Report on public hearing held October 17, 2018 by the Philadelphia Board of Ethics
Regarding a proposed amendment to Regulation No. 1 “Campaign Finance”

Dated: 11/29/18

[Signature]

Board of Ethics
J. Shane Creamer, Jr.
Executive Director

Dated: 1/25/18

[Signature]

Approved:

Law Department
Richard Feder
Chief Deputy City Solicitor (Legislation) and Counsel to the Solicitor

Page 1 of 6
A. **Legal Authority**

The Board of Ethics was created by an amendment to the Philadelphia Home Rule Charter that voters approved via a ballot question at the May 2006 primary election. See Philadelphia Home Rule Charter §§ 3-806 and 4-1100. The Board is charged with administering and enforcing all provisions of the Charter and City Code that pertain to ethical matters, such as conflicts of interest, financial disclosure, standards of governmental conduct, campaign finance, prohibited political activities, and such additional duties as City Council may assign. The Board has the power to promulgate regulations as necessary to implement and interpret the laws over which it has jurisdiction, including the City’s Campaign Finance Law. See Code §§ 20-606(1)(a), 20-1008.

B. **Procedural Summary**

The Board followed the procedures set forth in Home Rule Charter Section 8-407 when promulgating this amendment to Board Regulation No. 1 (Campaign Finance). On September 12, 2018, the Board voted to approve the posting of a proposed amendment to Regulation No. 1 at the Department of Records. The Law Department approved the proposed amendment of Regulation No. 1 for public comment posting and, on September 26, 2018, the Board filed the proposed amendment with the Records Department. The Board scheduled a hearing on the proposed amendment for October 17, 2018, notice of which was advertised in local newspapers and posted prominently on the Board’s website. Board staff also provided notice to the regulated community via email.

Through this report on the October 17, 2018 hearing, the Board modifies the amendment and adopts the amendment as modified. A clean copy of the regulation as amended is attached as Exhibit A and shall become effective 11 days after the filing of this Report with the Records Department. A blackline showing changes made via the Hearing Report to the amendment as posted at the Records Department on September 26, 2018 is attached as Exhibit B. A blackline showing all changes made to the Regulation by the regulatory process initiated on September 12, 2018, and being approved by the Board through this Report, is attached as Exhibit C.

C. **The October 17, 2018 Hearing**

The hearing was conducted by Michael Reed, Chair of the Board of Ethics, along with Vice-Chair Phyllis Beck and Board members Sanjuanita González, Brian McCormick, and JoAnne Epps. Richard Feder, Chief Deputy City Solicitor (Legislation) and Counsel to the Solicitor, attended on behalf of the Law Department. The hearing transcript is attached as Exhibit D. The proposed amendment as posted for public comment at the Records Department is included in Exhibit D as an attachment to the hearing transcript. The following witnesses provided in-person testimony: Michael Cooke, the Board’s Director of Enforcement, and Adam Bonin, attorney. The Campaign Legal Center submitted written testimony in advance of the hearing, which is an attachment to Exhibit D.
D. **Summary of Testimony and Board Response**

1. **Testimony of Michael Cooke, on behalf of Board staff.**
   a. **Paragraph 1.1(h)**
      
      Mr. Cooke proposed that subpart (i) of Paragraph 1.1(h) be modified as follows (underline indicates addition, strikethrough indicates deletion):

      Any money, gifts, loans, forgiveness of debts, loans or things having a monetary value incurred or received by a candidate’s campaign for use in advocating or influencing the election of the candidate;

      **Board Response**
      
      The Board agrees that Paragraph 1.1(h) should be modified as proposed.

   b. **Table at Paragraph 1.19**
      
      Mr. Cooke proposed that the entry in the “Deadline” column for Cycle 7 be changed to “January 31” and that the entry in the “Complete As Of” column for Cycle 7 be changed to “December 31 of the previous year.”

      **Board Response**
      
      The Board agrees that Paragraph 1.19 should be modified as proposed.

   c. **Paragraph 1.30(a)**
      
      Mr. Cooke proposed that Paragraph 1.30(a) be modified to clarify that the restriction applies to the manner in which a candidate spends personal funds and does not impose a limit on the amount of personal funds a candidate may spend. He also proposed adding further explanation regarding types of permissible and impermissible expenditures.

      **Board Response**
      
      The Board agrees and modifies Paragraph 1.30(a) as follows (underline indicates addition, strikethrough indicates deletion):

      A candidate or an agent of a candidate’s campaign shall not use personal funds held in a personal account to make expenditures for campaign activities, such as payments to vendors or staff, except that a candidate or an agent of a candidate’s campaign may make minor purchases, such as for postage stamps or parking fees, on behalf of the campaign so long as he or she is reimbursed by the candidate political committee within a reasonable amount of time.
d. **Paragraph 1.30(b)**

Mr. Cooke proposed that Paragraph 1.30(b) be modified for greater clarity.

**Board Response**

The Board agrees and modifies Paragraph 1.30(b) as follows (underline indicates addition, strikethrough indicates deletion):

A candidate’s campaign shall not make expenditures for campaign activities through a vendor’s account, except when incidental to the vendor’s provision of services to the campaign, as required by standard business practice, such as placement of advertisements by when a campaign uses an advertising agency to create and place advertisements, except that when a vendor makes expenditures pursuant to the foregoing exception, a candidate’s campaign may reimburse a vendor for costs that are incidental to the vendor’s provision of services to the campaign, such expenditures.

2. **Testimony of Adam Bonin**

a. **Paragraph 1.30**

Mr. Bonin testified that, in his view, the Regulation should not prohibit candidates or agents of a campaign from making general purchases on behalf of the campaign using their personal funds. He opined that, in the absence of reimbursements, campaigns will be forced to issue debit cards to multiple people which could lead to misappropriation of campaign funds. He observed that if the Board has concerns about the transparency of reimbursements, it can submit a voucher request and obtain copies of a campaign’s receipts.

**Board Response**

The purpose of Paragraph 1.30 is to provide guidance on the application of Philadelphia Code Section 20-1003, which directs that candidates for City elective office must use no more than one committee and account to make campaign expenditures. Code Section 20-1003 is a critical component of the City’s Campaign Finance Law because it (1) prevents circumvention of the contribution limits, (2) ensures full disclosure to the public in a single campaign finance report of a campaign’s financial activities during a reporting period, and (3) allows the Board to readily monitor compliance.

While the plain language of Code Section 20-1003 could be read to preclude any campaign expenditures whatsoever being made from any source other than the candidate’s committee’s checking account, Paragraph 1.30 clarifies that candidates and agents of campaigns may use personal funds to make minor purchases, such as stamps or parking fees. To also permit candidates and agents of campaigns to use personal funds to pay for significant campaign activities would be contrary to both the language and intent of Section 20-1003. The Board notes that the ability to submit a voucher request to a campaign is not a substitute for timely, public, campaign finance disclosures. As such, the Board declines to eliminate Paragraph 1.30.
b. Paragraph 1.25(c)(ii)

Mr. Bonin suggested that campaigns be permitted to make expenditures using PayPal if the campaign directly links its PayPal account to the candidate committee’s checking account.

Board Response

The Board agrees and modifies Paragraph 1.25(c)(ii) as follows (underline indicates addition, strikethrough indicates deletion):

A candidate’s campaign shall not use a Payment Service Provider to make expenditures so long as any funds used for such expenditures are drawn directly from the candidate political committee’s checking account.

c. Paragraph 1.23(a)(iii)

Mr. Bonin suggested that the Board limit the requirement to itemize credit card expenditures to candidates for City elective offices. He noted that committees from outside of Philadelphia typically do not itemize credit card expenditures.

Board Response

The Board acknowledges the concerns Mr. Bonin raises but does not believe that they warrant a change to the text of proposed Paragraph 1.23(a)(iii). The plain language of the State Election Code requires that filers disclose “[e]ach and every expenditure” made during the reporting period. See 25 P.S. § 3246(b)(4). The State Election Code does not distinguish among expenditures made by cash, check, wire transfer, or credit card. Therefore, because the City’s Campaign Finance Law requires that reports filed with the Board contain all the information required for reports filed pursuant to the State Election Code, filers must itemize all of their expenditures, including those made by credit card.

That said, in recognition of the concerns Mr. Bonin raises, absent extraordinary circumstances, the Board will only enforce the second subparagraph of Paragraph 1.23(a)(iii) (which concerns itemization of purchases made by credit or charge card) against the following filers: (1) a candidate for City elective office or his or her candidate political committee; (2) any political committee or other filer that in the reporting period spent more than $5,000 to influence a covered election; and (3) any filer who refuses to itemize such expenditures despite a specific request to do so by Board staff.
3. Campaign Legal Center

a. Overlap between Subpart F and Subpart H

In its written testimony, the Campaign Legal Center noted that the proposed changes found at Paragraphs 1.28 and 1.29 in Subpart F regarding a candidate's use of political committees appear to overlap with the rules regarding coordinated expenditures found at Subpart H. The Campaign Legal Center offered its view that if the provisions of Paragraphs 1.28 and 1.29 are intended to broaden the coordination rules, they should be incorporated into Subpart H.

Board Response

While conduct that violates Paragraphs 1.28 or 1.29 may result in coordinated expenditures, the purpose of the proposed changes found at Paragraphs 1.28 and 1.29 is not to broaden the coordination rules. Rather, the purpose is to provide guidance on the application of Philadelphia Code Section 20-1003, which directs that candidates for City elective office must use no more than one committee to make campaign expenditures. Accordingly, the Board does not believe it is necessary to revise the proposed amendment in response to the testimony by the Campaign Legal Center.

b. Additional recommendations

The Campaign Legal Center suggests numerous changes to Paragraph 1.10(f) (now renumbered 1.11(f)) (Incidental Expenditures Related to Internet Activity) and Subpart H (Coordinated Expenditures).

Board Response

The Board did not propose any changes to these Paragraphs of the Regulation when it approved the proposed amendment for public comment on September 12, 2018. The Law Department advises that the Board cannot make substantive modifications to sections of the Regulation that were not covered by the proposed amendment the Board approved for public comment. As such, while the Board appreciates the Campaign Legal Center's thoughtful suggestions, it cannot accept them at this time. The Board will keep these suggestions in mind when it next proposes amendment of the Regulation.

E. Approval

At a public meeting on November 28, 2018, the Board voted 3-0 to approve the proposed amendment to Regulation No. 1 as modified and to approve this Hearing Report. The Regulation as amended is attached as Exhibit A.

*   *   *

The Board of Ethics appreciates the input of the Law Department and the participation of those who provided testimony and those who simply attended the hearing on this Regulation.
Exhibit A
PHILADELPHIA BOARD OF ETHICS  
REGULATION NO. 1  
CAMPAIGN FINANCE  

Table of Contents  

Subpart A. Scope; Definitions .......................................................... pg. 2  
Subpart B. Contribution Limits ......................................................... pg. 5  
Subpart C. Date of Acceptance of Contributions  
with Respect to the Contribution Limits .............................................. pg. 9  
Subpart D. Attributing Contributions Made by Check for  
the Purpose of the Contribution Limits ............................................ pg. 9  
Subpart E. Campaign Finance Disclosures .............................................. pg. 10  
Subpart F. Use of Political Committees and Checking Accounts  
by Candidates ................................................................................ pg. 13  
Subpart G. Litigation Fund Committees ............................................... pg. 16  
Subpart H. Coordinated Expenditures ................................................. pg. 17  
Subpart I. Excess Pre-Candidacy Contributions;  
Excess Post-Candidacy Contributions ................................................ pg. 19  
Subpart J. Retiring Debt ......................................................................... pg. 22  
Subpart K. Penalties ................................................................................ pg. 3
SUBPART A. SCOPE; DEFINITIONS

1.0 Scope. The Board promulgates this Regulation pursuant to Philadelphia Home Rule Charter §§ 4-1100 and 8-407 and Philadelphia Code § 20-606(1)(a) to interpret Code Chapter 20-1000.

1.1 Definitions. As used herein, the following words and phrases shall have the meanings indicated.

a. Accounting period. The period from January 1 of the year following the previous election that was held for the City elective office a candidate is seeking through 5:00pm of the day before he or she became a candidate.

b. Agent. An individual who acts at the direction of or is authorized to act on behalf of a candidate, a chair or treasurer of a political committee, or a political committee.

c. Board. The body of members of the Board of Ethics appointed pursuant to Section 3-806 of the Home Rule Charter.

d. Candidate. An individual who (i) files nomination papers or petitions for City elective office, or (ii) publicly announces his or her candidacy for City elective office, including a former candidate who receives post-candidacy contributions or makes post-candidacy expenditures.

e. Candidate’s campaign. A candidate, the candidate’s candidate political committee (or litigation fund committee), or an officer or an agent of any of the foregoing.

f. City elective office. The offices of Mayor, District Attorney, City Controller, Sheriff, City Commissioner, or City Council.

g. Candidate political committee. The one political committee used by a candidate to receive all contributions and make all expenditures as required by Section 20-1003 of the Philadelphia Code.

h. Contribution.

i. Any money, gifts, loans, forgiveness of debts, or things having a monetary value incurred or received by a candidate’s campaign for use in advocating or influencing the election of the candidate;

ii. An in-kind contribution, as defined at Paragraph 1.1(q);

iii. Any post-candidacy contribution, as defined at Paragraph 1.1(u); or

iv. Any money, gifts, forgiveness of debts, or loans incurred or received to pay fees and costs incurred in any civil, criminal, or administrative proceeding arising directly out of the conduct of the candidate’s campaign or with respect to a covered election, such as a nomination petition challenge, a recount proceeding, or a Board investigation.

i. Contributor. A person or political committee who makes a contribution to a candidate, litigation fund committee, or political committee.
j. **Covered election.** Any primary, general or special election for City elective office.

k. **Electioneering communication.** Any broadcast, cable, radio, print, Internet, or satellite communication (a) that promotes, attacks, supports, or opposes a candidate, or (b) that, within 50 days of a covered election, names, refers to, includes, or depicts a candidate in that covered election; provided that, however, the term shall not include: (i) sponsorship or organization of a candidate debate or forum; or (ii) any news story, commentary, or editorial by any broadcasting station, newspaper, magazine, or other periodical publication, including any Internet periodical publication, unless the station, newspaper, magazine, or publication is owned or controlled by a candidate, political committee, or political party.

l. **Excess post-candidacy contribution.** The portion of a post-candidacy contribution that, had it been contributed for the purpose of retiring debt that was incurred to influence the outcome of a covered election, or for the purpose of defraying the cost of transition or inauguration of a candidate elected to City elective office, would have been in excess of the contribution limitations set forth in Subpart B.

m. **Excess pre-candidacy contribution.** The portion of a pre-candidacy contribution to a political committee that, had it been made to a candidate for City elective office, would have been in excess of the contribution limitations set forth in Subpart B.

n. **Expenditure.** The payment, distribution, loan, or advancement of money or things having a monetary value by a candidate, political committee, or other person for the purpose of influencing the outcome of a covered election, including:
   
i. For the provision of a service or other valuable thing for the purpose of influencing the outcome of the nomination or election of a candidate;
   
ii. For the payment or provision of money or other valuable thing to compensate any person for services rendered to a candidate or candidate political committee;
   
iii. For an independent expenditure;
   
iv. For an electioneering communication; or
   
v. To obtain, defend, or challenge a candidate’s place on the ballot, including payments to workers to circulate nominating petitions.
o. **Former candidate.** An individual who was a candidate for City elective office becomes a former candidate:
   i. On the day after a general election, if he or she was unopposed in that election;
   ii. On the day after a primary election, if he or she concedes that election;
   iii. When his or her opponent concedes, if he or she was opposed in a general election; or
   iv. If an election is contested, when that contest is resolved.

p. **Independent expenditure.** An expenditure to influence the outcome of a covered election that is made without the cooperation or consultation of any candidate’s campaign and that is not made in concert with or at the request or suggestion of any candidate’s campaign.

q. **In-kind contribution.**
   i. The provision of any goods or services directly to a candidate’s campaign without charge or at a charge that is less than the usual and normal charge for such goods or services;
   ii. The payment or agreement to pay a third party to provide goods or services to a candidate’s candidate political committee, if the goods and services are in fact provided; or
   iii. Any expenditure that advocates or influences the nomination or election of a candidate that is coordinated with that candidate’s campaign, as provided in Subpart H.

The term “in-kind contribution” does not include volunteer labor as described in Paragraph 1.10(g).

r. **Litigation fund committee.** The committee established by a candidate to receive contributions and make expenditures solely to pay professional fees and related costs incurred in defense of a civil, criminal, or administrative proceeding arising directly out of the conduct of a candidate’s election campaign or participation in an election, as described in Subpart G.

s. **Person.** An individual, a political committee, a corporation, a partnership, a sole proprietorship, or any other for profit or not-for-profit organization.

t. **Political committee.** Any committee, club, association, political party, or other group of persons, including the candidate political committee of a candidate for office in a covered election, which receives contributions or makes expenditures for the purpose of influencing the outcome of a covered election.

u. **Post-candidacy contribution.** Money, gifts, forgiveness of debts, loans, or things having a monetary value, received by a former candidate or his/her agent for use in retiring debt that was incurred to influence the outcome of a covered election, or for the purpose of defraying the cost of transition or inauguration of a candidate elected to City elective office.
v. **Post-candidacy expenditure.** An expenditure made by a candidate, former candidate, or candidate political committee to defray the candidate’s cost of transition or inauguration to City elective office or to retire debt that the candidate incurred to: (i) influence the outcome of a covered election; or (ii) cover transition or inauguration expenses.

w. **Pre-candidacy contribution.** A contribution made to a political committee that: (i) has been transferred to, or otherwise becomes available for expenditure by, a candidate for City elective office; and (ii) was made before such candidate became a candidate.

x. **Pre-payment.** A payment made during the accounting period for any thing used or to be used by a candidate’s campaign, including but not limited to: printed or produced campaign materials, such as sample ballots, shirts, signs, flyers, brochures, websites, photographs, audio or video recordings; advertising time or space; office space; or services or labor.

y. **SPEC account.** A segregated pre/post-candidacy excess contribution account, as described in Subpart I.

z. **Sample ballot.** A ballot distributed by a political committee that lists more than one candidate in a specific covered election and recommends that voters vote for the listed candidates.

**SUBPART B. CONTRIBUTION LIMITS**

1.2 **Limits on contributions from individuals.**

a. An individual shall not make total contributions per calendar year of more than $3,000 to a candidate for City elective office, including contributions made through one or more political committees.

b. An individual shall not make total contributions per calendar year of more than $3,000, including contributions made through one or more political committees, to a litigation fund committee established as described in Subpart G by a candidate for City elective office.

c. An individual shall not make total post-candidacy contributions to a former candidate, including contributions made through one or more political committees, of more than $3,000 between the general election and the end of that calendar year (or, in the case of candidates who do not win nomination, between the primary election and the end of that calendar year), and in each calendar year that follows the year of the general election.
1.3 Limits on contributions from political committees, partnerships, sole proprietorships, or other forms of business organization.

a. A political committee, partnership, sole proprietorship, or other form of business organization shall not make total contributions per calendar year of more than $11,900 to a candidate for City elective office, including contributions made through one or more political committees.

b. A political committee, partnership, sole proprietorship, or other form of business organization shall not make total contributions per calendar year of more than $11,900, including contributions made through one or more political committees, to a candidate’s litigation fund committee.

c. A political committee, partnership, sole proprietorship, or other form of business organization shall not make total post-candidacy contributions to a former candidate, including contributions made through one or more political committees, of more than $11,900 between the general election and the end of that calendar year (or, in the case of candidates who do not win nomination, between the primary election and the end of that calendar year), and in each calendar year that follows the year of the general election.

d. In order to qualify for the $11,900 contribution limit described in this Paragraph, the finances of a sole proprietorship, partnership, or other form of organization shall be distinct and segregated from the personal finances of its proprietor or partners.

1.4 Contributions made through one or more political committees.

a. For the purposes of this Subpart, a contribution is made through a political committee when:

   i. A person or political committee makes a contribution to a political committee and directs, suggests, or requests, whether in a direct, indirect, express, or implied manner, that the recipient political committee use all or part of the contributed money to make an expenditure to support a specific candidate. A determination that such a direction, suggestion, or request was made shall be based upon all the relevant facts and circumstances; or

   ii. The contributing person or political committee has provided the majority of the contributions received by the recipient political committee, whether directly or indirectly, in the twelve months prior to the recipient political committee’s expenditure to support the candidate, unless the recipient political committee can demonstrate, based on either a last in/first out or first in/first out accounting method that money from the contributing person or political committee was not used to make the expenditure to the candidate.

b. For the purpose of the contribution limits, a contribution made through a political committee is from both the original contributing person or political committee and the recipient political committee through which the contribution is made. The entire amount of the contribution made through a political committee shall count toward the contribution limits of the original contributing person or political committee, and the entire amount shall also count toward the recipient political committee’s contribution limits.
1.5 Doubling of Contribution Limits.

a. If a candidate for City elective office contributes $250,000 or more of his or her personal resources to his or her candidate political committee, the contribution limits for all candidates for that office shall be doubled for that year and each subsequent year up to and including the year in which the covered election occurs, except as provided in Paragraph 1.5(b).

b. The limits for post-candidacy contributions (Paragraphs 1.2(c) and 1.3(c)) and for contributions to litigation fund committees (Paragraphs 1.2(b) and 1.3(b)) do not double if a candidate contributes $250,000 or more to his or her candidate political committee.

c. A contribution that exceeds the contribution limits at the time it is accepted by a candidate exceeds the contribution limits described in this Subpart even if the contribution limits subsequently double and the contribution is less than the doubled limits.

d. If a candidate political committee returns, repays, or refunds to a candidate any money the candidate had contributed from his or her personal resources prior to reaching the $250,000 threshold, the returned amount shall not count toward the amount required to trigger doubling of the limits.

e. Once the contribution limits double, they remain doubled even if:

   i. The candidate whose contributions from his or her personal resources triggered the doubling ceases to be a candidate; or

   ii. After the limits have doubled, a candidate political committee returns, repays, or refunds to the candidate a portion of the money contributed from the candidate’s personal resources.

f. If a candidate contributes $250,000 or more of his or her personal resources to his or her candidate political committee, within two business days he or she shall notify the Board of this fact by postal mail or email sent to the attention of the Board’s Executive Director.

1.6 Candidates, candidate political committees, and litigation fund committees shall not accept any contribution that exceeds the limits set forth in this Subpart.

