

# Campaign Finance Municipal Training

2018



*State of  
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# Objectives

- To make our Delaware municipalities aware of the campaign finance requirements set forth in Title 15 and how to best comply with these requirements.



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# What documents do we need from the municipality?

## Department of Elections (DOE)

- To ensure compliance with DE Code, Title 15, the municipality must provide DOE the following within three (3) days of posting election notices:
  - **Notification of Solicitation of Candidates**
  - **Notice of Election**

## State Election Commissioner (SEC)

- Send copies of the following document to SEC's email [coe\\_campaignfinance@state.de.us](mailto:coe_campaignfinance@state.de.us)
  - **Notification of Solicitation of Candidates**
  - **Notice of Election**
- Notify SEC if an election has been cancelled.
- Forward candidate filing forms as they become available.



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# What documents do we need from the candidates?

- If the municipality is already aware of which registration process the candidate must complete, then please direct them to our CFRS website. Both the filing of the Certification of Intention and registration of a candidate committee must be done online.
- If unknown, a municipality should refer the candidate to our municipal guideline handout or direct the candidate to contact Campaign Finance at (302) 739-4277 to determine whether they should file a Certification of Intention or register a candidate committee.



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# Should a candidate file a Certification of Intention or register a Candidate Committee?

*15 Del. C. §8004*

- The variables that need to be considered are whether the office is paid \$1,000.00 or more annually, or whether the candidate expects to raise or spend more than \$2,000.00 on their campaign. If both conditions are met, then the candidate will need to register a candidate committee.
- If the office pays less than \$1,000.00, then the candidate would file a Certification of Intention unless they subsequently spend or receive more than \$2,000.00 on their campaign. In that instance, they would need to register a candidate committee.



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# Overview of the Campaign Finance Reporting System (CFRS)

- Candidates, Treasurers, and other users wishing to access the CFRS can do so at <https://cfrs.elections.delaware.gov>

Office of the State Election Commissioner >> Campaign Finance Reporting System

## Welcome to Delaware Campaign Finance Reporting System

- [Certification of Intention](#)
- [Register a Candidate Committee](#)
- [Register a Political Action Committee \(PAC\)](#)
- [Register a Political Committee](#)
- [Register 3rd Party Advertisers](#)
- [View Filed Reports](#)
- [View Contributions / Loans](#)
- [View Expenditures / Debts Incurred](#)
- [View Committees](#)
- [FAQs](#)
- [Contact Us](#)



**News**

**Campaign Finance Information**

[DECFRS User Manual](#)

### Login

Username:

Password:

Remember Me

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# Creating a Certification of Intention



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### News

### Campaign Finance Information

[DECFRS User Manual](#)

[Filing Instructions](#)

[Request for Report Extension](#)

[Appeal Request Form](#)

### Login

Username:

Password:

Remember Me

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[Forgot Password?](#)

**Reconnect  
to your  
Committee**



Download Adobe Reader



**Click on Certification of Intention in the highlighted box above and follow the prompts. Once completed, please print, sign and return the document to our office.**



# Creating a Statement of Organization



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# Welcome to Delaware Campaign Finance Reporting System

[Certification of Intention](#)

[Register a Candidate Committee](#)

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## News

[Campaign Finance Training on Jan 6, 2016](#)

## Campaign Finance Information

[DECFRS User Manual](#)

[Filing Instructions](#)

[Request for Report Extension](#)

[Appeal Request Form](#)

[Video Tutorials](#)

## Login

Username:

Password:

Remember Me

[Login](#)

[Forgot Password?](#)

Reconnect  
to your  
Committee



 Download Adobe Reader

**Click on Register a Candidate Committee and follow the prompts. Once completed, please print, sign, NOTARIZE, and return the document to our office.**

# Who is responsible for filing financial reports?

*15 Del. C. §8030*

- **Candidate Committees-** The candidate and the treasurer are jointly responsible for filing financial reports. If the treasurer of a candidate committee resigns, the candidate remains responsible for filing the reports.  
(*15 Del. C. §§ 8003(e), 8005*)
- If the candidate has met the criteria to file a Certification of Intention then no financial reports are required.



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# When to file

*15 Del. C. §8030(b)*

- **Candidate Committees-** must file 30 Day and 8 Day reports in any election in which the candidate's name appears on the ballot.
- The Office of the Commissioner will notify your committee of filing deadlines for municipal elections upon notice of candidacy.



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# When to file

*15 Del. C. §8030(b)*

- All Candidate Committees must file an annual report every year until the Committee files a closeout report. (15 *Del. C.* §8031).
- The Commissioner may grant one 24-hour extension of a filing deadline upon written request by email ([coe\\_campaignfinance@state.de.us](mailto:coe_campaignfinance@state.de.us)) or fax (302-739-6794) no later than 11:59 pm on the date the report is due (15 *Del. C.* §8044). A form requesting an extension is available on the Commissioner's website.



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# Closing a committee

*15 Del. C. §8022, §8030*

- Any committee wishing to close must file a year-end close out report to close the committee. Current office holders may close their candidate committees, but should not if they expect to receive contributions or make expenditures while in office.



