter 37 of 3 DCMR, "Schedule of Fines", shall be amended to read as follows:*

"3711 SCHEDULE OF FINES

3711.1 Upon a determination, pursuant to §§ 3705 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 Fines shall be imposed as follows:

- (a) Contribution or expenditure made while office of treasurer is vacant \$50 per day;
- (b) Failure to designate a principal campaign committee \$30 per day;
- (c) Failure to designate a campaign depository \$30 per day;
- (d) Failure to file a statement of organization for a political committee \$30 per day;
- (e) Failure to file a candidate registration statement \$30 per day;
- (f) Failure to file R&E Reports, including five hundred dollars (\$ 500) Exemption report \$50 per day;
- (g) Accepting legal tender of twenty-five dollars (\$25) or more \$500;
- (h) Failure to file a Statement of Information \$30 per day;
- (i) Use of Statehood funds for political activities \$2,000;
- (j) Failure to file an Honoraria and Outside Income Disclosure Statement \$50 per day;
- (k) Acceptance of honoraria in excess of \$10,000 - \$500;
- (l) Acceptance of royalties in excess of \$10,000 - \$500;
- (m) Deposit contributions in accounts other than campaign depositories \$500;
- (n) Failure to place notices required by the Act on campaign literature \$500;
- (o) Accepting contributions in excess of contribution limitations \$2,000;
- (p) Making contributions in excess of contribution limitations \$1,000;

- (q) Accepting a contribution made by one person in the name of another person \$2,000;
- (r) Making contributions in the name of another person \$2,000;
- (s) Accepting contributions in excess of the citizen-services program contribution limitation \$2,000;
- (t) Making contributions in excess of the citizen-services program contribution limitation \$1,000;
- (u) Conducting campaign activities in citizen-services program \$2,000;
- (v) Use of official position for personal financial gain \$2,000;
- (w) Accepting, soliciting or giving any thing of value to influence official government actions, or where it could be inferred that the thing of value would influence the public official in the discharge of his or her duties \$2,000;
- (x) Accepting or giving money to a public official in addition to the public official's compensation for the performance of official duties \$2,000;
- (y) Use or disclosure of official confidential information by public official for personal financial gain \$2,000;
- (z) Failure to disclose potential conflicts of interest \$2,000;
- (aa) Failure to file Financial Disclosure Statement (FDS) \$50 per day;
- (bb) Failure to timely dispose of surplus campaign funds \$50 per day;
- (cc) Failure to file additional information requested by the Director \$50 per day;
- (dd) Failure to disclose required information on reports and statements \$50 per day;
- (ee) Failure to file ANC Summary Financial Report \$30 per day;
- (ff) Failure to register as a lobbyist \$10 per day; and
- (gg) Failure to file lobbyist activity reports \$10 per day;

- (hh) Failure to file Statement of Acceptance of Position of Chairperson \$30 per day;
  - (ii) Failure to file Statement of Acceptance of Position of Treasurer \$30 per day;
  - (jj) Making expenditures in excess of expenditure limitations \$1000;
  - (kk) Using District government resources for campaign related activities \$2000;
  - (ll) Failure to designate an exploratory committee \$30 per day;
  - (mm) Failure to file Informational Report \$50 per day;
  - (nn) Accepting contributions in excess of aggregate limitations \$2000;
  - (oo) Failure to maintain records required under § 3400.2 \$2000;
  - (pp) Failure to provide notice of potential conflicts of interest to the Board and the Director under § 3303.1 \$2000.
- 3711.3 The aggregate of the penalties imposed under the Director's authority, under § 371 1.2, may not exceed \$2000 for each violation.
- 3711.4 In calculating the time period for delinquencies, Saturdays, Sundays, and holidays shall not be included.
- 3711.5 Any fine imposed by the Director, pursuant to § 3711.2, 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 § 3709.12.
- 3711.6 The Director may modify, rescind, dismiss or suspend any fine imposed, pursuant to § 3711, 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, has been granted by the Director.
- 3711.7 Fines imposed pursuant to this chapter shall be paid within ten (10) days of the effective date, at the OCF, Frank D. Reeves Municipal Building, 2000 - 14th Street, N.W., Washington, D.C., 20009, by money order or check made payable to the D.C. Treasurer.
- 3711.8 If a party fails to pay the ordered fine, the Director may petition for enforcement of its order, within sixty (60) days of the expiration of the period provided for payment of the fine, under § 3711.7, before the Board

in an adversary proceeding and an open hearing, under Chapter 4 of this Title.”

*Section 3712 of Chapter 37 of 3 DCMR, “Procedures Regarding Excess Contributions,” shall be amended to read as follows:*

“3712 PROCEDURES REGARDING EXCESS CONTRIBUTIONS

- 3712.1 The Director shall determine whether any contribution made to a person was in excess of the aggregate maximum to which the person was entitled.
- 3712.2 Upon a determination of excess contribution, under § 3712.1, the Director shall notify the person in writing of the following:
- (a) The amount of the excess contribution;
  - (b) The expectation of repayment to the contributor of the amount equal to the excess contribution; and
  - (c) Repayment shall be accomplished within fifteen (15) days of the notice.
- 3712.3 Any person required by the Director to pay an excess contribution, under § 3712.1, 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, under § 3712.3.
- 3712.5 If the person disputes the Director’s determination, under § 3712.1, the person shall 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 receipt of the notice disputing the Director’s determination of excess contribution, filed under § 3712.5, the Director shall schedule and conduct an informal hearing, in accordance with § 3709.”

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not 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 4<sup>th</sup> Street, N.W., Suite 270N, Washington, D.C. 20001. 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.