1.7 A pre-candidacy contribution made in the same calendar year that an individual becomes a candidate shall count toward the contribution limits set forth in this Subpart.

1.8 Candidates and contributors shall include the value of in-kind contributions when determining the total amount of contributions made or accepted in a calendar year.

1.9 If a person or political committee makes an expenditure to a political committee in order that a candidate’s name be placed on a sample ballot, the amount of the expenditure from that person or political committee is a contribution to the candidate and shall count toward the contribution limits set forth in this Subpart, so long as the expenditure is not an independent expenditure.
1.10 **Transactions that do not count toward the contribution limits.** The following are not subject to the contribution limits set forth in this Subpart:

a. Contributions from a candidate’s personal resources to the candidate’s candidate political committee or to the candidate’s litigation fund committee;

b. Contributions from a candidate’s candidate political committee to the candidate’s litigation fund committee;

c. A political committee’s costs to print or distribute a sample ballot where a candidate, person, or another political committee has paid the usual and normal charge to that political committee to have the candidate placed on a sample ballot distributed by that political committee;

d. A political committee’s costs to print or distribute sample ballots that are distributed in a candidate’s ward pursuant to Paragraph 1.32;

e. Any cost incurred in covering or carrying a news story, commentary, or editorial by any broadcasting station, newspaper, magazine, or other periodical publication, including any Internet periodical publication;

f. Incidental expenditures made by persons other than candidates’ campaigns that are related to internet activity (such as the cost of hardware, software, or internet access) that advocates or influences the election of a candidate; or

g. Volunteer labor provided to a candidate or a political committee.

i. Volunteer labor is work an individual provides without compensation from any entity or person for the benefit of a candidate. It may, among other things, include:

(1) Legal or accounting work;

(2) Entertainment such as a performance by a musical group or DJ; and

(3) Campaign work such as canvassing, working at a phone bank, or election-day get-out-the-vote activities.

ii. Volunteer labor does not include the donation to a candidate of:

(1) Equipment, such as computers, copiers, or printers;

(2) Resources, such as postage; or

(3) Materials, such as stationery or campaign literature.

iii. An individual engaged in volunteer labor may make incidental use of resources without such use being a contribution from the owner of the resource to the candidate for the purposes of the contribution limits. Incidental use does not include the use of resources to reproduce campaign material for public distribution.
SUBPART C. DATE OF ACCEPTANCE OF CONTRIBUTIONS WITH RESPECT TO THE CONTRIBUTION LIMITS

1.11 Except as provided in Paragraphs 1.12, 1.13, and 1.14, the date of acceptance of a contribution is the date that the contribution comes into the possession of a candidate’s campaign. A candidate’s campaign shall not designate as the date a contribution is accepted any date other than the date of acceptance as identified in this Subpart.

1.12 If a contribution is delivered to a mailbox, the date that the contribution is accepted is the date on which the candidate’s campaign finds the contribution in the mailbox.

1.13 If a contribution is made by credit card through a website, the date that the contribution is accepted is the date on which the contributor submits his or her credit card information on the website.

1.14 In-kind contributions.

   a. If a person makes an in-kind contribution by providing goods or services directly to a candidate’s campaign, the date of acceptance of that contribution is the date that the candidate’s campaign receives the goods or services.

   b. If a person makes an in-kind contribution by paying or agreeing to pay a third party to provide goods or services to a candidate’s campaign, the date of acceptance of that contribution is the date the goods or services are provided or the date payment is made, whichever is earlier.

SUBPART D. ATTRIBUTING CONTRIBUTIONS MADE BY CHECK FOR THE PURPOSE OF THE CONTRIBUTION LIMITS

1.15 A contribution made by a check that reflects a joint checking account of two or more individuals shall be attributed to the joint account holder who signs the check. If more than one account holder signs a contribution check, the contribution shall be apportioned evenly between the signers. If an individual other than an account holder signs a contribution check, the contribution shall be attributed evenly among the joint account holders.

1.16 A contribution made by a check drawn on the account of a political committee is a contribution from that political committee.

1.17 A contribution made by check drawn on the account of a partnership, sole proprietorship, or other form of business organization is a contribution from the partnership, sole proprietorship, or other form of business organization, unless other facts demonstrate that the contribution is from the signer of the check.
SUBPART E. CAMPAIGN FINANCE DISCLOSURES

1.18 Electronic filing of campaign finance reports. Any campaign finance report or statement required by this Subpart shall be electronically filed with the Board and shall be submitted in a format required by the Board. Upon receipt of any filing, the Board shall provide a printable receipt.

Information on how to electronically file a report or statement is available at: http://www.phila.gov/ethicsboard/campaignfinance/Pages/Filecfinformation.aspx

1.19 Campaign finance reporting schedule.

<table>
<thead>
<tr>
<th>Cycle</th>
<th>Deadline</th>
<th>Complete As Of</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cycle 1</td>
<td>Sixth Tuesday Pre-Primary Election</td>
<td>50 days before the Primary Election</td>
</tr>
<tr>
<td>Cycle 101</td>
<td>Fourth Tuesday Pre-Primary Election</td>
<td>The Sunday preceding the deadline</td>
</tr>
<tr>
<td>Cycle 2</td>
<td>Second Friday Pre-Primary Election</td>
<td>The Monday preceding the deadline</td>
</tr>
<tr>
<td>Cycle 201</td>
<td>Final Tuesday Pre-Primary Election</td>
<td>The Sunday preceding the deadline</td>
</tr>
<tr>
<td>Cycle 10</td>
<td>24 hour reporting – continuous through day of Primary Election</td>
<td>Starts Second Tuesday Pre-Primary Election</td>
</tr>
<tr>
<td>Cycle 3</td>
<td>30 Day Post-Primary Election</td>
<td>20 days after the Primary Election</td>
</tr>
<tr>
<td>Cycle 4</td>
<td>Sixth Tuesday Pre-General Election</td>
<td>50 days before the General Election</td>
</tr>
<tr>
<td>Cycle 401</td>
<td>Fourth Tuesday Pre-General Election</td>
<td>The Sunday preceding the deadline</td>
</tr>
<tr>
<td>Cycle 5</td>
<td>Second Friday Pre-General Election</td>
<td>The Monday preceding the deadline</td>
</tr>
<tr>
<td>Cycle 501</td>
<td>Final Tuesday Pre-General Election</td>
<td>The Sunday preceding the deadline</td>
</tr>
<tr>
<td>Cycle 11</td>
<td>24 hour reporting – continuous through day of General Election</td>
<td>Starts Second Tuesday Pre-General Election</td>
</tr>
<tr>
<td>Cycle 6</td>
<td>30 Day Post-General Election</td>
<td>20 days after the General Election</td>
</tr>
<tr>
<td>Cycle 7</td>
<td>January 31</td>
<td>December 31 of the previous year</td>
</tr>
</tbody>
</table>

A schedule with the specific reporting deadlines may be found following this Regulation and at http://www.phila.gov/ethicsboard/campaignfinance/Pages/default.aspx
<table>
<thead>
<tr>
<th>Reporting Cycle</th>
<th>Who must file</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cycle 1</td>
<td>➢ The <em>candidate political committee</em> of a candidate for City elective office, if the committee has made expenditures in the reporting period.</td>
</tr>
<tr>
<td>Cycle 4</td>
<td>➢ A <em>political committee</em> that in the reporting period has made expenditures to influence the outcome of a covered election, including contributions made to a candidate for City elective office or for electioneering communications.</td>
</tr>
<tr>
<td></td>
<td>➢ <em>Any other person, including an individual or a not-for-profit organization,</em> that, in the reporting period, makes expenditures of $5,000 or more for electioneering communications, as described at Paragraph 1.21.</td>
</tr>
<tr>
<td>Cycle 2</td>
<td>➢ The <em>candidate political committee</em> of a candidate for City elective office, if that candidate is required to file for that cycle with the City Commissioners.</td>
</tr>
<tr>
<td>Cycle 3</td>
<td>➢ A <em>candidate</em> for City elective office, if that candidate is required to file for that cycle with the City Commissioners.</td>
</tr>
<tr>
<td>Cycle 5</td>
<td>➢ A <em>political committee,</em> including a <em>political committee of a former candidate,</em> that is required to file for that cycle with the Department of State or City Commissioners if, in the reporting period, the committee:</td>
</tr>
<tr>
<td>Cycle 6</td>
<td>o Has made expenditures or incurred debt to influence the outcome of a covered election, including contributions made to a candidate for City elective office or for electioneering communications.</td>
</tr>
<tr>
<td>Cycle 7</td>
<td>o Is carrying debt incurred to influence the outcome of a covered election or has made expenditures to pay down such debt.</td>
</tr>
<tr>
<td></td>
<td>o Has accepted contributions or made expenditures to pay for transition or inauguration to City elective office or to pay down debt incurred for such transition or inauguration.</td>
</tr>
<tr>
<td></td>
<td>➢ <em>Any other person, including an individual or a not-for-profit organization,</em> that (1) is required to file a campaign finance report with the City Commissioners or Department of State that discloses expenditures to influence a covered election or, (2) in either Cycle 2 or Cycle 5, makes expenditures of $5,000 or more for electioneering communications, as described at Paragraph 1.21.</td>
</tr>
<tr>
<td>Cycle 101</td>
<td>➢ A <em>political committee or other person, including an individual or a not-for-profit organization,</em> but not a candidate political committee, that, in the reporting period, makes expenditures of $5,000 or more for electioneering communications, as described at Paragraph 1.21.</td>
</tr>
<tr>
<td>Cycle 201</td>
<td></td>
</tr>
<tr>
<td>Cycle 401</td>
<td></td>
</tr>
<tr>
<td>Cycle 501</td>
<td></td>
</tr>
<tr>
<td>Cycle 10</td>
<td>➢ During the 24 hour reporting period, a <em>candidate political committee</em> that receives contributions or pledges of $500 or more shall electronically file with the Board reports disclosing those contributions or pledges within 24 hours of receipt.</td>
</tr>
<tr>
<td>Cycle 11</td>
<td>➢ During the 24 hour reporting period, a <em>political committee</em> or <em>other person</em> that makes independent expenditures of $500 or more to influence a covered election (or incurs debts for such expenditures) shall electronically file with the Board reports disclosing those independent expenditures within 24 hours.</td>
</tr>
</tbody>
</table>
1.21 Electioneering communications.

a. Any person required to file a campaign finance report with the Board because it made, or promised to make, electioneering communications of $5,000 or more during a reporting cycle as specified in Paragraph 1.20 shall include all transactions that have not previously been disclosed in a report filed with the Board and that occurred from eight months prior to the election through the “complete as of” date.

b. If an organization other than a political committee that files a report pursuant to this Paragraph has used funds in segregated accounts to make expenditures for electioneering communications, that organization is only required to disclose sources of contributions that were deposited into the segregated accounts used to make those expenditures.

c. An individual who files a report pursuant to this Paragraph is only required to disclose contributions that he or she receives or solicits in order to fund the expenditures disclosed in the report.

1.22 A litigation fund committee established pursuant to Subpart G shall electronically file with the Board for any reporting cycle for which the committee is required to file with the Department of State or City Commissioners.

1.23 Content of campaign finance reports and statements.

a. A campaign finance report filed with the Board shall disclose all contributions and other receipts received, each expenditure made, any debt incurred during the relevant reporting period, and the cash balance at the beginning and end of the reporting period.

i. For each contribution of more than $50, the report shall disclose the date and amount of the contribution and the contributor’s name and address.

For each contribution of more than $250, the report shall disclose the date and amount of the contribution, the contributor’s name and address, and, in the case of contributions from individuals, the contributor’s occupation, employer, and employer’s address.

ii. For each receipt other than a contribution (such as interest income, returned checks, or refunds), the report shall disclose the name and address of the source of the funds and a description of the receipt.

iii. For each expenditure, the report shall disclose the date, amount, and recipient of the expenditure, and the recipient’s address and the purpose of the expenditure.

If the filer has used a credit or charge card to make expenditures, the filer shall disclose and itemize each purchase made with such a card, not merely a lump sum payment.

iv. For each unpaid debt, the report shall disclose the name and address of the creditor, the amount of debt owed, and the date the debt was incurred, as well as a description of the debt.
b. If, during a reporting period, a filer has accepted contributions, made expenditures, or incurred debt of less than $250, the filer may file a statement attesting to that fact in lieu of a full report. The statement shall set forth the filer’s starting and ending balance for the reporting period.

1.24 Affirmation required for campaign finance filings. Any candidate, treasurer, or other individual submitting a campaign finance report or statement to the Board shall affirm that the information set forth therein is true and correct. The individual who submits the report or statement shall be liable for civil penalties if it contains any material misstatements or omissions. The affirmation required by this Paragraph shall be submitted as required by the Board.

SUBPART F. USE OF POLITICAL COMMITTEES AND CHECKING ACCOUNTS BY CANDIDATES

1.25 One committee and one checking account.

a. A candidate’s campaign shall use no more than one political committee and one checking account for the City elective office the candidate is seeking. All contributions and post-candidacy contributions for that office shall be deposited into the candidate political committee’s checking account. All expenditures and post-candidacy expenditures for that office shall be made from the candidate political committee’s checking account.

b. If a candidate maintains other political or non-political accounts for which contributions are solicited, such funds collected in those accounts shall not be used for the purpose of influencing the outcome of a covered election or to make post-candidacy expenditures.

c. Payment Service Providers.

i. A candidate’s campaign may use a Payment Service Provider (such as PayPal) to accept contributions so long as all such contributions are promptly transferred to the candidate political committee’s checking account.

ii. A candidate’s campaign may use a Payment Service Provider to make expenditures so long as any funds used for such expenditures are drawn directly from the candidate committee’s checking account.

d. Use of savings account. A candidate’s campaign may transfer funds between the candidate political committee’s checking account and a single savings account so long as:

i. The savings account is at the same bank as the checking account;

ii. The candidate deposits all contributions into his or her checking account before transferring such funds to the savings account;

iii. The candidate does not make any expenditures or withdrawals directly from the savings account, but first transfers funds to the checking account in order to make expenditures or withdrawals; and
iv. Within three business days of the establishment of the savings account, the candidate shall notify the Board by postal mail or email sent to the attention of the Board’s Executive Director that he or she has established a savings account.

1.26 **Multiple offices sought.** If a candidate is running for more than one City elective office simultaneously, he or she shall maintain a separate candidate political committee and checking account for each office being sought.

1.27 **Requirement to provide information to the Board about a candidate political committee.**

a. A candidate who has a candidate political committee when he or she becomes a candidate shall, within three business days of becoming a candidate, notify the Board of the following information:

i. The committee’s name and street address (other than a P.O. box);

ii. The name of the bank where the committee’s checking account is established; and

iii. The name, telephone number, email address, and street address (other than a P.O. box) of the treasurer of the committee.

b. If a candidate does not have a candidate political committee when he or she becomes a candidate, he or she shall notify the Board of this fact within three business days of becoming a candidate and shall provide the Board with his or her street address (other than a P.O. box), telephone number, and email address.

c. If a candidate establishes a candidate political committee after he or she has become a candidate, he or she shall provide the information required by this Paragraph within three business days of the formation of the committee.

d. If the information required by this Paragraph changes, the candidate shall notify the Board of the updated information within three business days of the change occurring.

e. Information required by this Paragraph shall be provided on a form required by the Board and available on the Board’s website at [https://www.phila.gov/ethicsboard/PDF/CandidateCommitteeInformationForm.pdf](https://www.phila.gov/ethicsboard/PDF/CandidateCommitteeInformationForm.pdf) and shall be sent to the attention of the Board’s Executive Director by postal mail or email.

1.28 **Exercising control over another political committee or bank account.** Other than the candidate’s designated candidate political committee or a litigation fund committee established pursuant to Subpart G, or a checking account of such committees, a candidate’s campaign shall not exercise control over any political committee or checking account that makes expenditures to influence a covered election.

For example, a candidate’s campaign may be found to exercise control over a political committee or an account if:

a. The candidate or an agent of the candidate’s campaign is the treasurer or chair of the political committee or a signer on, or authorized user of, the account;
b. The candidate or an agent of the candidate’s campaign established or registered the political committee or account; or

c. The treasurer or chair of the political committee, or a signer on or authorized user of the account, is an employee of the candidate.

1.29 Other than expenditures made by the candidate’s designated candidate political committee or a litigation fund committee established pursuant to Subpart G, a candidate’s campaign shall not exercise control over an expenditure made to influence a covered election.

For example, a candidate’s campaign may be found to exercise control over an expenditure made to influence a covered election if:

a. The candidate’s campaign provides the money to cover the specific expenditure;

b. The candidate’s campaign selects the recipient of the expenditure; or

c. The candidate’s campaign approves the expenditure or directs that it be made.

1.30 Reimbursed expenditures.

a. A candidate or an agent of a candidate’s campaign shall not use funds held in a personal account to make expenditures for campaign activities, such as payments to vendors or staff, except that a candidate or an agent of a candidate’s campaign may make minor purchases, such as for postage stamps or parking fees, on behalf of the campaign so long as he or she is reimbursed by the candidate political committee within a reasonable amount of time.

b. A candidate’s campaign shall not make expenditures for campaign activities through a vendor’s account, except when incidental to the vendor’s provision of services to the campaign, as required by standard business practice, such as when a campaign uses an advertising agency to create and place advertisements. When a vendor makes expenditures pursuant to the foregoing exception, a candidate’s campaign may reimburse a vendor for such expenditures.

1.31 This Subpart does not prohibit a candidate from maintaining a litigation fund committee as described in Subpart G.

1.32 This Subpart does not prohibit a candidate from making expenditures through up to one political committee in addition to his or her candidate political committee for the printing and distribution of sample ballots that are distributed in the candidate’s ward. However, all contributions to the candidate for the City elective office being sought shall be made into the candidate’s candidate political committee.

1.33 This Subpart does not prohibit a candidate from paying a political committee to conduct or organize get-out-the-vote activities (such as canvassing and the distribution of campaign literature or sample ballots) as long as:

a. The recipient political committee offers similar services to other candidates; and

b. The candidate does not exercise control over the political committee.

1.34 This Subpart does not prohibit a candidate from making a contribution within the contribution limits to his or her candidate political committee from a political committee controlled by the candidate, other than the candidate’s litigation fund committee.
SUBPART G. LITIGATION FUND COMMITTEES

1.35 Litigation fund committee requirements.

a. In addition to a candidate political committee, a candidate for City elective office may establish a litigation fund committee with a single separate checking account to solicit and receive contributions and make expenditures for the purposes described in Paragraph 1.35(c).

b. The name of a litigation fund committee shall include the term “Litigation Fund.” The committee shall have a treasurer who shall be responsible for keeping records of the committee’s transactions.

c. A candidate shall make expenditures from a litigation fund committee solely to pay professional fees and related costs incurred in defense of a civil, criminal, or administrative proceeding arising directly out of the conduct of the candidate’s election campaign or participation in a covered election, such as a nomination petition challenge, a recount proceeding, or a Board investigation.

d. A candidate shall not make expenditures from a litigation fund committee to pay any judgment, settlement, fine, sanction, or other type of penalty arising out of any civil, criminal, or administrative proceeding.

e. A candidate may make expenditures from his or her candidate political committee for the purposes described in Paragraph 1.35(c).

1.36 Requirement to provide information to the Board about a litigation fund committee.

a. Within three business days of the formation of a litigation fund committee, a candidate shall notify the Board of the following information:

i. The litigation fund committee’s name and street address (other than a P.O. box);

ii. The name of the bank where the litigation fund committee’s checking account is established; and

iii. The name, telephone number, email address, and street address (other than a P.O. box) of the treasurer of the litigation fund committee.

b. If the information required by this Paragraph changes, the candidate shall notify the Board of the updated information within three business days of the change occurring.

c. Information required by this Paragraph shall be provided on a form required by the Board and available on the Board’s website at https://www.phila.gov/ethicsboard/PDF/CandidateCommitteeInformationForm.pdf and shall be sent to the attention of the Board’s Executive Director by postal mail or email.
1.37 Termination of a litigation fund committee.

a. A litigation fund committee shall be terminated no later than six months after the date of the general election for the office which the candidate sought, except as provided in Paragraph 1.37(b).

b. If six months after the date of the general election any matters are pending for which litigation fund committee funds may be expended, then a litigation fund committee shall be terminated within six months after the conclusion of all such matters, including any appeals.

c. Before a litigation fund committee is terminated, the litigation fund committee’s checking account shall be closed, and any remaining funds shall be returned to contributors according to one of the methods below:

i. On a “last in, first out” accounting basis;

ii. On a “first in, first out” accounting basis;

iii. On a pro-rata accounting basis; or

iv. On such other equitable basis as may be approved by a majority vote of the Board upon application in writing by a candidate or treasurer of a litigation fund committee by postal mail or email sent to the attention of the Board’s Executive Director at least 40 days prior to the termination deadline.

d. The Board may grant an extension for terminating a litigation fund committee upon application at least 40 days prior to the termination deadline to the Board’s Executive Director in writing that demonstrates good cause for an extension.

SUBPART H. COORDINATED EXPENDITURES

1.38 An expenditure is coordinated with a candidate’s campaign if it is made in cooperation, consultation or concert with the candidate’s campaign, including the following:

a. The expenditure is made at the request or suggestion of the candidate’s campaign;

b. A person suggests making an expenditure and the candidate’s campaign assents to the suggestion;

c. The person making the expenditure communicates with the candidate’s campaign concerning the expenditure before making the expenditure;

d. The candidate’s campaign has solicited funds for or directed funds to the person making the expenditure, but only if the solicitation occurred within the 12 months before the election that the expenditure seeks to influence; or

e. An agent of the candidate’s campaign directs, places, or arranges the expenditure; or

f. The person making the expenditure uses information obtained from the candidate’s campaign to design, prepare, or pay for the specific expenditure at issue, unless the person has obtained that information from a public source or from a communication the candidate made to the general public. This subparagraph does not apply to the republication of campaign communications or materials, which is covered by Paragraph 1.39.
Example for 1.38(f): Philadelphians for Philadelphia PAC establishes a telephone bank to get out the vote for primary voters for Candidate A. Candidate A’s campaign gives Philadelphians for Philadelphia a list of telephone numbers of people that contributed to Candidate A’s campaign. Philadelphians for Philadelphia organizes the phone bank without any other input from Candidate A and spends $11,900 to set up the phone bank and telephones individuals provided on the list from Candidate A. The $11,900 spent by Philadelphians for Philadelphia is a coordinated expenditure with Candidate A because the PAC used information obtained from Candidate A’s campaign for the phone bank. As such, Philadelphians for Philadelphia has made an $11,900 in-kind contribution to Candidate A.