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# Appeals

*15 Del. C. §8044*

- If you are assessed a civil fine, and you believe that you have reasonable cause for the untimely filing, you may request an appeal before the Reports Appeals Subcommittee. Filing an appeal will not stop fines from accruing.
- You must request your appeal within 30 days of the receipt of the letter notifying you that you failed to timely file a complete report.



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# Appeals

*15 Del. C. §8044*

- A form for requesting an appeal is on the CF website at:

<http://elections.delaware.gov/pubs/index.shtml#campaign>



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# Appeals

*15 Del. C. §8044*

- You must provide an explanation of reasonable cause and you may send additional documentation of reasonable cause. The Subcommittee may request additional information and may schedule one or more meetings to discuss your explanation of reasonable cause.
- The Subcommittee will make a written decision based on your explanation of reasonable cause, any documentation submitted, statement you made during the meeting[s] with the Subcommittee, if any.



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# After the appeal period has ended or appeal process is complete

*15 Del. C. § 8044*

- If you do not appeal the Commissioner's decision that you did not timely file a complete report, or if you did file an appeal and the Subcommittee did not find reasonable cause for your failure to timely file a complete report, the Subcommittee shall send your file to the Office of the Attorney General to commence collection efforts.



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# After the appeal period has ended or appeal process is complete

*15 Del. C. § 8044*

- Once the Subcommittee has sent the file to the Office of the Attorney General, neither the Office of the Commissioner or the Subcommittee will speak to you directly about your fines; all communications must go through the Office of the Attorney General.



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# Criminal Sanctions

*15 Del. C. §§ 8043, 8044*

- If you do not file your complete report within either 30 days after a determination by the Subcommittee that your failure to timely file was not due to reasonable cause or the expiration of the 30-day appeal period described above, the Subcommittee shall notify the Office of the Attorney General of your failure to file such complete report.



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# Criminal Sanctions

*15 Del. C. §§ 8043, 8044*

- The failure to file your complete report within the time frames listed above may result in criminal sanctions. Offenses include but are not limited to:
  - Violation of Section 8003 (class B misdemeanor) – failure of a candidate to timely file reports, failure to name a treasurer.
  - Violation of Section 8004 (class B misdemeanor) – failure of a candidate for school board to timely file CF reports where the candidate’s committee contributes or expends more than \$2000.00.
  - Violation of 8005 (class B misdemeanor) – failure of a political committee to timely amend its Statement of Organization to reflect changes in its officers and to timely file its reports.
  - Violation of Section 8043 (class A misdemeanor) – failure of a candidate, treasurer or other person required to file reports to file a report at all.



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# FAQs



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# Question

An incumbent for an office that pays more than \$1,000.00 does not have an opponent and therefore will not appear on the ballot. Do they still need to register a candidate committee?



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# Answer

No, because they didn't receive or expend more than \$2,000.00 on their campaign.



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# Question

Should a candidate register a candidate committee if the office they are running for is paid \$100.00 per meeting and they meet once a month?



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# Answer

No, not unless they plan on receiving or expending more than \$2,000.00 on their campaign.



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# Question

A candidate for a municipal office that is not compensated spends more than \$2,000.00 on signs. Should they register a committee?



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# Answer

Yes, even though the office doesn't have any compensation the candidate expended more than the \$2,000.00 threshold. The candidate must register a candidate committee within seven days of surpassing the threshold and file all previously required reports for that office.



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# Question

A candidate for municipal office that is not compensated raises more than \$2,000.00 but only spends \$1,000.00 toward their campaign.



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# Answer

Yes, they need to register a candidate committee because they have raised more than the \$2,000.00 threshold to file a Certification of Intention.



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# Question

What period does a Campaign Finance report cover?



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# Answer

- During non-election years, the year end report will cover year long financial activities.
- 30 Day reports cover financial activities occurring from January 1<sup>st</sup> through 30 days prior to the election.
- 8 Day reports cover financial activities beginning the day after the 30 Day reporting due date up to 8 days prior to the election.
- During election years, the year end report will cover from the due date of the 8 Day report through December 31<sup>st</sup> of that year.

15 *Del. C.* § 8031.



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# Question

When are financial reports due?



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# Answer

*15 Del. C. § 8030*

Financial reports are due 30 and 8 days prior to the election. Also, year end financial reports are typically due on January 20<sup>th</sup> the following year unless that date falls on a weekend. In that case, the due date will be moved to the following business day.



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# Question

Where are Campaign Finance reports filed?



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# Answer

All reports are filed electronically at  
<https://cfrs.elections.delaware.gov>



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# Important Links

- Delaware Code -  
<http://delcode.delaware.gov/title15/c080/index.shtml>
- Delaware Code -  
<http://delcode.delaware.gov/title15/c075/index.shtml>
- Campaign Finance Regulations -  
<http://regulations.delaware.gov/AdminCode/title15/100/100.shtml>  
[#1040780](#)
- More election related information may be found at the State Election Commissioner website at <http://elections.delaware.gov>.



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# Important Links Continued

- Municipal Candidate Guideline-  
<http://elections.delaware.gov/elections/pdfs/Municipal%20Campaign%20Finance%20Guidelines.pdf>
- Instructional Videos-  
[http://elections.delaware.gov/information/campaignfinance/cfrs\\_videos\\_index.shtml](http://elections.delaware.gov/information/campaignfinance/cfrs_videos_index.shtml)



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