1.39 Republication of campaign communications or materials. For the purposes of the contribution limits, an expenditure made to reproduce, republish, or disseminate a campaign communication (including audio recordings or video footage) or campaign material (such as photographs, flyers, signs, or brochures) prepared by a candidate’s campaign:

a. Shall be considered an in-kind contribution made by the person making the expenditure.

b. Shall be considered an in-kind contribution received by the candidate if the person making the expenditure obtains the communication or materials directly from the candidate’s campaign or from another source with the consent of the candidate’s campaign.

A campaign communication or campaign material is obtained with the candidate’s consent if the candidate provides it to a third party for the purpose of enabling another person to obtain the communication or material from that third party and subsequently republish some or all of it.

c. Shall not be considered an in-kind contribution if:

i. The communication or material is incorporated into a communication that advocates the defeat of the candidate that prepared the material;

ii. The item republished is a photograph obtained from a public source that is not controlled by the candidate’s campaign; or

iii. The person’s expenditures for republication of a candidate’s communications or materials are less than $100 in the aggregate per reporting period.

Example for 1.39(a) and (b): Three weeks before election day, Candidate A’s campaign uploads five minutes of b-roll video footage to her YouTube channel. The political committee Pennsylvanians for a Better Pennsylvania downloads the b-roll footage and uses it to create a television advertisement. The committee spends $100,000 to run the advertisement on three television stations during the week before election day.

Candidate A posted the b-roll footage for the purpose of enabling another person to obtain it. Pennsylvanians for a Better Pennsylvania obtained a campaign communication created by Candidate A’s campaign with the consent of the candidate’s campaign. As such, the committee’s expenditure of $100,000 was coordinated with Candidate A’s campaign and is both an excess in-kind contribution made by the committee and an excess in-kind contribution received by Candidate A.
1.40 An expenditure will not be considered a coordinated expenditure merely because:
   a. The person making the expenditure interviews the candidate;
   b. The person making the expenditure has endorsed the candidate;
   c. The person making the expenditure and the candidate’s campaign use the same vendor, attorney, or accountant;
   d. The person making the expenditure has obtained from the candidate a biography of the candidate or a position paper, press release, or similar material about the candidate; or
   e. The person making the expenditure has invited the candidate to make an appearance before the person’s members, employees, or shareholders.

SUBPART I. EXCESS PRE-CANDIDACY CONTRIBUTIONS;
EXCESS POST-CANDIDACY CONTRIBUTIONS

Note: The following requirements regarding excess pre-candidacy contributions are relevant only if, prior to becoming a candidate for City elective office, an individual accepts contributions in excess of the limits set forth in Subpart B.

1.41 The provisions of this Subpart regarding excess pre-candidacy contributions apply only to contributions received during the accounting period.

Example: On December 1, 2016, Candidate A declares her candidacy for the May 2017 Controller primary election. The accounting period for Candidate A is January 1, 2014 through November 30, 2016. The last Controller election was held in 2013 so January 1, 2014 would be the first day of the year following that election.

1.42 Prohibited Expenditures.
   a. A candidate or candidate political committee shall not spend any excess pre-candidacy contributions for the purpose of influencing the outcome of a covered election in which he or she is a candidate or for transition or inauguration to City elective office.

   b. A former candidate or the political committee of a former candidate shall not spend any excess post-candidacy contributions for the purposes of:
      i. Transition or inauguration to City elective office; or
      ii. Retiring debt incurred either to influence the outcome of a covered election or for expenses related to transition or inauguration to City elective office.

   c. A candidate or candidate political committee shall not transfer excess pre-candidacy contributions to the candidate’s litigation fund committee established pursuant to Subpart G.
1.43 Exclusion of excess pre-candidacy contributions upon becoming a candidate.

a. Except as provided in Paragraph 1.44, within ten days after becoming a candidate, a candidate shall exclude all excess pre-candidacy contributions from his or her candidate political committee checking account by one of the following methods:

i. Transferring excess pre-candidacy contributions to a segregated account; or

ii. Returning excess pre-candidacy contributions to their contributors.

b. Calculation of amount to be excluded. A candidate shall determine the amount to be excluded by using one of the following methods:

i. Dollar for dollar calculation. A candidate shall exclude an amount equal to the total amount of excess pre-candidacy contributions received during the accounting period.

Example: On November 1, 2016, Friends of Candidate A receives a contribution of $3,500 from Mr. B ($3,000 within limits, $500 excess) and a contribution of $3,500 from Ms. C (same). On December 1, 2016, Candidate A declares her candidacy for the May 2017 Controller primary election. By December 11, 2016, Friends of Candidate A must exclude $1,000 ($500 excess from Mr. B + $500 excess from Ms. C) from its checking account.

ii. Accounting-based calculation. A candidate does not have to exclude any excess pre-candidacy contributions that he or she demonstrates, using either a last in/first out or first in/first out accounting method, were actually spent before becoming a candidate, provided that:

(1) Before accounting for the expenditure of any excess pre-candidacy contributions, an accounting shall be made for the expenditure of the balance of the committee account as it existed on the day before the start of the accounting period; and

(2) Pre-payments that were made by the candidate’s political committee shall not constitute expenditures of excess pre-candidacy contributions using this accounting method.

c. If the amount that the candidate shall exclude from the checking account of his or her candidate political committee exceeds the amount of cash the committee has on hand, the candidate shall use incoming contributions to cover the amount that shall be excluded.

1.44 Pre-candidacy segregation. A candidate does not have to exclude any excess pre-candidacy contributions that, upon receipt, he or she had transferred to a segregated pre-candidacy excess contribution account (“SPEC account”), provided that, if he or she used any funds in a SPEC account for pre-payments, the candidate shall exclude from his or her candidate committee account an amount equal to those pre-payments. Funds transferred into a SPEC account that were not used for pre-payments need not be included in accounting for the exclusion of excess pre-candidacy contributions under either calculation method described in Paragraph 1.43.
Example 1: On November 1, 2016, Friends of Candidate A receives a contribution of $3,500 from Person B ($3,000 within limits, $500 excess) and a contribution of $3,500 from Person C (same). On November 2, 2016, Candidate A transfers $1,000 from the checking account of the candidate political committee to a SPEC account. On December 1, 2016, Candidate A declares her candidacy for the May 2017 Controller primary election. Friends of Candidate A has already segregated Person B and Person C’s excess contributions and therefore does not need to exclude any other money from its checking account.

Example 2: On November 1, 2016, Friends of Candidate A receives a contribution of $3,500 from Person B ($3,000 within limits, $500 excess) and a contribution of $3,500 from Person C (same). On November 2, 2016, Candidate A transfers $1,000 from the checking account of the candidate political committee to a SPEC account. On November 30, 2016, Candidate A spends $1,000 from the SPEC account on fliers to be used in the upcoming election. On December 1, 2016, Candidate A declares her candidacy for the May 2017 Controller primary election. By December 11, 2016, Friends of Candidate A must exclude $1,000 from its checking account. While Candidate A segregated the $1,000 in excess contributions received from Person B and Person C, she spent $1,000 from the SPEC account on pre-payment expenditures during the accounting period and must therefore exclude an amount equal to those pre-payments from the Friends of Candidate A checking account.

1.45 A candidate shall exclude all excess post-candidacy contributions from his or her candidate political committee checking account by one of the following methods:
   a. Transferring excess post-candidacy contributions to a SPEC account within ten days of receiving the contributions; or
   b. Returning excess post-candidacy contributions to the contributors who made those contributions within ten days of receiving the contributions.

1.46 A candidate or a candidate political committee shall not use money held in a SPEC account to influence the outcome of a covered election in which the candidate participates or to make post-candidacy expenditures.

1.47 Within seven days of establishing a SPEC account, a candidate shall notify the Board of the name of the bank at which the account was established by postal mail or email sent to the attention of the Board’s Executive Director.
SUBPART J. RETIRING DEBT

1.48 Except as provided in Paragraph 1.49, forgiveness of debt incurred to influence the outcome of a covered election or to cover transition or inauguration expenses is a contribution from the creditor to the candidate or former candidate and is subject to the contribution limits set forth in Subpart B.

1.49 If a debt owed by a former candidate is not collectible as defined below, a creditor may forgive the debt without such forgiveness being subject to the contribution limits set forth in Subpart B. A debt is not collectible if all of the following are true:

a. The creditor billed the candidate for its services in the ordinary course of its business and the terms of the transaction were commercially reasonable;

b. The debt has been outstanding for at least 24 months;

c. The candidate political committee does not have sufficient cash on hand to pay the creditor;

d. Forgiveness of the debt is not prohibited by any other relevant law; and

e. The creditor notifies the Board by postal mail or email sent to the attention of the Board’s Executive Director of its intent to forgive the debt and demonstrates that all the conditions set forth in this Paragraph have been satisfied.

If the creditor has provided all the necessary information, the Executive Director shall present the request to the Board at a public meeting. The Board shall either approve or disapprove the proposed debt forgiveness. The Executive Director shall inform the creditor in writing whether or not the Board has approved the forgiveness of debt. The forgiveness of debt is subject to the post-candidacy reporting requirements set forth in Subpart E.

SUBPART K. PENALTIES

1.50 Acceptance of an excess contribution. A candidate, candidate political committee, or litigation fund committee that accepts a contribution in excess of the limits described in Subpart B shall be subject to a civil monetary penalty of three times the amount by which the accepted contribution exceeded the limit, or $2,000, whichever is less.

1.51 Making an excess contribution. A contributor who makes a contribution in excess of the limits described in Subpart B shall be subject to a civil monetary penalty of three times the amount by which the contribution exceeded the limit, or $2,000, whichever is less.

1.52 Safe harbor if an excess contribution is returned within 15 days. No civil monetary penalty shall be imposed for an excess contribution if the candidate who accepted the excess contribution within fifteen days after receiving the contribution:

a. Returns the excess amount to the contributor; and

b. Provides the following information to the Board’s Executive Director by postal mail or email: the amount of the excess contribution, the identity of the contributor, the date of receipt, and the date of return.
1.53 Failure to file campaign finance disclosures. If a political committee fails to file a campaign finance report or statement with the Board as required by Subpart E the committee and its treasurer shall be jointly and severally subject to a civil monetary penalty of $250. If a candidate fails to file a campaign finance report or statement with the Board as required by Subpart E, the candidate shall be subject to a civil monetary penalty of $250. Each day the report or statement is not filed shall be considered a separate offense for which an additional separate civil monetary penalty of $250 may be imposed. The total civil penalties that may be imposed for failure to file a particular report or statement shall not exceed $2,000 for the first thirty days the report is not filed, plus $1,000 for each additional thirty-day period or part thereof the report or statement is not filed.

1.54 Material misstatements or omissions. If a campaign finance report filed with the Board contains material misstatements or omissions, the candidate, treasurer, or other individual who filed the report shall be subject to a civil monetary penalty of $1,000 for each such misstatement or omission. If the report is filed on behalf of a political committee, the individual who filed the report and the committee shall be jointly and severally liable.

1.55 Misuse of political committees or accounts. If a candidate’s campaign uses a political committee or account in violation of the requirements set forth in Subpart F or G, the candidate shall be subject to a civil monetary penalty of $1,000.

1.56 Excess pre-candidacy and post-candidacy contributions.
   a. If a candidate or former candidate fails to exclude any excess pre-candidacy or post-candidacy contributions from his or her candidate political committee as required by Subpart I, he or she shall be subject to a civil monetary penalty of $1,000.
   b. If a candidate or former candidate spends excess pre-candidacy or post-candidacy contributions in violation of the prohibitions of Subpart I, he or she shall be subject to a civil monetary penalty of $1,000, for which his or her candidate political committee shall be jointly and severally liable if such expenditures were made from that committee.

1.57 Failure to provide committee or account information to Board. If a candidate fails to provide information to the Board about a political committee or account as required by Subpart F, G, or I, he or she shall be subject to a civil monetary penalty of $1,000.

1.58 Other violations of the campaign finance law. All other violations of the campaign finance law are subject to a civil monetary penalty of $1,000 per violation.
1.59  **Increase or decrease of civil monetary penalty.** A penalty imposed pursuant to Paragraph 1.54, 1.55, 1.56, 1.57, or 1.58 shall be increased or decreased as follows:

a. Mitigating factors. The civil monetary penalty of $1,000 shall be reduced by $500 if one of the following mitigating factors is present and shall be reduced by $750 if more than one of the following mitigating factors are present:
   i. Good faith effort to comply. The violator is found to have made a good faith effort to comply with the law.
   ii. Prompt corrective action. The violator is found to have taken prompt corrective action where corrective action was possible to remedy the violation.
   iii. Prompt self-reporting. The violator is found to have reported promptly the violation to the Board of Ethics.

b. Aggravating factors. The civil monetary penalty of $1,000 shall be increased by $1,000 for each of the following aggravating factors that is present, provided that the total civil monetary penalty that may be imposed for one violation shall not exceed $2,000:
   i. Intent. The violator is found to have acted knowingly. An act is done knowingly if done voluntarily and intentionally and not because of mistake or accident or other innocent reason.
   ii. Repeat violation. The violator previously has been found by the Board of Ethics in an administrative adjudication or by a court of competent jurisdiction to have violated the same provision.
   iii. Obstruction of investigation. The violator is found to have obstructed the investigation of the Board of Ethics into the same violation.

Approved for public comment by the Board December 18, 2006
Effective January 17, 2007
Amendment approved by Board August 21, 2007
Effective September 21, 2007

Proposed amendments approved for public comment by Board on July 21, 2010 to expand the Regulation to address the requirements, other than electronic filing, of the City’s campaign finance law, Philadelphia Code Chapter 20-1000, as that law was amended in June 2010. The amendments to Regulation No. 1 completely strike and replace the original text of the regulation and delete the original exhibit.
Public hearing held September 8, 2010
Adopted by Board with modifications September 15, 2010
Effective September 27, 2010

Proposed amendments approved for public comment by Board May 11, 2011 to, among other things, reflect the April 2011 amendment to Philadelphia Code § 20-1002(2).
Public hearing held June 15, 2011
Adopted by Board July 20, 2011
Effective August 11, 2011
Proposed amendments approved for public comment by Board on January 18, 2012 to reflect the City Finance Director's certification of January 2012 adjustments to the maximum annual contribution limits.
Effective March 2, 2012

Proposed amendments approved for public comment by Board on December 19, 2012
Public hearing held January 23, 2013
Adopted by Board with modifications February 20, 2013
Effective March 8, 2013

Proposed amendments approved for public comment by Board on July 16, 2014
Public hearing held September 17, 2014
Adopted by Board with modifications October 15, 2014
Effective October 31, 2014

Proposed amendments approved for public comment by Board on September 21, 2016
Public hearing held October 19, 2016
Adopted by Board with modifications November 16, 2016
Effective December 2, 2016

NOTE: As part of its November 16, 2016 vote to approve a proposed amendment to this Regulation, the Board authorizes staff to update examples set forth in this Regulation from time to time as necessary in order to ensure that they reference current contribution limits, covered elections, and reporting periods.

Proposed amendments approved for public comment by Board on September 12, 2018
Public hearing held October 17, 2018
Adopted by Board with modifications November 28, 2018
Effective
Exhibit B
PHILADELPHIA BOARD OF ETHICS
REGULATION NO. 1
CAMPAIGN FINANCE

Table of Contents

Subpart A. Scope; Definitions................................................................. pg. 2
Subpart B. Contribution Limits.......................................................... pg. 5
Subpart C. Date of Acceptance of Contributions with Respect to the Contribution Limits........................................ pg. 9
Subpart D. Attributing Contributions Made by Check for the Purpose of the Contribution Limits................................................ pg. 9
Subpart E. Campaign Finance Disclosures................................................. pg. 10
Subpart F. Use of Political Committees and Checking Accounts by Candidates .............................................................. pg. 13
Subpart G. Litigation Fund Committees ........................................................ pg. 16
Subpart H. Coordinated Expenditures........................................................ pg. 17
Subpart I. Excess Pre-Candidacy Contributions; Excess Post-Candidacy Contributions ........................................ pg. 20-19
Subpart J. Retiring Debt............................................................................. pg. 22-22
Subpart K. Penalties................................................................................ pg. 22

Exhibit B- changes made via hearing report to proposed amendment
Brackets indicates matter removed; italic indicates new matter
Proposed amendment approved by Board on September 12, 2018 for public comment posting
Strikethrough indicates matter removed; underline indicates new matter
Proposed amendment approved by Board on September 12, 2018 for public comment posting

Strikethrough indicates matter removed; underline indicates new matter

**SUBPART A. SCOPE; DEFINITIONS**

1.0 Scope. The Board promulgates this Regulation pursuant to Philadelphia Home Rule Charter §§ 4-1100 and 8-407 and Philadelphia Code § 20-606(1)(a) to interpret Code Chapter 20-1000.

1.1 Definitions. As used herein, the following words and phrases shall have the meanings indicated.

a. **Accounting period.** The period from January 1 of the year following the previous election that was held for the City elective office a candidate is seeking through 5:00pm of the day before he or she became a candidate.

b. **Agent.** An individual who acts at the direction of or is authorized to act on behalf of a candidate, a chair or treasurer of a political committee, or a political committee.

c. **Board.** The body of members of the Board of Ethics appointed pursuant to Section 3-806 of the Home Rule Charter.

d. **Candidate.** An individual who (i) files nomination papers or petitions for City elective office, or (ii) publicly announces his or her candidacy for City elective office, including a former candidate who receives post-candidacy contributions or makes post-candidacy expenditures.

e. **Candidate’s campaign.** A candidate, the candidate’s candidate political committee (or litigation fund committee), or an officer or an agent of any of the foregoing.

f. **City elective office.** The offices of Mayor, District Attorney, City Controller, Sheriff, City Commissioner, or City Council.

g. **Candidate political committee.** The one political committee used by a candidate to receive all contributions and make all expenditures as required by Section 20-1003 of the Philadelphia Code.

h. **Contribution.**

   i. Any money, gifts, *loans*, forgiveness of debts, or things having a monetary value incurred or received by a candidate’s campaign for use in advocating or influencing the election of the candidate;

   ii. An in-kind contribution, as defined at Paragraph 1.1(q);

   iii. Any post-candidacy contribution, as defined at Paragraph 1.1(u); or

   iv. Any money, gifts, forgiveness of debts, or loans incurred or received to pay fees and costs incurred in any civil, criminal, or administrative proceeding arising directly out of the conduct of the candidate’s campaign or with respect to a covered election, such as a nomination petition challenge, a recount proceeding, or a Board investigation.

i. **Contributor.** A person or political committee who makes a contribution to a candidate, litigation fund committee, or political committee.

j. **Covered election.** Any primary, general or special election for City elective office.
k. **Electioneering communication.** Any broadcast, cable, radio, print, Internet, or satellite communication (a) that promotes, attacks, supports, or opposes a candidate, or (b) that, within 50 days of a covered election, names, refers to, includes, or depicts a candidate in that covered election; provided that, however, the term shall not include: (i) sponsorship or organization of a candidate debate or forum; or (ii) any news story, commentary, or editorial by any broadcasting station, newspaper, magazine, or other periodical publication, including any Internet periodical publication, unless the station, newspaper, magazine, or publication is owned or controlled by a candidate, political committee, or political party.

l. **Excess post-candidacy contribution.** The portion of a post-candidacy contribution that, had it been contributed for the purpose of retiring debt that was incurred to influence the outcome of a covered election, or for the purpose of defraying the cost of transition or inauguration of a candidate elected to City elective office, would have been in excess of the contribution limitations set forth in Subpart B.

m. **Excess pre-candidacy contribution.** The portion of a pre-candidacy contribution to a political committee that, had it been made to a candidate for City elective office, would have been in excess of the contribution limitations set forth in Subpart B.

n. **Expenditure.** The payment, distribution, loan, or advancement of money or things having a monetary value by a candidate, political committee, or other person for the purpose of influencing the outcome of a covered election, including:

   i. For the provision of a service or other valuable thing for the purpose of influencing the outcome of the nomination or election of a candidate;

   ii. For the payment or provision of money or other valuable thing to compensate any person for services rendered to a candidate or candidate political committee;

   iii. For an independent expenditure;

   iv. For an electioneering communication; or

   ivv. To obtain, defend, or challenge a candidate’s place on the ballot, including payments to workers to circulate nominating petitions.

o. **Former candidate.** An individual who was a candidate for City elective office becomes a former candidate:

   i. On the day after a general election, if he or she was unopposed in that election;

   ii. On the day after a primary election, if he or she concedes that election;

   iii. When his or her opponent concedes, if he or she was opposed in a general election; or

   iv. If an election is contested, when that contest is resolved.
p. **Independent expenditure.** An expenditure to influence the outcome of a covered election that is made without the cooperation or consultation of any candidate’s campaign and that is not made in concert with or at the request or suggestion of any candidate’s campaign.

q. **In-kind contribution.**
   i. The provision of any goods or services directly to a candidate’s campaign without charge or at a charge that is less than the usual and normal charge for such goods or services;
   
   ii. The payment or agreement to pay a third party to provide goods or services to a candidate’s candidate political committee, if the goods and services are in fact provided; or
   
   iii. Any expenditure that advocates or influences the nomination or election of a candidate that is coordinated with that candidate’s campaign, as provided in Subpart H.

   The term “in-kind contribution” does not include volunteer labor as described in Paragraph 1.11(4)(g)-1.10(4)(g).

r. **Litigation fund committee.** The committee established by a candidate to receive contributions and make expenditures solely to pay professional fees and related costs incurred in defense of a civil, criminal, or administrative proceeding arising directly out of the conduct of a candidate’s election campaign or participation in an election, as described in Subpart G.

s. **Person.** An individual, a political committee, a corporation, a partnership, a sole proprietorship, or any other form of business or nonprofit-for-profit or not-for-profit organization.

t. **Political committee.** Any committee, club, association, political party, or other group of persons, including the candidate political committee of a candidate for office in a covered election, which receives contributions or makes expenditures for the purpose of influencing the outcome of a covered election.

u. **Post-candidacy contribution.** Money, gifts, forgiveness of debts, loans, or things having a monetary value, received by a former candidate or his/her agent for use in retiring debt that was incurred to influence the outcome of a covered election, or for the purpose of defraying the cost of transition or inauguration of a candidate elected to City elective office.

v. **Post-candidacy expenditure.** An expenditure made by a candidate, former candidate, or candidate political committee to defray the candidate’s cost of transition or inauguration to City elective office or to retire debt that the candidate incurred to: (i) influence the outcome of a covered election; or (ii) cover transition or inauguration expenses.

w. **Pre-candidacy contribution.** A contribution made to a political committee that: (i) has been transferred to, or otherwise becomes available for expenditure by, a candidate for City elective office; and (ii) was made before such candidate became a candidate.
Proposed amendment approved by Board on September 12, 2018 for public comment posting

Strikethrough indicates matter removed; underline indicates new matter

x. **Pre-payment.** A payment made during the accounting period for any thing used or to be used by a candidate’s campaign, including but not limited to: printed or produced campaign materials, such as sample ballots, shirts, signs, flyers, brochures, websites, photographs, audio or video recordings; advertising time or space; office space; or services or labor.

y. **SPEC account.** A segregated pre/post-candidacy excess contribution account, as described in Subpart I.

z. **Sample ballot.** A ballot distributed by a political committee that lists more than one candidate in a specific covered election and recommends that voters vote for the listed candidates.

**SUBPART B. CONTRIBUTION LIMITS**

1.2 **Limits on contributions from individuals.**

   a. An individual shall not make total contributions per calendar year of more than $3,000 to a candidate for City elective office, including contributions made through one or more political committees.

   b. An individual shall not make total contributions per calendar year of more than $3,000, including contributions made through one or more political committees, to a litigation fund committee established as described in Subpart G by a candidate for City elective office.

   c. An individual shall not make total post-candidacy contributions to a former candidate, including contributions made through one or more political committees, of more than $3,000 between the general election and the end of that calendar year (or, in the case of candidates who do not win nomination, between the primary election and the end of that calendar year), and in each calendar year that follows the year of the general election.

1.3 **Limits on contributions from political committees, partnerships, sole proprietorships, or other forms of business organization.**

   a. A political committee, partnership, sole proprietorship, or other form of business organization shall not make total contributions per calendar year of more than $11,900 to a candidate for City elective office, including contributions made through one or more political committees.

   b. A political committee, partnership, sole proprietorship, or other form of business organization shall not make total contributions per calendar year of more than $11,900, including contributions made through one or more political committees, to a candidate’s litigation fund committee.

   c. A political committee, partnership, sole proprietorship, or other form of business organization shall not make total post-candidacy contributions to a former candidate, including contributions made through one or more political committees, of more than $11,900 between the general election and the end of that calendar year (or, in the case of candidates who do not win nomination, between the primary election and the end of that calendar year), and in each calendar year that follows the year of the general election.

- 5 -
1.4 Contributions made through one or more political committees.

a. For the purposes of this Subpart, a contribution is made through a political committee when:

i. A person or political committee makes a contribution to a political committee and directs, suggests, or requests, whether in a direct, indirect, express, or implied manner, that the recipient political committee use all or part of the contributed money to make an expenditure to support a specific candidate. A determination that such a direction, suggestion, or request was made shall be based upon all the relevant facts and circumstances; or

ii. The contributing person or political committee has provided the majority of the contributions received by the recipient political committee, whether directly or indirectly, in the twelve months prior to the recipient political committee’s expenditure to support the candidate, unless the recipient political committee can demonstrate, based on either a last in/first out or first in/first out accounting method that money from the contributing person or political committee was not used to make the expenditure to the candidate.

b. For the purpose of the contribution limits, a contribution made through a political committee is from both the original contributing person or political committee and the recipient political committee through which the contribution is made. The entire amount of the contribution made through a political committee shall count toward the contribution limits of the original contributing person or political committee, and the entire amount shall also count toward the recipient political committee’s contribution limits.

1.5 — During a non-election year:

a. Candidates for Mayor shall receive no more than $250,000 in total contributions from political committees;

b. Candidates for District Attorney and Controller shall receive no more than $100,000 in total contributions from political committees; and

c. Candidates for City Council, Sheriff, and City Commissioner shall receive no more than $75,000 in total contributions from political committees.
1.65 **Doubling of Contribution Limits.**

a. If a candidate for City elective office contributes $250,000 or more of his or her personal resources to his or her candidate political committee, the contribution limits for all candidates for that office shall be doubled for that year and each subsequent year up to and including the year in which the covered election occurs, except as provided in Paragraph 1.6(b) 1.5(b).

b. The limits for post-candidacy contributions (Paragraphs 1.2(c) and 1.3(c)) and for contributions to litigation fund committees (Paragraphs 1.2(b) and 1.3(b)) do not double if a candidate contributes $250,000 or more to his or her candidate political committee.

c. A contribution that exceeds the contribution limits at the time it is accepted by a candidate exceeds the contribution limits described in this Subpart even if the contribution limits subsequently double and the contribution is less than the doubled limits.

d. If a candidate political committee returns, repays, or refunds to a candidate any money the candidate had contributed from his or her personal resources prior to reaching the $250,000 threshold, the returned amount shall not count toward the amount required to trigger doubling of the limits.

e. Once the contribution limits double, they remain doubled even if:

i. The candidate whose contributions from his or her personal resources triggered the doubling ceases to be a candidate; or

ii. After the limits have doubled, a candidate political committee returns, repays, or refunds to the candidate a portion of the money contributed from the candidate’s personal resources.

f. If a candidate contributes $250,000 or more of his or her personal resources to his or her candidate political committee, as set forth in Paragraph 1.6, within two business days he or she shall notify the Board of this fact by postal mail or email sent to the attention of the Board’s Executive Director.

1.76 Candidates, candidate political committees, and litigation fund committees shall not accept any contribution that exceeds the limits set forth in this Subpart.

1.87 A pre-candidacy contribution made in the same calendar year that an individual becomes a candidate shall count toward the contribution limits set forth in this Subpart.

1.98 Candidates and contributors shall include the value of in-kind contributions when determining the total amount of contributions made or accepted in a calendar year.

1.402 If a person or political committee makes an expenditure to a political committee in order that a candidate’s name be placed on a sample ballot, the amount of the expenditure from that person or political committee is a contribution to the candidate and shall count toward the contribution limits set forth in this Subpart, so long as the expenditure is not an independent expenditure.
1.44.10 Transactions that do not count toward the contribution limits. The following are not subject to the contribution limits set forth in this Subpart:

a. Contributions from a candidate’s personal resources to the candidate’s candidate political committee or to the candidate’s litigation fund committee;

b. Contributions from a candidate’s candidate political committee to the candidate’s litigation fund committee;

c. A political committee’s costs to print or distribute a sample ballot where a candidate, person, or another political committee has paid the usual and normal charge to that political committee to have the candidate placed on a sample ballot distributed by that political committee;

d. A political committee’s costs to print or distribute sample ballots that are distributed in a candidate’s ward pursuant to Paragraph 1.32;

e. Any cost incurred in covering or carrying a news story, commentary, or editorial by any broadcasting station, newspaper, magazine, or other periodical publication, including any Internet periodical publication;

f. Incidental expenditures made by persons other than candidates’ campaigns that are related to internet activity (such as the cost of hardware, software, or internet access) that advocates or influences the election of a candidate; or

g. Volunteer labor provided to a candidate or a political committee.

i. Volunteer labor is work an individual provides without compensation from any entity or person for the benefit of a candidate. It may, among other things, include:

(1) Legal or accounting work;

(2) Entertainment such as a performance by a musical group or DJ; and

(3) Campaign work such as canvassing, working at a phone bank, or election-day get-out-the-vote activities.

ii. Volunteer labor does not include the donation to a candidate of:

(1) Equipment, such as computers, copiers, or printers;

(2) Resources, such as postage; or

(3) Materials, such as stationery or campaign literature.

iii. An individual engaged in volunteer labor may make incidental use of resources without such use being a contribution from the owner of the resource to the candidate for the purposes of the contribution limits. Incidental use does not include the use of resources to reproduce campaign material for public distribution.
SUBPART C. DATE OF ACCEPTANCE OF CONTRIBUTIONS WITH RESPECT TO THE CONTRIBUTION LIMITS

1.4311 Except as provided in Paragraphs 1.12, 1.13, and 1.14 +, the date of acceptance of a contribution is the date that the contribution comes into the possession of a candidate’s campaign. A candidate’s campaign shall not designate as the date a contribution is accepted any date other than the date of acceptance as identified in this Subpart.

1.4312 If a contribution is delivered to a mailbox, the date that the contribution is accepted is the date on which the candidate’s campaign finds the contribution in the mailbox.

1.4413 If a contribution is made by credit card through a website, the date that the contribution is accepted is the date on which the contributor submits his or her credit card information on the website.

1.4514 In-kind contributions.

a. If a person makes an in-kind contribution by providing goods or services directly to a candidate’s campaign, the date of acceptance of that contribution is the date that the candidate’s campaign receives the goods or services.

b. If a person makes an in-kind contribution by paying or agreeing to pay a third party to provide goods or services to a candidate’s campaign, the date of acceptance of that contribution is the date of the agreement to pay, if the goods or services are in fact provided; otherwise, the date payment is made, whichever is earlier.

SUBPART D. ATTRIBUTING CONTRIBUTIONS MADE BY CHECK FOR THE PURPOSE OF THE CONTRIBUTION LIMITS

1.4615 A contribution made by a check that reflects a joint checking account of two or more individuals shall be attributed to the joint account holder who signs the check. If more than one account holder signs a contribution check, the contribution shall be apportioned evenly between the signers. If an individual other than an account holder signs a contribution check, the contribution shall be attributed evenly among the joint account holders.

1.4716 A contribution made by a check drawn on the account of a political committee is a contribution from that political committee.

1.4817 A contribution made by check drawn on the account of a partnership, sole proprietorship, or other form of business organization is a contribution from the partnership, sole proprietorship, or other form of business organization, unless other facts demonstrate that the contribution is from the signor of the check.
SUBPART E. CAMPAIGN FINANCE DISCLOSURES

1.18 Electronic filing of Method of filing campaign finance reports and statements. Any campaign finance report or statement required by this Subpart shall be electronically filed with the Board through the Department of Records and shall be submitted in a format required by the Board approved by the Department of Records. Upon receipt of any filing, the Board shall issue a written printable receipt.

Information on how to electronically file a report or statement is available at the office of the Department of Records in City Hall Room 156 and at:
http://www.phila.gov/ethicsboard/campaignfinance/Pages/Filecfinformation.aspx

[NOTE: This Paragraph was moved from 1.23, below]

1.19 Campaign finance reporting schedule.

<table>
<thead>
<tr>
<th>Cycle</th>
<th>Deadline</th>
<th>Complete As Of</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cycle 1</td>
<td>Sixth Tuesday Pre-Primary Election</td>
<td>50 days before the Primary Election</td>
</tr>
<tr>
<td>Cycle 101</td>
<td>Fourth Tuesday Pre-Primary Election</td>
<td>The Sunday preceding the deadline</td>
</tr>
<tr>
<td>Cycle 2</td>
<td>Second Friday Pre-Primary Election</td>
<td>The Monday preceding the deadline</td>
</tr>
<tr>
<td>Cycle 201</td>
<td>Final Tuesday Pre-Primary Election</td>
<td>The Sunday preceding the deadline</td>
</tr>
<tr>
<td>Cycle 10</td>
<td>24 hour reporting – continuous through day of Primary Election</td>
<td>Starts Second Tuesday Pre-Primary Election</td>
</tr>
<tr>
<td>Cycle 3</td>
<td>30 Day Post-Primary Election</td>
<td>20 days after the Primary Election</td>
</tr>
<tr>
<td>Cycle 4</td>
<td>Sixth Tuesday Pre-General Election</td>
<td>50 days before the General Election</td>
</tr>
<tr>
<td>Cycle 401</td>
<td>Fourth Tuesday Pre-General Election</td>
<td>The Sunday preceding the deadline</td>
</tr>
<tr>
<td>Cycle 5</td>
<td>Second Friday Pre-General Election</td>
<td>The Monday preceding the deadline</td>
</tr>
<tr>
<td>Cycle 501</td>
<td>Final Tuesday Pre-General Election</td>
<td>The Sunday preceding the deadline</td>
</tr>
<tr>
<td>Cycle 11</td>
<td>24 hour reporting – continuous through day of General Election</td>
<td>Starts Second Tuesday Pre-General Election</td>
</tr>
<tr>
<td>Cycle 6</td>
<td>30 Day Post-General Election</td>
<td>20 days after the General Election</td>
</tr>
<tr>
<td>Cycle 7</td>
<td>[Annual Report] January 31</td>
<td>[January 31 of the year after the Election] December 31 of the previous year</td>
</tr>
</tbody>
</table>

Note: A schedule with the specific reporting deadlines may be found following this Regulation and at http://www.phila.gov/ethicsboard/campaignfinance/Pages/default.aspx
### 1.20 Required disclosures for covered City elections.

<table>
<thead>
<tr>
<th>Reporting Cycle</th>
<th>Who must file</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cycle 1</td>
<td>▶️ The <em>candidate political committee</em> of a candidate for City elective office, if the committee has made expenditures in the reporting period.</td>
</tr>
<tr>
<td>Cycle 4</td>
<td>▶️ A <em>political committee</em> that in the reporting period has made expenditures to influence the outcome of a covered election, including contributions made to a candidate for City elective office or for electioneering communications.</td>
</tr>
<tr>
<td></td>
<td>▶️ <em>Any other person, including an individual or a not-for-profit organization</em>, that in the reporting period, makes expenditures of $5,000 or more for electioneering communications, as described at Paragraph 1.21.</td>
</tr>
<tr>
<td>Cycle 2</td>
<td>▶️ The <em>candidate political committee</em> of a candidate for City elective office, if that candidate is required to file for that cycle with the City Commissioners.</td>
</tr>
<tr>
<td>Cycle 3</td>
<td>▶️ A <em>candidate</em> for City elective office, if that candidate is required to file for that cycle with the City Commissioners.</td>
</tr>
<tr>
<td>Cycle 5</td>
<td>▶️ A <em>political committee</em>, including a <em>political committee of a former candidate</em>, that is required to file for that cycle with the Department of State or City Commissioners if, in the reporting period, the committee:</td>
</tr>
<tr>
<td>Cycle 6</td>
<td>▶️ Has made expenditures or incurred debt to influence the outcome of a covered election, including contributions made to a candidate for City elective office or for electioneering communications.</td>
</tr>
<tr>
<td>Cycle 7</td>
<td>▶️ Is carrying debt incurred to influence the outcome of a covered election or has made expenditures to pay down such debt.</td>
</tr>
<tr>
<td></td>
<td>▶️ Has accepted contributions or made expenditures to pay for transition or inauguration to City elective office or to pay down debt incurred for such transition or inauguration.</td>
</tr>
<tr>
<td>Cycle 101</td>
<td>▶️ <em>Any other person, including an individual or a not-for-profit organization</em>, that (1) is required to file a campaign finance report with the City Commissioners or Department of State that discloses expenditures to influence a covered election or, (2) in either Cycle 2 or Cycle 5, makes expenditures of $5,000 or more for electioneering communications, as described at Paragraph 1.21.</td>
</tr>
<tr>
<td>Cycle 201</td>
<td>▶️ A <em>political committee or other person</em>, including an individual or a not-for-profit <em>organization</em>, but not a <em>candidate political committee</em>, that, in the reporting period, makes expenditures of $5,000 or more for electioneering communications, as described at Paragraph 1.21.</td>
</tr>
<tr>
<td>Cycle 401</td>
<td>▶️ During the 24 hour reporting period, a <em>candidate political committee</em> that receives contributions or pledges of $500 or more shall electronically file with the Board reports disclosing those contributions or pledges within 24 hours of receipt.</td>
</tr>
<tr>
<td>Cycle 501</td>
<td>▶️ During the 24 hour reporting period, a <em>political committee or other person</em> that makes independent expenditures of $500 or more to influence a covered election (or incurs debts for such expenditures) shall electronically file with the Board reports</td>
</tr>
</tbody>
</table>
disclosing those independent expenditures within 24 hours.

a. For candidates and candidate political committees.
   i. Candidate political committees shall electronically file with the Board a campaign finance report or statement for each reporting deadline listed in Paragraph 1.19 that occurs during the year of the covered election in which he or she is a candidate; however, the committee need not file for Cycles 1 or 4 if, during the reporting period, the committee did not make any expenditures.

   During a non-election year, if a candidate’s candidate political committee is required to file a campaign finance report with the City Commissioners or Department of State and that report discloses, or is required to disclose, expenditures to influence a covered election, the committee shall electronically file a copy of that report with the Board.

   ii. Candidates shall electronically file with the Board reports or statements for any cycle for which the candidate was required to file such a report or statement with the City Commissioners.

   iii. 24 hour reporting period. During the 24 hour reporting period preceding a covered election in which the individual who has authorized that committee is a candidate, a candidate political committee that receives contributions or pledges of $500 or more shall electronically file with the Board reports disclosing those contributions or pledges within 24 hours of receipt.

b. A political committee of a former candidate shall electronically file with the Board a campaign finance report or statement for any reporting cycle for which the committee is required to file a report or statement with the City Commissioners or Secretary of State that discloses:
   i. Contributions accepted or expenditures made to pay off debt incurred to influence the outcome of a covered election;

   ii. Contributions accepted or expenditures made to pay for transition or inauguration to City elective office or to pay off debt incurred for transition or inauguration to City elective office;

   iii. Debt incurred to influence the outcome of a covered election; or

   iv. Expenditures made to influence the outcome of a covered election, including contributions made to a candidate for City elective office.

c. A litigation fund committee established pursuant to Subpart G shall electronically file with the Board a campaign finance report or statement for any reporting cycle listed at Paragraph 1.19 in which the committee received contributions or made expenditures.

[NOTE: This sub-paragraph has been moved to new Paragraph 1.22 below]

d. Other political committees and persons.
   i. A political committee shall electronically file with the Board a campaign finance report or statement for any reporting cycle listed at Paragraph 1.19 in
Proposed amendment approved by Board on September 12, 2018 for public comment posting

Strikethrough indicates matter removed; underline indicates new matter

which the committee makes expenditures or incurs debt to influence the outcome of a covered election.

ii. During the 24-hour reporting period, political committees and other persons that make independent expenditures of $500 or more to influence a covered election (or incur debts for such expenditures) shall electronically file with the Board reports disclosing those independent expenditures within 24 hours.

iii. A political committee shall also electronically file with the Board a campaign finance report or statement for any reporting cycle in which the committee files a campaign finance report or statement with the City Commissioners or Secretary of State that discloses debt incurred to influence the outcome of a covered election.

1.21 Electioneering communications. Special cycles for reporting of electioneering communications.

<table>
<thead>
<tr>
<th>Cycle 101</th>
<th>Deadline</th>
<th>Complete As Of</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cycle 201</td>
<td>Final-Tuesday Pre-Primary-Election</td>
<td>The Sunday preceding the deadline</td>
</tr>
<tr>
<td>Cycle 401</td>
<td>Fourth-Tuesday Pre-General-Election</td>
<td>The Sunday preceding the deadline</td>
</tr>
<tr>
<td>Cycle 501</td>
<td>Final-Tuesday Pre-General-Election</td>
<td>The Sunday preceding the deadline</td>
</tr>
</tbody>
</table>

Note: A schedule with the specific reporting deadlines may be found at http://www.phila.gov/ethicsboard/campaignfinance/Pages/default.aspx

A political committee or other person, including an individual or a not-for-profit organization, shall file a campaign finance report for any reporting cycle listed in this Paragraph in which it spends or promises to pay, in the aggregate, $5,000 or more for electioneering communications published within fifty (50) days of a covered election. The report shall include all transactions that occurred from eight months prior to the election through the “complete as of” date in the chart above that have not previously been disclosed in a report filed with the Board.

a. Any person required to file a campaign finance report with the Board because such person made, or promised to make, electioneering communications of $5,000 or more during a reporting cycle as specified in Paragraph 1.20 shall include all transactions that have not previously been disclosed in a report filed

---

1. The schedule may also be found immediately following this Regulation.

2. Editor’s note: As provided by Phila. Code § 20-1006(1)(e), in addition to the reporting cycles listed at Paragraph 1.21, a political committee or other person, including an individual or a not-for-profit organization, must file a campaign finance report for cycles 1, 2, 4, and 5, if during that cycle the political committee or other person makes expenditures for electioneering communications as described in Paragraph 1.21. These cycles were inadvertently omitted from the table at Paragraph 1.21.
Proposed amendment approved by Board on September 12, 2018 for public comment posting

Strikethrough indicates matter removed; underline indicates new matter

with the Board and that occurred from eight months prior to the election through
the “complete as of” date.

b. If an organization other than a political committee that files a report pursuant to
this Paragraph has used funds in segregated accounts to make expenditures for
electioneering communications, that organization is only required to disclose
sources of contributions that were deposited into the segregated accounts used to
make those expenditures.

c. An individual who files a report pursuant to this Paragraph is only required to
disclose contributions that he or she receives or solicits in order to fund the
expenditures disclosed in the report.

1.22 A litigation fund committee established pursuant to Subpart G shall file
electronically with the Board a campaign finance report or statement for any reporting
cycle listed at Paragraph 1.19 in which the committee received contributions or made
expenditures for which the committee is required to file with the Department of State or
City Commissioners.

[NOTE: This sub-paragraph was moved from Paragraph 1.20(e) below]

1.23 Method of filing campaign finance reports and statements. Any campaign
finance report or statement required by this Subpart shall be electronically filed with the
Board through the Department of Records and shall be submitted in a format approved by
the Department of Records. Upon receipt of any filing, the Board shall issue a written
receipt.

Information on how to electronically file a report or statement is available at the office of
the Department of Records in City Hall Room 156 and at:

http://www.phila.gov/ethicsboard/campaignfinance/Pages/Fileefinance.aspx

[NOTE: This sub-paragraph has been moved to Paragraph 1.18, above]

1.22 1.23 Content of campaign finance reports and statements.

a. A campaign finance report filed with the Board shall disclose all contributions
and other receipts received, each expenditure made, and any debt incurred during
the relevant reporting period. The report shall also disclose, and the cash balance
at the beginning and end of the reporting period.

i. For each contribution of more than $50, the report shall disclose the date and
amount of the contribution and the contributor’s name and address.

For each contribution of more than $250, the report shall disclose the date and
amount of the contribution, the contributor’s name and address, and, in the
case of contributions from individuals, the contributor’s occupation,
employer, and employer’s address.

ii. For each receipt other than a contribution (such as interest income, returned
checks, or refunds), the report shall disclose the name and address of the
source of the funds as well as and a description of the receipt.

iii. For each expenditure, the report shall disclose the date, amount, and recipient
of the expenditure as well as and the recipient’s address and the purpose of
the expenditure.
Proposed amendment approved by Board on September 12, 2018 for public comment posting

Strikethrough indicates matter removed; underline indicates new matter

If the filer has used a credit or charge card to make expenditures, the filer shall disclose and itemize each purchase made with such a card, not merely a lump sum payment.

iv. For each unpaid debt, the report shall disclose the name and address of the creditor, the amount of debt owed, and the date the debt was incurred, as well as a description of the debt.

b. If, during the relevant reporting period, the filer has spent, received, and accepted contributions, made expenditures, or incurred debt of less than $250, the filer may file a statement attesting to that fact in lieu of a full report. The statement shall set forth the filer’s starting and ending balance for the reporting period.

1.24 Sworn statement Affirmation required for campaign finance filings disclosures. Any candidate, treasurer, or other individual submitting a campaign finance report or statement to the Board shall sign a written statement that subscribes and swears to or affirms that the information set forth therein is true and correct. The individual who signs submits the report or statement and the committee shall be jointly and severally subject to liable for civil penalties if the report or statement it contains any material misstatements or omissions. Any statement The affirmation required by this Paragraph shall be submitted on a form as required by the Board available from the Department of Records.

SUBPART F. USE OF POLITICAL COMMITTEES AND CHECKING ACCOUNTS BY CANDIDATES

1.25 One committee and one checking account.

a. A candidate for City elective office candidate’s campaign shall have use no more than one political committee and one checking account for the City elective office being sought, into which all the candidate is seeking. All contributions and post-candidacy contributions for such that office shall be made, and out of which all deposited into the candidate political committee’s checking account. All expenditures and post-candidacy expenditures for that office shall be made, including post-candidacy expenditures from the candidate political committee’s checking account. If a candidate is running for more than one City elective office simultaneously, he or she shall maintain a separate candidate political committee and checking account for each office being sought. [The final sentence of this sub-paragraph has been moved to new Paragraph 1.26, below.]

b. If a candidate maintains other political or non-political accounts for which contributions are solicited, such funds collected in those accounts shall not be used for the purpose of influencing the outcome of a covered election or to make post-candidacy expenditures.

c. Payment Service Providers.

i. A candidate’s campaign may use a Payment Service Provider (such as PayPal) to accept contributions so long as all such contributions are promptly transferred to the candidate political committee’s checking account.
Proposed amendment approved by Board on September 12, 2018 for public comment posting

Strikethrough indicates matter removed; underline indicates new matter

ii. A candidate’s campaign [shall not] *may* use a Payment Service Provider to make expenditures *so long as any funds used for such expenditures are drawn directly from the candidate committee’s checking account.*

**1.27 d. Use of savings account.** A candidate’s campaign a candidate may transfer funds between his or her candidate political committee the candidate political committee’s checking account and a single savings account so long as:

ai. The candidate establishes the savings account is at the same bank that has his or her checking account;

b. The candidate deposits all contributions into his or her checking account before transferring such funds to the savings account;

c. The candidate does not make any expenditures or withdrawals directly from the savings account, but first transfers funds to the checking account in order to make expenditures or withdrawals; and

d. Within three business days of the establishment of the savings account, the candidate shall notify the Board by postal mail or email sent to the attention of the Board’s Executive Director that he or she has established a savings account.

**1.26 Multiple offices sought.** If a candidate is running for more than one City elective office simultaneously, he or she shall maintain a separate candidate political committee and checking account for each office being sought.

**1.28 1.27 Requirement to provide information to the Board about a candidate political committee.**

a. A candidate who has a candidate political committee when he or she becomes a candidate shall, within three business days of becoming a candidate, notify the Board of the following information:

i. The committee’s name and street address (other than a P.O. box);

ii. The name of the bank where the committee’s checking account is established; and

iii. The name, telephone number, email address, and street address (other than a P.O. box) of the treasurer of the committee.

b. If a candidate does not have a candidate political committee when he or she becomes a candidate, he or she shall notify the Board of this fact within three business days of becoming a candidate and shall provide the Board with his or her street address (other than a P.O. box), telephone number, and email address.

c. If a candidate establishes a candidate political committee after he or she has become a candidate, he or she shall notify the Board of: provide the information set forth in Paragraph 1.28(a) required by this Paragraph within three business days of the formation of the committee.

d. A candidate may satisfy the requirements of this Paragraph 1.28 by providing the Board with a copy of the Political Committee Registration Statement he or she filed with the City Commissioners as long as the information described in Paragraph 1.28(a)(i)-(iii) is included.
Proposed amendment approved by Board on September 12, 2018 for public comment posting

Strikethrough indicates matter removed; underline indicates new matter

e.d. If the information required by this Paragraph 1.28 changes, the candidate shall notify the Board of the updated information within three business days of the change occurring.

f.e. Information required by this Paragraph 1.28 shall be provided on a form required by the Board and available on the Board’s website at [LINK] and shall be sent to the attention of the Board’s Executive Director by postal mail or email.

1.29 1.28 Exercising control over another political committee or bank account.
A candidate has a political committee, for the purposes of this Subpart, if he or she exercises control over the political committee. The following are factors relevant to determining whether a candidate exercises control over a political committee other than his or her candidate political committee: Other than the candidate’s designated candidate political committee or a litigation fund committee established pursuant to Subpart G, or a checking account of such committees, a candidate’s campaign shall not exercise control over any political committee or checking account that makes expenditures to influence a covered election.

For example, a candidate’s campaign may be found to exercise control over a political committee or an account if:

a. The candidate or an agent of the candidate’s campaign is the treasurer or chair of the other political committee or a signer on, or authorized user of, the account;

b. The candidate or an agent of the candidate’s campaign established or registered the other political committee or account; or

e. The candidate is an authorized user or signer on the other political committee’s bank account;

c. d. The treasurer or chair of the other political committee, or a signer on or authorized user of the account, is an employee of the candidate;

e. The other political committee has the same treasurer or chair as the candidate political committee; or

f. The political committee’s registered address is the same as the registered address of the candidate political committee or the residence or business of the candidate or the candidate political committee’s treasurer or chair.

The presence of one or more of the factors enumerated above does not mandate a finding that a candidate exercises control over a given committee if the candidate does not in fact exercise control over that committee. Likewise, the absence of most or all of the factors enumerated above does not mandate a finding that a candidate does not exercise control over a given committee if the candidate does in fact exercise control over that committee.

1.30 1.29 Exercising control over another political committee’s expenditures.
Other than expenditures made by the candidate’s designated candidate political committee or a litigation fund committee established pursuant to Subpart G, a candidate’s campaign shall not exercise control over an expenditure made to influence a covered election. A candidate also has a political committee, for the purposes of this Subpart, if the candidate or the candidate’s agent exercises control over a specific expenditure made by that political committee. The following are factors relevant to determining whether a
Proposed amendment approved by Board on September 12, 2018 for public comment posting

Strikethrough indicates matter removed; underline indicates new matter

candidate or the candidate’s agent exercises control over a specific expenditure made by a political committee:

For example, a candidate’s campaign may be found to exercise control over an expenditure made to influence a covered election if:

a. The candidate’s campaign candidate, candidate political committee, or the candidate’s agent provides the money to cover the specific expenditure;

b. The candidate, candidate political committee, or the candidate’s agent selects the recipient of the expenditure; or

c. The candidate, candidate political committee, or the candidate’s agent decides or directs that campaign approves the expenditure or directs that it be made.

1.30. Reimbursed expenditures.

a. A candidate or an agent of a candidate’s campaign shall not use [personal] funds held in a personal account to make expenditures for campaign activities, such as payments to vendors or staff, except that a candidate or an agent of a candidate’s campaign may make minor purchases, such as for postage stamps or parking fees, on behalf of the campaign so long as he or she is reimbursed by the candidate political committee within a reasonable amount of time.

b. A candidate’s campaign shall not make expenditures for campaign activities through a vendor’s account, except when incidental to the vendor’s provision of services to the campaign, as required by standard business practice, such as [placement of advertisements by] when a campaign uses an advertising agency to create and place advertisements. [except that a] When a vendor makes expenditures pursuant to the foregoing exception, a candidate’s campaign may reimburse a vendor for [costs that are incidental to the vendor’s provision of services to the campaign.] such expenditures.

1.31 This Subpart does not prohibit a candidate from maintaining a litigation fund committee as described in Subpart G.

1.32 This Subpart does not prohibit a candidate from making expenditures through up to one political committee in addition to his or her candidate political committee for the printing and distribution of sample ballots that are distributed in the candidate’s ward. However, all contributions to the candidate for the City elective office being sought shall be made into the candidate’s candidate political committee.

1.33 This Subpart does not prohibit a candidate from paying a political committee to conduct or organize get-out-the-vote activities (such as canvassing and the distribution of campaign literature or sample ballots) as long as:

a. The recipient political committee offers similar services to other candidates; and

b. The candidate does not exercise control over the political committee as defined in Paragraph 1.29.

1.34 This Subpart does not prohibit a candidate from making a contribution within the contribution limits to his or her candidate political committee from any other a political
committee controlled by the candidate, as defined in Paragraph 1.30; other than the candidate's litigation fund committee.
SUBPART G. LITIGATION FUND COMMITTEES

1.35 Litigation fund committee requirements.
   a. In addition to a candidate political committee, a candidate for City elective office may establish a litigation fund committee with a single separate checking account to solicit and receive contributions and make expenditures for the purposes described in Paragraph 1.35(c).
   b. The name of a litigation fund committee shall include the term “Litigation Fund.” The committee shall have a treasurer who shall be responsible for keeping records of the committee’s transactions.
   c. A candidate shall make expenditures from a litigation fund committee solely to pay professional fees and related costs incurred in defense of a civil, criminal, or administrative proceeding arising directly out of the conduct of the candidate’s election campaign or participation in a covered election, such as a nomination petition challenge, a recount proceeding, or a Board investigation.
   d. A candidate shall not make expenditures from a litigation fund committee to pay any judgment, settlement, fine, sanction, or other type of penalty arising out of any civil, criminal, or administrative proceeding.
   e. A candidate may make expenditures from his or her candidate political committee for the purposes described in Paragraph 1.35(c).

1.36 Requirement to provide information to the Board about a litigation fund committee.
   a. Within three business days of the formation of a litigation fund committee, a candidate shall notify the Board of the following information:
      i. The litigation fund committee’s name and street address (other than a P.O. box);
      ii. The name of the bank where the litigation fund committee’s checking account is established; and
      iii. The name, telephone number, email address, and street address (other than a P.O. box) of the treasurer of the litigation fund committee.

If the litigation fund committee has been registered as a political committee, a candidate may satisfy the requirements of this Paragraph by providing the Board with a copy of the Political Committee Registration Statement he or she filed with the City Commissioners or Secretary of State as long as the information described in (i)-(iii) above is included.

b. If the information required by this Paragraph 1.36 changes, the candidate shall notify the Board of the updated information within three business days of the change occurring.

c. Information required by this Paragraph 1.36 shall be provided on a form required by the Board and available on the Board’s website at [LINK] and shall be sent to the attention of the Board’s Executive Director by postal mail or email.
1.37 Termination of a litigation fund committee.

a. A litigation fund committee shall be terminated no later than six months after the date of the general election for the office which the candidate sought, except as provided in Paragraph 1.37(b).

b. If six months after the date of the general election any matters are pending for which litigation fund committee funds may be expended, then a litigation fund committee shall be terminated within six months after the conclusion of all such matters, including any appeals.

c. Before a litigation fund committee is terminated, the litigation fund committee’s checking account shall be closed, and any remaining funds shall be returned to contributors according to one of the methods below:

   i. On a “last in, first out” accounting basis;

   ii. On a “first in, first out” accounting basis;

   iii. On a pro-rata accounting basis; or

   iv. On such other equitable basis as may be approved by a majority vote of the Board upon application in writing by a candidate or treasurer of a litigation fund committee by postal mail or email sent to the attention of the Board’s Executive Director at least 40 days prior to the termination deadline.

d. The Board may grant an extension for terminating a litigation fund committee upon application at least 40 days prior to the termination deadline to the Board’s Executive Director in writing that demonstrates good cause for an extension.

SUBPART H. COORDINATED EXPENDITURES

1.38 An expenditure is coordinated with a candidate’s campaign if it is made in cooperation, consultation or concert with the candidate’s campaign, including the following:

a. The expenditure is made at the request or suggestion of the candidate’s campaign;

b. A person suggests making an expenditure and the candidate’s campaign assents to the suggestion;

c. The person making the expenditure communicates with the candidate’s campaign concerning the expenditure before making the expenditure;

d. The candidate’s campaign has solicited funds for or directed funds to the person making the expenditure, but only if the solicitation occurred within the 12 months before the election that the expenditure seeks to influence; or

e. An agent of the candidate’s campaign directs, places, or arranges the expenditure; or

f. The person making the expenditure uses information obtained from the candidate’s campaign to design, prepare, or pay for the specific expenditure at issue, unless the person has obtained that information from a public source or from a communication the candidate made to the general public. This subparagraph does not apply to the republication of campaign communications or materials, which is covered by Paragraph 1.39.
Example for 1.38(f): Philadelphians for Philadelphia PAC establishes a telephone bank to get out the vote for primary voters for Candidate A. Candidate A’s campaign gives Philadelphians for Philadelphia a list of telephone numbers of people that contributed to Candidate A’s campaign. Philadelphians for Philadelphia organizes the phone bank without any other input from Candidate A and spends $11,900 to set up the phone bank and telephones individuals provided on the list from Candidate A. The $11,900 spent by Philadelphians for Philadelphia is a coordinated expenditure with Candidate A because the PAC used information obtained from Candidate A’s campaign for the phone bank. As such, Philadelphians for Philadelphia has made an $11,900 in-kind contribution to Candidate A.

1.39 Reproduction of campaign communications or materials. For the purposes of the contribution limits, an expenditure made to reproduce, republish, or disseminate a campaign communication (including audio recordings or video footage) or campaign material (such as photographs, flyers, signs, or brochures) prepared by a candidate’s campaign:

a. Shall be considered an in-kind contribution made by the person making the expenditure.

b. Shall be considered an in-kind contribution received by the candidate if the person making the expenditure obtains the communication or materials directly from the candidate’s campaign or from another source with the consent of the candidate’s campaign.

A campaign communication or campaign material is obtained with the candidate’s consent if the candidate provides it to a third party for the purpose of enabling another person to obtain the communication or material from that third party and subsequently republish some or all of it.

c. Shall not be considered an in-kind contribution if:

i. The communication or material is incorporated into a communication that advocates the defeat of the candidate that prepared the material;

ii. The item republished is a photograph obtained from a public source that is not controlled by the candidate’s campaign; or

iii. The person’s expenditures for reproduction of a candidate’s communications or materials are less than $100 in the aggregate per reporting period.

Example for 1.39(a) and (b): Three weeks before election day, candidate Candidate A’s campaign uploads five minutes of b-roll video footage to her YouTube channel. The political committee Pennsylvanians for a Better Pennsylvania downloads the b-roll footage and uses it to create a television advertisement. The committee spends $100,000 to run the advertisement on three television stations during the week before election day.

Candidate A posted the b-roll footage for the purpose of enabling another person to obtain it. Pennsylvanians for a Better Pennsylvania obtained a campaign communication created by Candidate A’s campaign with the consent of the candidate’s campaign. As such, the committee’s expenditure of $100,000 was coordinated with Candidate A’s campaign and is both an excess in-kind contribution made by the committee and an excess in-kind contribution received by Candidate A.
1.40 An expenditure will not be considered a coordinated expenditure merely because:
   a. The person making the expenditure interviews the candidate;
   b. The person making the expenditure has endorsed the candidate;
   c. The person making the expenditure and the candidate’s campaign use the same vendor, attorney, or accountant;
   d. The person making the expenditure has obtained from the candidate a biography of the candidate or a position paper, press release, or similar material about the candidate; or
   e. The person making the expenditure has invited the candidate to make an appearance before the person’s members, employees, or shareholders.

SUBPART I. EXCESS PRE-CANDIDACY CONTRIBUTIONS; EXCESS POST-CANDIDACY CONTRIBUTIONS

Note: The following requirements regarding excess pre-candidacy contributions are relevant only if, prior to becoming a candidate for City elective office, an individual accepts contributions in excess of the limits set forth in Subpart B.

1.41 The provisions of this Subpart regarding excess pre-candidacy contributions apply only to contributions received during the accounting period.

Example: On December 1, 2016, Candidate A declares her candidacy for the May 2017 Controller primary election. The accounting period for Candidate A is January 1, 2014 through November 30, 2016. The last Controller election was held in 2013 so January 1, 2014 would be the first day of the year following that election.

1.42 Prohibited Expenditures.

   a. A candidate or candidate political committee shall not spend any excess pre-candidacy contributions for the purpose of influencing the outcome of a covered election in which he or she is a candidate or for transition or inauguration to City elective office.

   b. A former candidate or the political committee of a former candidate shall not spend any excess post-candidacy contributions for the purposes of:
      i. Transition or inauguration to City elective office; or
      ii. Retiring debt incurred either to influence the outcome of a covered election or for expenses related to transition or inauguration to City elective office.

   c. A candidate or candidate political committee shall not transfer excess pre-candidacy contributions to the candidate’s litigation fund committee established pursuant to Subpart G.
1.43 Exclusion of excess pre-candidacy contributions upon becoming a candidate.

a. Except as provided in Paragraph 1.44, within ten days after becoming a candidate, a candidate shall exclude all excess pre-candidacy contributions from his or her candidate political committee checking account by one of the following methods:

i. Transferring excess pre-candidacy contributions to a segregated account; or

ii. Returning excess pre-candidacy contributions to their contributors.

b. Calculation of amount to be excluded. A candidate shall determine the amount to be excluded by using one of the following methods:

i. Dollar for dollar calculation. A candidate shall exclude an amount equal to the total amount of excess pre-candidacy contributions received during the accounting period.

Example: On November 1, 2016, Friends of Candidate A receives a contribution of $3,500 from Mr. B ($3,000 within limits, $500 excess) and a contribution of $3,500 from Ms. C (same). On December 1, 2016, Candidate A declares her candidacy for the May 2017 Controller primary election. By December 11, 2016, Friends of Candidate A must exclude $1,000 ($500 excess from Mr. B + $500 excess from Ms. C) from its checking account.

ii. Accounting-based calculation. A candidate does not have to exclude any excess pre-candidacy contributions that he or she demonstrates, using either a last in/first out or first in/first out accounting method, were actually spent before becoming a candidate, provided that:

(1) Before accounting for the expenditure of any excess pre-candidacy contributions, an accounting shall be made for the expenditure of the balance of the committee account as it existed on the day before the start of the accounting period; and

(2) Pre-payments that were made by the candidate’s political committee shall not constitute expenditures of excess pre-candidacy contributions using this accounting method.

c. If the amount that the candidate shall exclude from the checking account of his or her candidate political committee exceeds the amount of cash the committee has on hand, the candidate shall use incoming contributions to cover the amount that shall be excluded.

1.44 Pre-candidacy segregation. A candidate does not have to exclude any excess pre-candidacy contributions that, upon receipt, he or she had transferred to a segregated pre-candidacy excess contribution account (“SPEC account”), provided that, if he or she used any funds in a SPEC account for pre-payments, the candidate shall exclude from his or her candidate committee account an amount equal to those pre-payments. Funds transferred into a SPEC account that were not used for pre-payments need not be included in accounting for the exclusion of excess pre-candidacy contributions under either calculation method described in Paragraph 1.43.
Example 1: On November 1, 2016, Friends of Candidate A receives a contribution of $3,500 from Person B ($3,000 within limits, $500 excess) and a contribution of $3,500 from Person C (same). On November 2, 2016, Candidate A transfers $1,000 from the checking account of the candidate political committee to a SPEC account. On December 1, 2016, Candidate A declares her candidacy for the May 2017 Controller primary election. Friends of Candidate A has already segregated Person B and Person C’s excess contributions and therefore does not need to exclude any other money from its checking account.

Example 2: On November 1, 2016, Friends of Candidate A receives a contribution of $3,500 from Person B ($3,000 within limits, $500 excess) and a contribution of $3,500 from Person C (same). On November 2, 2016, Candidate A transfers $1,000 from the checking account of the candidate political committee to a SPEC account. On November 30, 2016, Candidate A spends $1,000 from the SPEC account on fliers to be used in the upcoming election. On December 1, 2016, Candidate A declares her candidacy for the May 2017 Controller primary election. By December 11, 2016, Friends of Candidate A must exclude $1,000 from its checking account. While Candidate A segregated the $1,000 in excess contributions received from Person B and Person C, she spent $1,000 from the SPEC account on pre-payment expenditures during the accounting period and must therefore exclude an amount equal to those pre-payments from the Friends of Candidate A checking account.

1.45 A candidate shall exclude all excess post-candidacy contributions from his or her candidate political committee checking account by one of the following methods:

a. Transferring excess post-candidacy contributions to a SPEC account within ten days of receiving the contributions; or

b. Returning excess post-candidacy contributions to the contributors who made those contributions within ten days of receiving the contributions.

1.46 A candidate or a candidate political committee shall not use money held in a SPEC account to influence the outcome of a covered election in which the candidate participates or to make post-candidacy expenditures.

1.47 Within seven days of establishing a SPEC account, a candidate shall notify the Board of the name of the bank at which the account was established by postal mail or email sent to the attention of the Board’s Executive Director.
SUBPART J. RETIRING DEBT

1.48 Except as provided in Paragraph 1.49, forgiveness of debt incurred to influence the outcome of a covered election or to cover transition or inauguration expenses is a contribution from the creditor to the candidate or former candidate and is subject to the contribution limits set forth in Subpart B.

1.49 If a debt owed by a former candidate is not collectible as defined below, a creditor may forgive the debt without such forgiveness being subject to the contribution limits set forth in Subpart B. A debt is not collectible if all of the following are true:

   a. The creditor billed the candidate for its services in the ordinary course of its business and the terms of the transaction were commercially reasonable;
   b. The debt has been outstanding for at least 24 months;
   c. The candidate political committee does not have sufficient cash on hand to pay the creditor;
   d. Forgiveness of the debt is not prohibited by any other relevant law; and
   e. The creditor notifies the Board by postal mail or email sent to the attention of the Board’s Executive Director of its intent to forgive the debt and demonstrates that all the conditions set forth in this Paragraph have been satisfied.

If the creditor has provided all the necessary information, the Executive Director shall present the request to the Board at a public meeting. The Board shall either approve or disapprove the proposed debt forgiveness. The Executive Director shall inform the creditor in writing whether or not the Board has approved the forgiveness of debt. The forgiveness of debt is subject to the post-candidacy reporting requirements set forth in Subpart E.

SUBPART K. PENALTIES

1.50 Acceptance of an excess contribution. A candidate, candidate political committee, or litigation fund committee that accepts a contribution in excess of the limits described in Subpart B shall be subject to a civil monetary penalty of three times the amount by which the accepted contribution exceeded the limit, or $2,000, whichever is less.

1.51 Making an excess contribution. A contributor who makes a contribution in excess of the limits described in Subpart B shall be subject to a civil monetary penalty of three times the amount by which the contribution exceeded the limit, or $2,000, whichever is less.

1.52 Safe harbor if an excess contribution is returned within 15 days. No civil monetary penalty shall be imposed for an excess contribution if the candidate who accepted the excess contribution within fifteen days after receiving the contribution:

   a. Returns the excess amount to the contributor; and
   b. Provides the following information to the Board’s Executive Director by postal mail or email: the amount of the excess contribution, the identity of the contributor, the date of receipt, and the date of return.
1.53 Failure to file campaign finance disclosures. If a political committee fails to file a campaign finance report or statement with the Board as required by Subpart E the committee and its treasurer shall be jointly and severally subject to a civil monetary penalty of $250. If a candidate fails to file a campaign finance report or statement with the Board as required by Subpart E, the candidate shall be subject to a civil monetary penalty of $250.

Each day the report or statement is not filed shall be considered a separate offense for which an additional separate civil monetary penalty of $250 may be imposed. The total civil penalties that may be imposed for failure to file a particular report or statement shall not exceed $2,000 for the first thirty days the report is not filed, plus $1,000 for each additional thirty-day period or part thereof the report or statement is not filed.

1.54 Material misstatements or omissions. If a campaign finance report filed with the Board contains material misstatements or omissions, the candidate, treasurer, or other individual who filed the report shall be subject to a civil monetary penalty of $1,000 for each such misstatement or omission. If the report is filed on behalf of a political committee, the individual who filed the report and the committee shall be jointly and severally liable.

1.55 Misuse of political committees or accounts. If a candidate’s campaign uses a political committee or account in violation of the requirements set forth in Subpart F or G, he or she the candidate shall be subject to a civil monetary penalty of $1,000.

1.56 Excess pre-candidacy and post-candidacy contributions.

a. If a candidate or former candidate fails to exclude any excess pre-candidacy or post-candidacy contributions from his or her candidate political committee as required by Subpart I, he or she shall be subject to a civil monetary penalty of $1,000.

b. If a candidate or former candidate spends excess pre-candidacy or post-candidacy contributions in violation of the prohibitions of Subpart I, he or she shall be subject to a civil monetary penalty of $1,000, for which his or her candidate political committee shall be jointly and severally liable if such expenditures were made from that committee.

1.57 Failure to provide committee or account information to Board. If a candidate fails to provide information to the Board about a political committee or account as required by Subpart F, G, or I, he or she shall be subject to a civil monetary penalty of $1,000.

1.58 Other violations of the campaign finance law. All other violations of the campaign finance law are subject to a civil monetary penalty of $1,000 per violation.

1.59 Increase or decrease of civil monetary penalty. A penalty imposed pursuant to Paragraph 1.54, 1.55, 1.56, 1.57, or 1.58 shall be increased or decreased as follows:

a. Mitigating factors. The civil monetary penalty of $1,000 shall be reduced by $500 if one of the following mitigating factors is present and shall be reduced by $750 if more than one of the following mitigating factors are present:

i. Good faith effort to comply. The violator is found to have made a good faith effort to comply with the law.
ii. Prompt corrective action. The violator is found to have taken prompt corrective action where corrective action was possible to remedy the violation.

iii. Prompt self-reporting. The violator is found to have reported promptly the violation to the Board of Ethics.

b. Aggravating factors. The civil monetary penalty of $1,000 shall be increased by $1,000 for each of the following aggravating factors that is present, provided that the total civil monetary penalty that may be imposed for one violation shall not exceed $2,000:

i. Intent. The violator is found to have acted knowingly. An act is done knowingly if done voluntarily and intentionally and not because of mistake or accident or other innocent reason.

ii. Repeat violation. The violator previously has been found by the Board of Ethics in an administrative adjudication or by a court of competent jurisdiction to have violated the same provision.

iii. Obstruction of investigation. The violator is found to have obstructed the investigation of the Board of Ethics into the same violation.

Approved for public comment by the Board December 18, 2006
Effective January 17, 2007
Amendment approved by Board August 21, 2007
Effective September 21, 2007

Proposed amendments approved for public comment by Board on July 21, 2010 to expand the Regulation to address the requirements, other than electronic filing, of the City’s campaign finance law, Philadelphia Code Chapter 20-1000, as that law was amended in June 2010. The amendments to Regulation No. 1 completely strike and replace the original text of the regulation and delete the original exhibit.
Public hearing held September 8, 2010
Adopted by Board with modifications September 15, 2010
Effective September 27, 2010

Proposed amendments approved for public comment by Board May 11, 2011 to, among other things, reflect the April 2011 amendment to Philadelphia Code § 20-1002(2).
Public hearing held June 15, 2011
Adopted by Board July 20, 2011
Effective August 11, 2011

Proposed amendments approved for public comment by Board on January 18, 2012 to reflect the City Finance Director’s certification of January 2012 adjustments to the maximum annual contribution limits.
Effective March 2, 2012

Proposed amendments approved for public comment by Board on December 19, 2012
Public hearing held January 23, 2013
Adopted by Board with modifications February 20, 2013
Effective March 8, 2013

Proposed amendments approved for public comment by Board on July 16, 2014
Public hearing held September 17, 2014
Proposed amendment approved by Board on September 12, 2018 for public comment posting

Strikethrough indicates matter removed; underline indicates new matter

Adopted by Board with modifications October 15, 2014
Effective October 31, 2014

Proposed amendments approved for public comment by Board on September 21, 2016
Public hearing held October 19, 2016
Adopted by Board with modifications November 16, 2016
Effective December 2, 2016

NOTE: As part of its November 16, 2016 vote to approve a proposed amendment to this Regulation, the Board authorizes staff to update examples set forth in this Regulation from time to time as necessary in order to ensure that they reference current contribution limits, covered elections, and reporting periods.

Proposed amendments approved for public comment by Board on September 12, 2018
Public hearing held
Adopted by Board with modifications
Effective
Exhibit C
# PHILADELPHIA BOARD OF ETHICS
# REGULATION NO. 1
# CAMPAIGN FINANCE

## Table of Contents

<table>
<thead>
<tr>
<th>Subpart</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subpart A</td>
<td>Scope; Definitions</td>
<td>pg. 2</td>
</tr>
<tr>
<td>Subpart B</td>
<td>Contribution Limits</td>
<td>pg. 5</td>
</tr>
<tr>
<td>Subpart C</td>
<td>Date of Acceptance of Contributions with Respect to the Contribution Limits</td>
<td>pg. 9</td>
</tr>
<tr>
<td>Subpart D</td>
<td>Attributing Contributions Made by Check for the Purpose of the Contribution Limits</td>
<td>pg. 9</td>
</tr>
<tr>
<td>Subpart E</td>
<td>Campaign Finance Disclosures</td>
<td>pg.10</td>
</tr>
<tr>
<td>Subpart F</td>
<td>Use of Political Committees and Checking Accounts by Candidates</td>
<td>pg.13</td>
</tr>
<tr>
<td>Subpart G</td>
<td>Litigation Fund Committees</td>
<td>pg.16</td>
</tr>
<tr>
<td>Subpart H</td>
<td>Coordinated Expenditures</td>
<td>pg.17</td>
</tr>
<tr>
<td>Subpart I</td>
<td>Excess Pre-Candidacy Contributions; Excess Post-Candidacy Contributions</td>
<td>pg.19</td>
</tr>
<tr>
<td>Subpart J</td>
<td>Retiring Debt</td>
<td>pg.22</td>
</tr>
<tr>
<td>Subpart K</td>
<td>Penalties</td>
<td>pg.22</td>
</tr>
</tbody>
</table>
SUBPART A. SCOPE; DEFINITIONS

1.0 Scope. The Board promulgates this Regulation pursuant to Philadelphia Home Rule Charter §§ 4-1100 and 8-407 and Philadelphia Code § 20-606(1)(a) to interpret Code Chapter 20-1000.

1.1 Definitions. As used herein, the following words and phrases shall have the meanings indicated.

   a. Accounting period. The period from January 1 of the year following the previous election that was held for the City elective office a candidate is seeking through 5:00 pm of the day before he or she became a candidate.

   b. Agent. An individual who acts at the direction of or is authorized to act on behalf of a candidate, a chair or treasurer of a political committee, or a political committee.

   c. Board. The body of members of the Board of Ethics appointed pursuant to Section 3-806 of the Home Rule Charter.

   d. Candidate. An individual who (i) files nomination papers or petitions for City elective office, or (ii) publicly announces his or her candidacy for City elective office, including a former candidate who receives post-candidacy contributions or makes post-candidacy expenditures.

   e. Candidate’s campaign. A candidate, the candidate’s candidate political committee (or litigation fund committee), or an officer or an agent of any of the foregoing.

   f. City elective office. The offices of Mayor, District Attorney, City Controller, Sheriff, City Commissioner, or City Council.

   g. Candidate political committee. The one political committee used by a candidate to receive all contributions and make all expenditures as required by Section 20-1003 of the Philadelphia Code.

   h. Contribution.

      i. Any money, gifts, loans, forgiveness of debts, or loans, or things having a monetary value incurred or received by a candidate’s campaign for use in advocating or influencing the election of the candidate;

      ii. An in-kind contribution, as defined at Paragraph 1.1(q);

      iii. Any post-candidacy contribution, as defined at Paragraph 1.1(u); or

      iv. Any money, gifts, forgiveness of debts, or loans incurred or received to pay fees and costs incurred in any civil, criminal, or administrative proceeding arising directly out of the conduct of the candidate’s campaign or with respect to a covered election, such as a nomination petition challenge, a recount proceeding, or a Board investigation.

   i. Contributor. A person or political committee who makes a contribution to a candidate, litigation fund committee, or political committee.

   j. Covered election. Any primary, general or special election for City elective office.
k. **Electioneering communication.** Any broadcast, cable, radio, print, Internet, or satellite communication (a) that promotes, attacks, supports, or opposes a candidate, or (b) that, within 50 days of a covered election, names, refers to, includes, or depicts a candidate in that covered election; provided that, however, the term shall not include: (i) sponsorship or organization of a candidate debate or forum; or (ii) any news story, commentary, or editorial by any broadcasting station, newspaper, magazine, or other periodical publication, including any Internet periodical publication, unless the station, newspaper, magazine, or publication is owned or controlled by a candidate, political committee, or political party.

l. **Excess post-candidacy contribution.** The portion of a post-candidacy contribution that, had it been contributed for the purpose of retiring debt that was incurred to influence the outcome of a covered election, or for the purpose of defraying the cost of transition or inauguration of a candidate elected to City elective office, would have been in excess of the contribution limitations set forth in Subpart B.

m. **Excess pre-candidacy contribution.** The portion of a pre-candidacy contribution to a political committee that, had it been made to a candidate for City elective office, would have been in excess of the contribution limitations set forth in Subpart B.

n. **Expenditure.** The payment, distribution, loan, or advancement of money or things having a monetary value by a candidate, political committee, or other person for the purpose of influencing the outcome of a covered election, including:
   i. For the provision of a service or other valuable thing for the purpose of influencing the outcome of the nomination or election of a candidate;
   ii. For the payment or provision of money or other valuable thing to compensate any person for services rendered to a candidate or candidate political committee;
   iii. For an independent expenditure;
   iv. For an electioneering communication; or
   ivv. To obtain, defend, or challenge a candidate’s place on the ballot, including payments to workers to circulate nominating petitions.

o. **Former candidate.** An individual who was a candidate for City elective office becomes a former candidate:
   i. On the day after a general election, if he or she was unopposed in that election;
   ii. On the day after a primary election, if he or she concedes that election;
   iii. When his or her opponent concedes, if he or she was opposed in a general election; or
   iv. If an election is contested, when that contest is resolved.
p. **Independent expenditure.** An expenditure to influence the outcome of a covered election that is made without the cooperation or consultation of any candidate’s campaign and that is not made in concert with or at the request or suggestion of any candidate’s campaign.

q. **In-kind contribution.**
   
i. The provision of any goods or services directly to a candidate’s campaign without charge or at a charge that is less than the usual and normal charge for such goods or services;
   
ii. The payment or agreement to pay a third party to provide goods or services to a candidate’s candidate political committee, if the goods and services are in fact provided; or
   
iii. Any expenditure that advocates or influences the nomination or election of a candidate that is coordinated with that candidate’s campaign, as provided in Subpart H.

The term “in-kind contribution” does not include volunteer labor as described in Paragraph 4.11(g)-1.10(g).

r. **Litigation fund committee.** The committee established by a candidate to receive contributions and make expenditures solely to pay professional fees and related costs incurred in defense of a civil, criminal, or administrative proceeding arising directly out of the conduct of a candidate’s election campaign or participation in an election, as described in Subpart G.

s. **Person.** An individual, a political committee, a corporation, or a partnership, a sole proprietorship, or any other form of business or nonprofit-for-profit or not-for-profit organization.

t. **Political committee.** Any committee, club, association, political party, or other group of persons, including the candidate political committee of a candidate for office in a covered election, which receives contributions or makes expenditures for the purpose of influencing the outcome of a covered election.

u. **Post-candidacy contribution.** Money, gifts, forgiveness of debts, loans, or things having a monetary value, received by a former candidate or his/her agent for use in retiring debt that was incurred to influence the outcome of a covered election, or for the purpose of defraying the cost of transition or inauguration of a candidate elected to City elective office.

v. **Post-candidacy expenditure.** An expenditure made by a candidate, former candidate, or candidate political committee to defray the candidate’s cost of transition or inauguration to City elective office or to retire debt that the candidate incurred to: (i) influence the outcome of a covered election; or (ii) cover transition or inauguration expenses.

w. **Pre-candidacy contribution.** A contribution made to a political committee that: (i) has been transferred to, or otherwise becomes available for expenditure by, a candidate for City elective office; and (ii) was made before such candidate became a candidate.
Proposed amendment approved by Board on September 12, 2018 for public comment posting

Strike-through indicates matter removed; underline indicates new matter

x. **Pre-payment.** A payment made during the accounting period for any thing used or to be used by a candidate’s campaign, including but not limited to: printed or produced campaign materials, such as sample ballots, shirts, signs, flyers, brochures, websites, photographs, audio or video recordings; advertising time or space; office space; or services or labor.

y. **SPEC account.** A segregated pre/post-candidacy excess contribution account, as described in Subpart I.

z. **Sample ballot.** A ballot distributed by a political committee that lists more than one candidate in a specific covered election and recommends that voters vote for the listed candidates.

**SUBPART B. CONTRIBUTION LIMITS**

1.2 **Limits on contributions from individuals.**

a. An individual shall not make total contributions per calendar year of more than $3,000 to a candidate for City elective office, including contributions made through one or more political committees.

b. An individual shall not make total contributions per calendar year of more than $3,000, including contributions made through one or more political committees, to a litigation fund committee established as described in Subpart G by a candidate for City elective office.

c. An individual shall not make total post-candidacy contributions to a former candidate, including contributions made through one or more political committees, of more than $3,000 between the general election and the end of that calendar year (or, in the case of candidates who do not win nomination, between the primary election and the end of that calendar year), and in each calendar year that follows the year of the general election.

1.3 **Limits on contributions from political committees, partnerships, sole proprietorships, or other forms of business organization.**

a. A political committee, partnership, sole proprietorship, or other form of business organization shall not make total contributions per calendar year of more than $11,900 to a candidate for City elective office, including contributions made through one or more political committees.

b. A political committee, partnership, sole proprietorship, or other form of business organization shall not make total contributions per calendar year of more than $11,900, including contributions made through one or more political committees, to a candidate’s litigation fund committee.

c. A political committee, partnership, sole proprietorship, or other form of business organization shall not make total post-candidacy contributions to a former candidate, including contributions made through one or more political committees, of more than $11,900 between the general election and the end of that calendar year (or, in the case of candidates who do not win nomination, between the primary election and the end of that calendar year), and in each calendar year that follows the year of the general election.
Proposed amendment approved by Board on September 12, 2018 for public comment posting

Strikethrough indicates matter removed; underline indicates new matter

d. In order to qualify for the $11,900 contribution limit described in this Paragraph, the finances of a sole proprietorship or, partnership, or other form of organization shall be distinct and segregated from the personal finances of its proprietor or partners.

1.4 Contributions made through one or more political committees.

a. For the purposes of this Subpart, a contribution is made through a political committee when:

i. A person or political committee makes a contribution to a political committee and directs, suggests, or requests, whether in a direct, indirect, express, or implied manner, that the recipient political committee use all or part of the contributed money to make an expenditure to support a specific candidate. A determination that such a direction, suggestion, or request was made shall be based upon all the relevant facts and circumstances; or

ii. The contributing person or political committee has provided the majority of the contributions received by the recipient political committee, whether directly or indirectly, in the twelve months prior to the recipient political committee’s expenditure to support the candidate, unless the recipient political committee can demonstrate, based on either a last in/first out or first in/first out accounting method that money from the contributing person or political committee was not used to make the expenditure to the candidate.

b. For the purpose of the contribution limits, a contribution made through a political committee is from both the original contributing person or political committee and the recipient political committee through which the contribution is made. The entire amount of the contribution made through a political committee shall count toward the contribution limits of the original contributing person or political committee, and the entire amount shall also count toward the recipient political committee’s contribution limits.

1.5 During a non-election year:

— Candidates for Mayor shall receive no more than $250,000 in total contributions from political committees;

— Candidates for District Attorney and Controller shall receive no more than $100,000 in total contributions from political committees; and

— Candidates for City Council, Sheriff, and City Commissioner shall receive no more than $75,000 in total contributions from political committees.
1.65 Doubling of Contribution Limits.

a. If a candidate for City elective office contributes $250,000 or more of his or her personal resources to his or her candidate political committee, the contribution limits for all candidates for that office shall be doubled for that year and each subsequent year up to and including the year in which the covered election occurs, except as provided in Paragraph 1.6(b) 1.5(b).

b. The limits for post-candidacy contributions (Paragraphs 1.2(c) and 1.3(c)) and for contributions to litigation fund committees (Paragraphs 1.2(b) and 1.3(b)) do not double if a candidate contributes $250,000 or more to his or her candidate political committee.

c. A contribution that exceeds the contribution limits at the time it is accepted by a candidate exceeds the contribution limits described in this Subpart even if the contribution limits subsequently double and the contribution is less than the doubled limits.

d. If a candidate political committee returns, repays, or refunds to a candidate any money the candidate had contributed from his or her personal resources prior to reaching the $250,000 threshold, the returned amount shall not count toward the amount required to trigger doubling of the limits.

e. Once the contribution limits double, they remain doubled even if:

i. The candidate whose contributions from his or her personal resources triggered the doubling ceases to be a candidate; or

ii. After the limits have doubled, a candidate political committee returns, repays, or refunds to the candidate a portion of the money contributed from the candidate's personal resources.

f. If a candidate contributes $250,000 or more of his or her personal resources to his or her candidate political committee, as set forth in Paragraph 1.6, within two business days he or she shall notify the Board of this fact by postal mail or email sent to the attention of the Board's Executive Director.

1.76 Candidates, candidate political committees, and litigation fund committees shall not accept any contribution that exceeds the limits set forth in this Subpart.

1.87 A pre-candidacy contribution made in the same calendar year that an individual becomes a candidate shall count toward the contribution limits set forth in this Subpart.

1.98 Candidates and contributors shall include the value of in-kind contributions when determining the total amount of contributions made or accepted in a calendar year.

1.409 If a person or political committee makes an expenditure to a political committee in order that a candidate’s name be placed on a sample ballot, the amount of the expenditure from that person or political committee is a contribution to the candidate and shall count toward the contribution limits set forth in this Subpart, so long as the expenditure is not an independent expenditure.
Transactions that do not count toward the contribution limits. The following are not subject to the contribution limits set forth in this Subpart:

a. Contributions from a candidate’s personal resources to the candidate’s candidate political committee or to the candidate’s litigation fund committee;

b. Contributions from a candidate’s candidate political committee to the candidate’s litigation fund committee;

c. A political committee’s costs to print or distribute a sample ballot where a candidate, person, or another political committee has paid the usual and normal charge to that political committee to have the candidate placed on a sample ballot distributed by that political committee;

d. A political committee’s costs to print or distribute sample ballots that are distributed in a candidate’s ward pursuant to Paragraph 1.32;

e. Any cost incurred in covering or carrying a news story, commentary, or editorial by any broadcasting station, newspaper, magazine, or other periodical publication, including any Internet periodical publication;

f. Incidental expenditures made by persons other than candidates’ campaigns that are related to internet activity (such as the cost of hardware, software, or internet access) that advocates or influences the election of a candidate; or

g. Volunteer labor provided to a candidate or a political committee.

i. Volunteer labor is work an individual provides without compensation from any entity or person for the benefit of a candidate. It may, among other things, include:

   (1) Legal or accounting work;

   (2) Entertainment such as a performance by a musical group or DJ; and

   (3) Campaign work such as canvassing, working at a phone bank, or election-day get-out-the-vote activities.

ii. Volunteer labor does not include the donation to a candidate of:

   (1) Equipment, such as computers, copiers, or printers;

   (2) Resources, such as postage; or

   (3) Materials, such as stationery or campaign literature.

iii. An individual engaged in volunteer labor may make incidental use of resources without such use being a contribution from the owner of the resource to the candidate for the purposes of the contribution limits. Incidental use does not include the use of resources to reproduce campaign material for public distribution.
SUBPART C. DATE OF ACCEPTANCE OF CONTRIBUTIONS WITH RESPECT TO THE CONTRIBUTION LIMITS

1.4211 Except as provided in Paragraphs 1.12, 1.13, and 1.14 1-15, the date of acceptance of a contribution is the date that the contribution comes into the possession of a candidate’s campaign. A candidate’s campaign shall not designate as the date a contribution is accepted any date other than the date of acceptance as identified in this Subpart.

1.4312 If a contribution is delivered to a mailbox, the date that the contribution is accepted is the date on which the candidate’s campaign finds the contribution in the mailbox.

1.4413 If a contribution is made by credit card through a website, the date that the contribution is accepted is the date on which the contributor submits his or her credit card information on the website.

1.4514 In-kind contributions.

a. If a person makes an in-kind contribution by providing goods or services directly to a candidate’s campaign, the date of acceptance of that contribution is the date that the candidate’s campaign receives the goods or services.

b. If a person makes an in-kind contribution by paying or agreeing to pay a third party to provide goods or services to a candidate’s campaign candidate political committee, the date of acceptance of that contribution is the date of the agreement to pay, if the goods and services are in fact goods or services are provided or the date payment is made, whichever is earlier.

SUBPART D. ATTRIBUTING CONTRIBUTIONS MADE BY CHECK FOR THE PURPOSE OF THE CONTRIBUTION LIMITS

1.4615 A contribution made by a check that reflects a joint checking account of two or more individuals shall be attributed to the joint account holder who signs the check. If more than one account holder signs a contribution check, the contribution shall be apportioned evenly between the signers. If an individual other than an account holder signs a contribution check, the contribution shall be attributed evenly among the joint account holders.

1.4716 A contribution made by a check drawn on the account of a political committee is a contribution from that political committee.

1.4817 A contribution made by check drawn on the account of a partnership, sole proprietorship, or other form of business organization is a contribution from the partnership, sole proprietorship, or other form of business organization, unless other facts demonstrate that the contribution is from the signer of the check.
SUBPART E. CAMPAIGN FINANCE DISCLOSURES

1.18 Electronic filing of Method of filing campaign finance reports and statements. Any campaign finance report or statement required by this Subpart shall be electronically filed with the Board through the Department of Records and shall be submitted in a format required by the Board approved by the Department of Records. Upon receipt of any filing, the Board shall issue a written printable receipt.

Information on how to electronically file a report or statement is available at the office of the Department of Records in City Hall Room 186 and at: http://www.phila.gov/ethicsboard/campaignfinance/Pages/Filecfinformation.aspx

[NOTE: This Paragraph was moved from 1.23, below]

1.19 Campaign finance reporting schedule:

<table>
<thead>
<tr>
<th>Cycle</th>
<th>Deadline</th>
<th>Complete As Of</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cycle 1</td>
<td>Sixth Tuesday Pre-Primary Election</td>
<td>50 days before the Primary Election</td>
</tr>
<tr>
<td>Cycle 101</td>
<td>Fourth Tuesday Pre-Primary Election</td>
<td>The Sunday preceding the deadline</td>
</tr>
<tr>
<td>Cycle 2</td>
<td>Second Friday Pre-Primary Election</td>
<td>The Monday preceding the deadline</td>
</tr>
<tr>
<td>Cycle 201</td>
<td>Final Tuesday Pre-Primary Election</td>
<td>The Sunday preceding the deadline</td>
</tr>
<tr>
<td>Cycle 10</td>
<td>24 hour reporting—continuous through day of Primary Election</td>
<td>Starts Second Tuesday Pre-Primary Election</td>
</tr>
<tr>
<td>Cycle 3</td>
<td>30 Day Post-Primary Election</td>
<td>20 days after the Primary Election</td>
</tr>
<tr>
<td>Cycle 4</td>
<td>Sixth Tuesday Pre-General Election</td>
<td>50 days before the General Election</td>
</tr>
<tr>
<td>Cycle 401</td>
<td>Fourth Tuesday Pre-General Election</td>
<td>The Sunday preceding the deadline</td>
</tr>
<tr>
<td>Cycle 5</td>
<td>Second Friday Pre-General Election</td>
<td>The Monday preceding the deadline</td>
</tr>
<tr>
<td>Cycle 501</td>
<td>Final Tuesday Pre-General Election</td>
<td>The Sunday preceding the deadline</td>
</tr>
<tr>
<td>Cycle 11</td>
<td>24 hour reporting—continuous through day of General Election</td>
<td>Starts Second Tuesday Pre-General Election</td>
</tr>
<tr>
<td>Cycle 6</td>
<td>30 Day Post-General Election</td>
<td>20 days after the General Election</td>
</tr>
<tr>
<td>Cycle 7</td>
<td>Annual Report January 31</td>
<td>January 31 of the year after the Election December 31 of the previous year</td>
</tr>
</tbody>
</table>

Note: A schedule with the specific reporting deadlines may be found following this Regulation and at http://www.phila.gov/ethicsboard/campaignfinance/Pages/default.aspx
### 1.20 Required disclosures filings for covered City elections.

<table>
<thead>
<tr>
<th>Reporting Cycle</th>
<th>Who must file</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cycle 1</td>
<td>The candidate political committee of a candidate for City elective office, if the committee has made expenditures in the reporting period.</td>
</tr>
<tr>
<td>Cycle 2</td>
<td>The candidate political committee of a candidate for City elective office, if that candidate is required to file for that cycle with the City Commissioners.</td>
</tr>
<tr>
<td>Cycle 3</td>
<td>A candidate for City elective office, if that candidate is required to file for that cycle with the City Commissioners.</td>
</tr>
<tr>
<td>Cycle 4</td>
<td>A political committee, including a political committee of a former candidate, that is required to file for that cycle with the Department of State or City Commissioners if, in the reporting period, the committee:</td>
</tr>
<tr>
<td></td>
<td>o Has made expenditures or incurred debt to influence the outcome of a covered election, including contributions made to a candidate for City elective office or for electioneering communications.</td>
</tr>
<tr>
<td></td>
<td>o Is carrying debt incurred to influence the outcome of a covered election or has made expenditures to pay down such debt.</td>
</tr>
<tr>
<td></td>
<td>o Has accepted contributions or made expenditures to pay for transition or inauguration to City elective office or to pay down debt incurred for such transition or inauguration.</td>
</tr>
<tr>
<td>Cycle 5</td>
<td>Any other person, including an individual or a not-for-profit organization, that (1) is required to file a campaign finance report with the City Commissioners or Department of State that discloses expenditures to influence a covered election or, (2) in either Cycle 2 or Cycle 5, makes expenditures of $5,000 or more for electioneering communications, as described at Paragraph 1.21.</td>
</tr>
<tr>
<td>Cycle 6</td>
<td>A political committee or other person, including an individual or a not-for-profit organization, but not a candidate political committee, that, in the reporting period, makes expenditures of $5,000 or more for electioneering communications, as described at Paragraph 1.21.</td>
</tr>
<tr>
<td>Cycle 7</td>
<td>During the 24 hour reporting period, a candidate political committee that receives contributions or pledges of $500 or more shall electronically file with the Board reports disclosing those contributions or pledges within 24 hours of receipt.</td>
</tr>
</tbody>
</table>
| Cycle 10        | During the 24 hour reporting period, a political committee or other person that makes independent expenditures of $500 or more to influence a covered election (or incurs debts for such expenditures) shall electronically file with the Board reports.
a.- For candidates and candidate political committees.

i.- **Candidate political committees** shall electronically file with the Board a campaign finance report or statement for each reporting deadline listed in Paragraph 1.19 that occurs during the year of the covered election in which he or she is a candidate; however, the committee need not file for Cycles 1 or 4 if, during the reporting period, the committee did not make any expenditures.

During a non-election year, if a candidate’s candidate political committee is required to file a campaign finance report with the City Commissioners or Department of State and that report discloses, or is required to disclose, expenditures to influence a covered election, the committee shall electronically file a copy of that report with the Board.

ii.- **Candidates** shall electronically file with the Board reports or statements for any cycle for which the candidate was required to file such a report or statement with the City Commissioners.

iii.- **24 hour reporting period.** During the 24 hour reporting period preceding a covered election in which the individual who has authorized that committee is a candidate, a candidate political committee that receives contributions or pledges of $500 or more shall electronically file with the Board reports disclosing those contributions or pledges within 24 hours of receipt.

b.- A **political committee of a former candidate** shall electronically file with the Board a campaign finance report or statement for any reporting cycle for which the committee is required to file a report or statement with the City Commissioners or Secretary of State that discloses:

i.- Contributions accepted or expenditures made to pay off debt incurred to influence the outcome of a covered election;

ii.- Contributions accepted or expenditures made to pay for transition or inauguration to City elective office or to pay off debt incurred for transition or inauguration to City elective office;

— Debt incurred to influence the outcome of a covered election; or

iv.- Expenditures made to influence the outcome of a covered election, including contributions made to a candidate for City elective office.

c.- A **litigation fund committee** established pursuant to Subpart G shall electronically file with the Board a campaign finance report or statement for any reporting cycle listed at Paragraph 1.19 in which the committee received contributions or made expenditures.

[NOTE: This sub-paragraph has been moved to new Paragraph 1.22 below]

d.- **Other political committees and persons.**

i.- A **political committee** shall electronically file with the Board a campaign finance report or statement for any reporting cycle listed at Paragraph 1.19 in
which the committee makes expenditures or incurs debt to influence the outcome of a covered election.

ii. During the 24-hour reporting period, political committees and other persons that make independent expenditures of $500 or more to influence a covered election (or incur debts for such expenditures) shall electronically file with the Board reports disclosing those independent expenditures within 24 hours.

iii. A political committee shall also electronically file with the Board a campaign finance report or statement for any reporting cycle in which the committee files a campaign finance report or statement with the City Commissioners or Secretary of State that discloses debt incurred to influence the outcome of a covered election.

1.21 Electioneering communications. Special cycles for reporting of electioneering communications.

<table>
<thead>
<tr>
<th>Deadline</th>
<th>Complete As Of</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cycle-101 Fourth Tuesday Pre-Primary Election</td>
<td>The Sunday preceding the deadline</td>
</tr>
<tr>
<td>Cycle-201 Final Tuesday Pre-Primary Election</td>
<td>The Sunday preceding the deadline</td>
</tr>
<tr>
<td>Cycle-401 Fourth Tuesday Pre-General Election</td>
<td>The Sunday preceding the deadline</td>
</tr>
<tr>
<td>Cycle-501 Final Tuesday Pre-General Election</td>
<td>The Sunday preceding the deadline</td>
</tr>
</tbody>
</table>

Note: A schedule with the specific reporting deadlines may be found at [http://www.phila.gov/ethicsboard/campaignfinance/Pages/default.aspx](http://www.phila.gov/ethicsboard/campaignfinance/Pages/default.aspx).

A political committee or other person, including an individual or a not-for-profit organization, shall file a campaign finance report for any reporting cycle listed in this Paragraph in which it spends or promises to pay, in the aggregate, $5,000 or more for electioneering communications published within fifty (50) days of a covered election. The report shall include all transactions that occurred from eight months prior to the election through the “complete as of” date in the chart above that have not previously been disclosed in a report filed with the Board.

a. Any person required to file a campaign finance report with the Board because such person made, or promised to make, electioneering communications of $5,000 or more during a reporting cycle as specified in Paragraph 1.20 shall include all transactions that have not previously been disclosed in a report filed

---

*Editor's note: As provided by Phila. Code § 20-1006(1)(c), in addition to the reporting cycles listed at Paragraph 1.21, a political committee or other person, including an individual or a not-for-profit organization, must file a campaign finance report for cycles 1, 2, 4, and 5, if during that cycle the political committee or other person makes expenditures for electioneering communications as described in Paragraph 1.21. These cycles were inadvertently omitted from the table at Paragraph 1.21.*
Proposed amendment approved by Board on September 12, 2018 for public comment posting

Strikethrough indicates matter removed; underline indicates new matter

with the Board and that occurred from eight months prior to the election through the “complete as of” date.

b. If an organization other than a political committee that files a report pursuant to this Paragraph has used funds in segregated accounts to make expenditures for electioneering communications, that organization is only required to disclose sources of contributions that were deposited into the segregated accounts used to make those expenditures.

c. An individual who files a report pursuant to this Paragraph is only required to disclose contributions that he or she receives or solicits in order to fund the expenditures disclosed in the report.

1.22 A litigation fund committee established pursuant to Subpart G shall file electronically with the Board a campaign finance report or statement for any reporting cycle listed at Paragraph 1.19 in which the committee received contributions or made expenditures for which the committee is required to file with the Department of State or City Commissioners.

[NOTE: This sub-paragraph was moved from Paragraph 1.20(c) below]

1.23 Method of filing campaign finance reports and statements. Any campaign finance report or statement required by this Subpart shall be electronically filed with the Board through the Department of Records and shall be submitted in a format approved by the Department of Records. Upon receipt of any filing, the Board shall issue a written receipt.

Information on how to electronically file a report or statement is available at the office of the Department of Records in City Hall Room 156 and at:

http://www.phila.gov/ethicsboard/campaignfinance/Pages/Fileefininformation.aspx

[NOTE: This sub-paragraph has been moved to Paragraph 1.18, above]

1.22 1.23 Content of campaign finance reports and statements.

a. A campaign finance report filed with the Board shall disclose all contributions and other receipts received, each expenditure made, and any debt incurred during the relevant reporting period. The report shall also disclose, and the cash balance at the beginning and end of the reporting period.

i. For each contribution of more than $50, the report shall disclose the date and amount of the contribution and the contributor’s name and address.

For each contribution of more than $250, the report shall disclose the date and amount of the contribution, the contributor’s name and address, and, in the case of contributions from individuals, the contributor’s occupation, employer, and employer’s address.

ii. For each receipt other than a contribution (such as interest income, returned checks, or refunds), the report shall disclose the name and address of the source of the funds as well as and a description of the receipt.

iii. For each expenditure, the report shall disclose the date, amount, and recipient of the expenditure as well as, and the recipient’s address and the purpose of the expenditure.
Proposed amendment approved by Board on September 12, 2018 for public comment posting

Strikethrough indicates matter removed; underline indicates new matter

If the filer has used a credit or charge card to make expenditures, the filer shall disclose and itemize each purchase made with such a card, not merely a lump sum payment.

iv. For each unpaid debt, the report shall disclose the name and address of the creditor, the amount of debt owed, and the date the debt was incurred, as well as a description of the debt.

b. If, during the relevant reporting period, the filer has spent, received, and accepted contributions, made expenditures, or incurred debt of less than $250, the filer may file a statement attesting to that fact in lieu of a full report. The statement shall set forth the filer’s starting and ending balance for the reporting period.

1.24 Sworn statement/Affirmation required for campaign finance filings
disclosures. Any candidate, treasurer, or other individual submitting a campaign finance report or statement to the Board shall sign a written statement that subscribes and swears to or affirms that the information set forth therein is true and correct. The individual who signs the report or statement and the committee shall be jointly and severally subject to liable for civil penalties if the report or statement it contains any material misstatements or omissions. Any statement The affirmation required by this Paragraph shall be submitted on a form as required by the Board available from the Department of Records.

SUBPART F. USE OF POLITICAL COMMITTEES AND CHECKING ACCOUNTS BY CANDIDATES

1.25 One committee and one checking account.

a. A candidate for City elective office candidate’s campaign shall have use no more than one political committee and one checking account for the City elective office being sought, into which all the candidate is seeking. All contributions and post-candidacy contributions for such that office shall be made, and out of which all deposited into the candidate political committee’s checking account. All expenditures and post-candidacy expenditures for that office shall be made, including post-candidacy expenditures from the candidate political committee’s checking account. If a candidate is running for more than one City elective office simultaneously, he or she shall maintain a separate candidate political committee and checking account for each office being sought. [The final sentence of this sub-paragraph has been moved to new Paragraph 1.26, below.]

1.26 b. If a candidate maintains other political or non-political accounts for which contributions are solicited, such funds collected in those accounts shall not be used for the purpose of influencing the outcome of a covered election or to make post-candidacy expenditures.
c. Payment Service Providers.

i. A candidate’s campaign may use a Payment Service Provider (such as PayPal) to accept contributions so long as all such contributions are promptly transferred to the candidate political committee’s checking account.

ii. A candidate’s campaign may use a Payment Service Provider to make expenditures so long as any funds used for such expenditures are drawn directly from the candidate committee’s checking account.

1.27 d. Use of savings account. A candidate’s campaign a candidate may transfer funds between his or her candidate political committee and a single savings account so long as:

ai. The candidate establishes the savings account at the same bank that has his or her checking account;

bii. The candidate deposits all contributions into his or her checking account before transferring such funds to the savings account;

eiii. The candidate does not make any expenditures or withdrawals directly from the savings account, but first transfers funds to the checking account in order to make expenditures or withdrawals; and

div. Within three business days of the establishment of the savings account, the candidate shall notify the Board by postal mail or email sent to the attention of the Board’s Executive Director that he or she has established a savings account.

1.26 Multiple offices sought. If a candidate is running for more than one City elective office simultaneously, he or she shall maintain a separate candidate political committee and checking account for each office being sought.

1.28 Requirement to provide information to the Board about a candidate political committee.

a. A candidate who has a candidate political committee when he or she becomes a candidate shall, within three business days of becoming a candidate, notify the Board of the following information:

i. The committee’s name and street address (other than a P.O. box);

ii. The name of the bank where the committee’s checking account is established; and

iii. The name, telephone number, email address, and street address (other than a P.O. box) of the treasurer of the committee.

b. If a candidate does not have a candidate political committee when he or she becomes a candidate, he or she shall notify the Board of this fact within three business days of becoming a candidate and shall provide the Board with his or her street address (other than a P.O. box), telephone number, and email address.

c. If a candidate establishes a candidate political committee after he or she has become a candidate, he or she shall notify the Board of the information
Proposed amendment approved by Board on September 12, 2018 for public comment posting
Strikethrough indicates matter removed; underline indicates new matter

set-forth in Paragraph 1.28(a) required by this Paragraph within three business
days of the formation of the committee.

d—A candidate may satisfy the requirements of this Paragraph 1.28 by providing the
Board with a copy of the Political Committee Registration Statement he or she
filed with the City Commissioners as long as the information described in
Paragraph 1.28(a)(i) (iii) is included.

e—d. If the information required by this Paragraph 1.28 changes, the candidate shall
notify the Board of the updated information within three business days of the
change occurring.

f.e. Information required by this Paragraph 1.28 shall be provided on a form required
by the Board and available on the Board’s website at [LINK] and shall be sent to
the attention of the Board’s Executive Director by postal mail or email.

1.29 1.28 Exercising control over another political committee or bank account.
A candidate has a political committee, for the purposes of this Subpart, if he or she
exercises control over the political committee. The following are factors relevant to
determining whether a candidate exercises control over a political committee other than
his or her candidate political committee: Other than the candidate’s designated candidate
political committee or a litigation fund committee established pursuant to Subpart G, or a
checking account of such committees, a candidate’s campaign shall not exercise control
over any political committee or checking account that makes expenditures to influence a
covered election.

For example, a candidate’s campaign may be found to exercise control over a political
committee or an account if:

a. The candidate or an agent of the candidate’s campaign is the treasurer or chair of
the other political committee or a signer on, or authorized user of, the account;

b. The candidate or an agent of the candidate’s campaign established or registered
the other political committee or account; or

c. d. The candidate is an authorized user or signer on the other political committee’s
bank account;

d. The treasurer or chair of the other political committee, or a signer on or
authorized user of the account, is an employee of the candidate;

e. The other political committee has the same treasurer or chair as the candidate
political committee; or

f. The political committee’s registered address is the same as the registered address
of the candidate political committee or the residence or business of the candidate
or the candidate political committee’s treasurer or chair.

The presence of one or more of the factors enumerated above does not mandate a finding
that a candidate exercises control over a given committee if the candidate does not in fact
exercise control over that committee. Likewise, the absence of most or all of the factors
enumerated above does not mandate a finding that a candidate does not exercise control
over a given committee if the candidate does in fact exercise control over that committee.
Exercising control over another political committee’s expenditures. Other than expenditures made by the candidate’s designated candidate political committee or a litigation fund committee established pursuant to Subpart G, a candidate’s campaign shall not exercise control over an expenditure made to influence a covered election. A candidate also has a political committee, for the purposes of this Subpart, if the candidate or the candidate’s agent exercises control over a specific expenditure made by that political committee. The following are factors relevant to determining whether a candidate or the candidate’s agent exercises control over a specific expenditure made by a political committee:

For example, a candidate’s campaign may be found to exercise control over an expenditure made to influence a covered election if:

a. The candidate’s campaign candidate, candidate political committee, or the candidate’s agent provides the money to cover the specific expenditure;

b. The candidate, candidate political committee, or the candidate’s agent selects the recipient of the expenditure; or

c. The candidate, candidate political committee, or the candidate’s agent decides or directs that campaign approves the expenditure or directs that it be made.

Reimbursed expenditures.

a. A candidate or an agent of a candidate’s campaign shall not use funds held in a personal account to make expenditures for campaign activities, such as payments to vendors or staff, except that a candidate or an agent of a candidate’s campaign may make minor purchases, such as for postage stamps or parking fees, on behalf of the campaign so long as he or she is reimbursed by the candidate political committee within a reasonable amount of time.

b. A candidate’s campaign shall not make expenditures for campaign activities through a vendor’s account, except when incidental to the vendor’s provision of services to the campaign, as required by standard business practice, when a campaign uses an advertising agency to create and place advertisements. When a vendor makes expenditures pursuant to the foregoing exception, a candidate’s campaign may reimburse a vendor for such expenditures.

This Subpart does not prohibit a candidate from maintaining a litigation fund committee as described in Subpart G.

This Subpart does not prohibit a candidate from making expenditures through up to one political committee in addition to his or her candidate political committee for the printing and distribution of sample ballots that are distributed in the candidate’s ward. However, all contributions to the candidate for the City elective office being sought shall be made into the candidate’s candidate political committee.

This Subpart does not prohibit a candidate from paying a political committee to conduct or organize get-out-the-vote activities (such as canvassing and the distribution of campaign literature or sample ballots) as long as:

a. The recipient political committee offers similar services to other candidates; and
b. The candidate does not exercise control over the political committee as defined in Paragraph 1.29.

1.34 This Subpart does not prohibit a candidate from making a contribution within the contribution limits to his or her candidate political committee from any other political committee controlled by the candidate, as defined in Paragraph 1.30, other than the candidate’s litigation fund committee.
SUBPART G. LITIGATION FUND COMMITTEES

1.35 Litigation fund committee requirements.

a. In addition to a candidate political committee, a candidate for City elective office may establish a litigation fund committee with a single separate checking account to solicit and receive contributions and make expenditures for the purposes described in Paragraph 1.35(c).

b. The name of a litigation fund committee shall include the term “Litigation Fund.” The committee shall have a treasurer who shall be responsible for keeping records of the committee’s transactions.

c. A candidate shall make expenditures from a litigation fund committee solely to pay professional fees and related costs incurred in defense of a civil, criminal, or administrative proceeding arising directly out of the conduct of the candidate’s election campaign or participation in a covered election, such as a nomination petition challenge, a recount proceeding, or a Board investigation.

d. A candidate shall not make expenditures from a litigation fund committee to pay any judgment, settlement, fine, sanction, or other type of penalty arising out of any civil, criminal, or administrative proceeding.

e. A candidate may make expenditures from his or her candidate political committee for the purposes described in Paragraph 1.35(c).

1.36 Requirement to provide information to the Board about a litigation fund committee.

a. Within three business days of the formation of a litigation fund committee, a candidate shall notify the Board of the following information:
   i. The litigation fund committee’s name and street address (other than a P.O. box);
   ii. The name of the bank where the litigation fund committee’s checking account is established; and
   iii. The name, telephone number, email address, and street address (other than a P.O. box) of the treasurer of the litigation fund committee.

   If the litigation fund committee has been registered as a political committee, a candidate may satisfy the requirements of this Paragraph by providing the Board with a copy of the Political Committee Registration Statement he or she filed with the City Commissioners or Secretary of State as long as the information described in (i)-(iii) above is included.

b. If the information required by this Paragraph 1.36 changes, the candidate shall notify the Board of the updated information within three business days of the change occurring.

c. Information required by this Paragraph 1.36 shall be provided on a form required by the Board and available on the Board’s website at [LINK] and shall be sent to the attention of the Board’s Executive Director by postal mail or email.
1.37 Termination of a litigation fund committee.

a. A litigation fund committee shall be terminated no later than six months after the date of the general election for the office which the candidate sought, except as provided in Paragraph 1.37(b).

b. If six months after the date of the general election any matters are pending for which litigation fund committee funds may be expended, then a litigation fund committee shall be terminated within six months after the conclusion of all such matters, including any appeals.

c. Before a litigation fund committee is terminated, the litigation fund committee’s checking account shall be closed, and any remaining funds shall be returned to contributors according to one of the methods below:

i. On a “last in, first out” accounting basis;

ii. On a “first in, first out” accounting basis;

iii. On a pro-rata accounting basis; or

iv. On such other equitable basis as may be approved by a majority vote of the Board upon application in writing by a candidate or treasurer of a litigation fund committee by postal mail or email sent to the attention of the Board’s Executive Director at least 40 days prior to the termination deadline.

d. The Board may grant an extension for terminating a litigation fund committee upon application at least 40 days prior to the termination deadline to the Board’s Executive Director in writing that demonstrates good cause for an extension.

SUBPART H. COORDINATED EXPENDITURES

1.38 An expenditure is coordinated with a candidate’s campaign if it is made in cooperation, consultation or concert with the candidate’s campaign, including the following:

a. The expenditure is made at the request or suggestion of the candidate’s campaign;

b. A person suggests making an expenditure and the candidate’s campaign assents to the suggestion;

c. The person making the expenditure communicates with the candidate’s campaign concerning the expenditure before making the expenditure;

d. The candidate’s campaign has solicited funds for or directed funds to the person making the expenditure, but only if the solicitation occurred within the 12 months before the election that the expenditure seeks to influence; or

e. An agent of the candidate’s campaign directs, places, or arranges the expenditure; or

f. The person making the expenditure uses information obtained from the candidate’s campaign to design, prepare, or pay for the specific expenditure at issue, unless the person has obtained that information from a public source or from a communication the candidate made to the general public. This subparagraph does not apply to the republication of campaign communications or materials, which is covered by Paragraph 1.39.
1.39 **Republication of campaign communications or materials.** For the purposes of the contribution limits, an expenditure made to reproduce, republish, or disseminate a campaign communication (including audio recordings or video footage) or campaign material (such as photographs, flyers, signs, or brochures) prepared by a candidate’s campaign:

a. Shall be considered an in-kind contribution made by the person making the expenditure.

b. Shall be considered an in-kind contribution received by the candidate if the person making the expenditure obtains the communication or materials directly from the candidate’s campaign or from another source with the consent of the candidate’s campaign.

A campaign communication or campaign material is obtained with the candidate’s consent if the candidate provides it to a third party for the purpose of enabling another person to obtain the communication or material from that third party and subsequently republish some or all of it.

c. Shall not be considered an in-kind contribution if:

i. The communication or material is incorporated into a communication that advocates the defeat of the candidate that prepared the material;

ii. The item republished is a photograph obtained from a public source that is not controlled by the candidate’s campaign; or

iii. The person’s expenditures for republication of a candidate’s communications or materials are less than $100 in the aggregate per reporting period.

**Example for 1.39(a) and (b):** Three weeks before election day, candidate Candidate A’s campaign uploads five minutes of b-roll video footage to her YouTube channel. The political committee Pennsylvanians for a Better Pennsylvania downloads the b-roll footage and uses it to create a television advertisement. The committee spends $100,000 to run the advertisement on three television stations during the week before election day.

Candidate A posted the b-roll footage for the purpose of enabling another person to obtain it. Pennsylvanians for a Better Pennsylvania obtained a campaign communication created by Candidate A’s campaign with the consent of the candidate’s campaign. As such, the committee’s expenditure of $100,000 was coordinated with Candidate A’s campaign and is both an excess in-kind contribution made by the committee and an excess in-kind contribution received by Candidate A.
1.40 An expenditure will not be considered a coordinated expenditure merely because:

a. The person making the expenditure interviews the candidate;

b. The person making the expenditure has endorsed the candidate;

c. The person making the expenditure and the candidate’s campaign use the same vendor, attorney, or accountant;

d. The person making the expenditure has obtained from the candidate a biography of the candidate or a position paper, press release, or similar material about the candidate; or

e. The person making the expenditure has invited the candidate to make an appearance before the person’s members, employees, or shareholders.

SUBPART I. EXCESS PRE-CANDIDACY CONTRIBUTIONS; EXCESS POST-CANDIDACY CONTRIBUTIONS

Note: The following requirements regarding excess pre-candidacy contributions are relevant only if, prior to becoming a candidate for City elective office, an individual accepts contributions in excess of the limits set forth in Subpart B.

1.41 The provisions of this Subpart regarding excess pre-candidacy contributions apply only to contributions received during the accounting period.

**Example:** On December 1, 2016, Candidate A declares her candidacy for the May 2017 Controller primary election. The accounting period for Candidate A is January 1, 2014 through November 30, 2016. The last Controller election was held in 2013 so January 1, 2014 would be the first day of the year following that election.

1.42 Prohibited Expenditures.

a. A candidate or candidate political committee shall not spend any excess pre-candidacy contributions for the purpose of influencing the outcome of a covered election in which he or she is a candidate or for transition or inauguration to City elective office.

b. A former candidate or the political committee of a former candidate shall not spend any excess post-candidacy contributions for the purposes of:

i. Transition or inauguration to City elective office; or

ii. Retiring debt incurred either to influence the outcome of a covered election or for expenses related to transition or inauguration to City elective office.

c. A candidate or candidate political committee shall not transfer excess pre-candidacy contributions to the candidate’s litigation fund committee established pursuant to Subpart G.
1.43 Exclusion of excess pre-candidacy contributions upon becoming a candidate.

a. Except as provided in Paragraph 1.44, within ten days after becoming a candidate, a candidate shall exclude all excess pre-candidacy contributions from his or her candidate political committee checking account by one of the following methods:
   i. Transferring excess pre-candidacy contributions to a segregated account; or
   ii. Returning excess pre-candidacy contributions to their contributors.

b. Calculation of amount to be excluded. A candidate shall determine the amount to be excluded by using one of the following methods:
   i. Dollar for dollar calculation. A candidate shall exclude an amount equal to the total amount of excess pre-candidacy contributions received during the accounting period.

   Example: On November 1, 2016, Friends of Candidate A receives a contribution of $3,500 from Mr. B ($3,000 within limits, $500 excess) and a contribution of $3,500 from Ms. C (same). On December 1, 2016, Candidate A declares her candidacy for the May 2017 Controller primary election. By December 11, 2016, Friends of Candidate A must exclude $1,000 ($500 excess from Mr. B + $500 excess from Ms. C) from its checking account.

   ii. Accounting-based calculation. A candidate does not have to exclude any excess pre-candidacy contributions that he or she demonstrates, using either a last in/first out or first in/first out accounting method, were actually spent before becoming a candidate, provided that:

      (1) Before accounting for the expenditure of any excess pre-candidacy contributions, an accounting shall be made for the expenditure of the balance of the committee account as it existed on the day before the start of the accounting period; and

      (2) Pre-payments that were made by the candidate’s political committee shall not constitute expenditures of excess pre-candidacy contributions using this accounting method.

c. If the amount that the candidate shall exclude from the checking account of his or her candidate political committee exceeds the amount of cash the committee has on hand, the candidate shall use incoming contributions to cover the amount that shall be excluded.

1.44 Pre-candidacy segregation. A candidate does not have to exclude any excess pre-candidacy contributions that, upon receipt, he or she had transferred to a segregated pre-candidacy excess contribution account ("SPEC account"), provided that, if he or she used any funds in a SPEC account for pre-payments, the candidate shall exclude from his or her candidate committee account an amount equal to those pre-payments. Funds transferred into a SPEC account that were not used for pre-payments need not be included in accounting for the exclusion of excess pre-candidacy contributions under either calculation method described in Paragraph 1.43.
Proposed amendment approved by Board on September 12, 2018 for public comment posting

Strikethrough indicates matter removed; **underline** indicates new matter

**Example 1:** On November 1, 2016, Friends of Candidate A receives a contribution of $3,500 from Person B ($3,000 within limits, $500 excess) and a contribution of $3,500 from Person C (same). On November 2, 2016, Candidate A transfers $1,000 from the checking account of the candidate political committee to a SPEC account. On December 1, 2016, Candidate A declares her candidacy for the May 2017 Controller primary election. Friends of Candidate A has already segregated Person B and Person C’s excess contributions and therefore does not need to exclude any other money from its checking account.

**Example 2:** On November 1, 2016, Friends of Candidate A receives a contribution of $3,500 from Person B ($3,000 within limits, $500 excess) and a contribution of $3,500 from Person C (same). On November 2, 2016, Candidate A transfers $1,000 from the checking account of the candidate political committee to a SPEC account. On November 30, 2016, Candidate A spends $1,000 from the SPEC account on fliers to be used in the upcoming election. On December 1, 2016, Candidate A declares her candidacy for the May 2017 Controller primary election. By December 11, 2016, Friends of Candidate A must exclude $1,000 from its checking account. While Candidate A segregated the $1,000 in excess contributions received from Person B and Person C, she spent $1,000 from the SPEC account on pre-payment expenditures during the accounting period and must therefore exclude an amount equal to those pre-payments from the Friends of Candidate A checking account.

**1.45** A candidate shall exclude all excess post-candidacy contributions from his or her candidate political committee checking account by one of the following methods:

a. Transferring excess post-candidacy contributions to a SPEC account within ten days of receiving the contributions; or

b. Returning excess post-candidacy contributions to the contributors who made those contributions within ten days of receiving the contributions.

**1.46** A candidate or a candidate political committee shall not use money held in a SPEC account to influence the outcome of a covered election in which the candidate participates or to make post-candidacy expenditures.

**1.47** Within seven days of establishing a SPEC account, a candidate shall notify the Board of the name of the bank at which the account was established by postal mail or email sent to the attention of the Board’s Executive Director.
SUBPART J. RETIRING DEBT

1.48 Except as provided in Paragraph 1.49, forgiveness of debt incurred to influence the outcome of a covered election or to cover transition or inauguration expenses is a contribution from the creditor to the candidate or former candidate and is subject to the contribution limits set forth in Subpart B.

1.49 If a debt owed by a former candidate is not collectible as defined below, a creditor may forgive the debt without such forgiveness being subject to the contribution limits set forth in Subpart B. A debt is not collectible if all of the following are true:

   a. The creditor billed the candidate for its services in the ordinary course of its business and the terms of the transaction were commercially reasonable;

   b. The debt has been outstanding for at least 24 months;

   c. The candidate political committee does not have sufficient cash on hand to pay the creditor;

   d. Forgiveness of the debt is not prohibited by any other relevant law; and

   e. The creditor notifies the Board by postal mail or email sent to the attention of the Board’s Executive Director of its intent to forgive the debt and demonstrates that all the conditions set forth in this Paragraph have been satisfied.

   If the creditor has provided all the necessary information, the Executive Director shall present the request to the Board at a public meeting. The Board shall either approve or disapprove the proposed debt forgiveness. The Executive Director shall inform the creditor in writing whether or not the Board has approved the forgiveness of debt. The forgiveness of debt is subject to the post-candidacy reporting requirements set forth in Subpart E.

SUBPART K. PENALTIES

1.50 Acceptance of an excess contribution. A candidate, candidate political committee, or litigation fund committee that accepts a contribution in excess of the limits described in Subpart B shall be subject to a civil monetary penalty of three times the amount by which the accepted contribution exceeded the limit, or $2,000, whichever is less.

1.51 Making an excess contribution. A contributor who makes a contribution in excess of the limits described in Subpart B shall be subject to a civil monetary penalty of three times the amount by which the contribution exceeded the limit, or $2,000, whichever is less.

1.52 Safe harbor if an excess contribution is returned within 15 days. No civil monetary penalty shall be imposed for an excess contribution if the candidate who accepted the excess contribution within fifteen days after receiving the contribution:

   a. Returns the excess amount to the contributor; and

   b. Provides the following information to the Board’s Executive Director by postal mail or email: the amount of the excess contribution, the identity of the contributor, the date of receipt, and the date of return.
1.53  Failure to file campaign finance disclosures. If a political committee fails to
file a campaign finance report or statement with the Board as required by Subpart E the
committee and its treasurer shall be jointly and severally subject to a civil monetary
penalty of $250. If a candidate fails to file a campaign finance report or statement with
the Board as required by Subpart E, the candidate shall be subject to a civil monetary
penalty of $250.

Each day the report or statement is not filed shall be considered a separate offense for
which an additional separate civil monetary penalty of $250 may be imposed. The total
civil penalties that may be imposed for failure to file a particular report or statement shall
not exceed $2,000 for the first thirty days the report is not filed, plus $1,000 for each
additional thirty-day period or part thereof the report or statement is not filed.

1.54  Material misstatements or omissions. If a campaign finance report filed with the
Board contains material misstatements or omissions, the candidate, treasurer, or other
individual who filed the report shall be subject to a civil monetary penalty of $1,000 for
each such misstatement or omission. If the report is filed on behalf of a political
committee, the individual who filed the report and the committee shall be jointly and
severally liable.

1.55  Misuse of political committees or accounts. If a candidate uses a political committee or account in violation of the requirements set forth in Subpart F or G, he or she the candidate shall be subject to a civil monetary penalty of $1,000.

1.56  Excess pre-candidacy and post-candidacy contributions.

   a. If a candidate or former candidate fails to exclude any excess pre-candidacy or
post-candidacy contributions from his or her candidate political committee as
required by Subpart I, he or she shall be subject to a civil monetary penalty of
$1,000.

   b. If a candidate or former candidate spends excess pre-candidacy or post-
candidacy contributions in violation of the prohibitions of Subpart I, he or she
shall be subject to a civil monetary penalty of $1,000, for which his or her
candidate political committee shall be jointly and severally liable if such
expenditures were made from that committee.

1.57  Failure to provide committee or account information to Board. If a candidate
fails to provide information to the Board about a political committee or account as
required by Subpart F, G, or I, he or she shall be subject to a civil monetary penalty of
$1,000.

1.58  Other violations of the campaign finance law. All other violations of the
campaign finance law are subject to a civil monetary penalty of $1,000 per violation.

1.59  Increase or decrease of civil monetary penalty. A penalty imposed pursuant to
Paragraph 1.54, 1.55, 1.56, 1.57, or 1.58 shall be increased or decreased as follows:

   a. Mitigating factors. The civil monetary penalty of $1,000 shall be reduced by
$500 if one of the following mitigating factors is present and shall be reduced by
$750 if more than one of the following mitigating factors are present:

   i. Good faith effort to comply. The violator is found to have made a good
faith effort to comply with the law.
Proposed amendment approved by Board on September 12, 2018 for public comment posting

**Strikethrough indicates matter removed; underline indicates new matter**

ii. Prompt corrective action. The violator is found to have taken prompt corrective action where corrective action was possible to remedy the violation.

iii. Prompt self-reporting. The violator is found to have reported promptly the violation to the Board of Ethics.

b. Aggravating factors. The civil monetary penalty of $1,000 shall be increased by $1,000 for each of the following aggravating factors that is present, provided that the total civil monetary penalty that may be imposed for one violation shall not exceed $2,000:

i. Intent. The violator is found to have acted knowingly. An act is done knowingly if done voluntarily and intentionally and not because of mistake or accident or other innocent reason.

ii. Repeat violation. The violator previously has been found by the Board of Ethics in an administrative adjudication or by a court of competent jurisdiction to have violated the same provision.

iii. Obstruction of investigation. The violator is found to have obstructed the investigation of the Board of Ethics into the same violation.

Approved for public comment by the Board December 18, 2006
Effective January 17, 2007
Amendment approved by Board August 21, 2007
Effective September 21, 2007

Proposed amendments approved for public comment by Board on July 21, 2010 to expand the Regulation to address the requirements, other than electronic filing, of the City’s campaign finance law, Philadelphia Code Chapter 20-1000, as that law was amended in June 2010. The amendments to Regulation No. 1 completely strike and replace the original text of the regulation and delete the original exhibit.
Public hearing held September 8, 2010
Adopted by Board with modifications September 15, 2010
Effective September 27, 2010

Proposed amendments approved for public comment by Board May 11, 2011 to, among other things, reflect the April 2011 amendment to Philadelphia Code § 20-1002(2).
Public hearing held June 15, 2011
Adopted by Board July 20, 2011
Effective August 11, 2011

Proposed amendments approved for public comment by Board on January 18, 2012 to reflect the City Finance Director’s certification of January 2012 adjustments to the maximum annual contribution limits.
Effective March 2, 2012

Proposed amendments approved for public comment by Board on December 19, 2012
Public hearing held January 23, 2013
Adopted by Board with modifications February 20, 2013
Effective March 8, 2013

Proposed amendments approved for public comment by Board on July 16, 2014
Public hearing held September 17, 2014

- 28 -
Proposed amendment approved by Board on September 12, 2018 for public comment posting
Strikethrough indicates matter removed; underline indicates new matter

Adopted by Board with modifications October 15, 2014
Effective October 31, 2014

Proposed amendments approved for public comment by Board on September 21, 2016
Public hearing held October 19, 2016
Adopted by Board with modifications November 16, 2016
Effective December 2, 2016

NOTE: As part of its November 16, 2016 vote to approve a proposed amendment to this
Regulation, the Board authorizes staff to update examples set forth in this Regulation
from time to time as necessary in order to ensure that they reference current contribution
limits, covered elections, and reporting periods.

Proposed amendments approved for public comment by Board on September 12, 2018
Public hearing held
Adopted by Board with modifications
Effective

-29-
Exhibit D
IN RE:
CITY OF PHILADELPHIA BOARD OF ETHICS
HEARING OF PROPOSED REGULATION 1, CAMPAIGN FINANCE

TRANSCRIPT OF THE ABOVE MATTER,
taken by and before WILLIAM USHER,
Professional Reporter and Notary Public, at
the CITY OF PHILADELPHIA BOARD OF ETHICS, 1515
Arch Street, Philadelphia, Pennsylvania, on
Wednesday, October 17th, 2018, commencing at
2:00 p.m.

ERSA COURT REPORTERS
30 South 17th Street
United Plaza – Suite 1520
Philadelphia, PA 19103
(215) 564-1233
APPEARANCES:

BOARD MEMBER:

MICHAEL M. REED, CHAIRMAN
PHYLLIS W. BECK, VICE CHAIR
JOANNE A. EPPS, ESQ, MEMBER
SANJUANITA GONZALEZ, ESQ, MEMBER
BRIAN J. MCCORMICK, ESQ, MEMBER

BOARD STAFF:

SHANE CREAMER, JR, ESQ.
MAYA NAYAK, ESQ.
NEDDA MASSAR, ESQ
MICHAEL COOKE, ESQ.
DIANA LIN, ESQ.
JORDAN SEGALL, ESQ.
THOMAS KLEMM, ESQ.
LEWIS ROSMAN, ESQ.
City of Philadelphia Law Department
### EXHIBITS

<table>
<thead>
<tr>
<th>NUMBER</th>
<th>DESCRIPTION</th>
<th>PAGE</th>
<th>MARKED</th>
<th>ATTACHED</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Exhibit-1 Public notification</td>
<td>7</td>
<td>31</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Of hearing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Exhibit-2 Proposed amendments</td>
<td>8</td>
<td>32</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>To regulation 1</td>
<td></td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
PROCEEDINGS

MS. BECK: I'm going to call the meeting to order. Welcome everyone. As you can see my name is Judge Phyllis W. Beck and I am vice chair of the Philadelphia Board Of Ethics. Our first activity today is to hold a public hearing on proposed amendments to board regulation number 1, campaign finance. I note for the record that I am joined by board members Sanjuanita Gonzalez and Brian McCormick. Our board chair Mike Reed, and our member Joanne Epps have another commitment and will be with us as soon as possible. I further note for the record that Richard Fader, welcome, who serves as the Law Department's chief deputy of counsel to the City Solicitor is present. Today's hearing is an opportunity for members of the public and the interested parties to provide comments and recommendations for modification to the proposed amendment to Board Regulation number 1 on campaign
finance. If you don't have copies of the proposed amendments, they are available electronically and hard copies are available here today for anyone that would like a copy. The Board is following the process required by the Philadelphia Home Rule Charter section 8-407 for these proposed amendments. The Board approved these amendments for public posting at the Records Department during its September 12th, 2018 public meeting. The Law Department reviewed the proposed amendments and found the proposed amendments to Board Regulation number 1 to be legal within the Board's authority and in proper form. The Department of Records advertised and gave public notice of the proposed amendment. The Board also took action by notifying members of the relevant e-mail distribution and by giving notice of the proposed amendments on its website. The Board proactively scheduled this hearing on the proposed amendments and provided notice of this meeting by newspaper and on the
Board's website. The Board will not take action on the proposed amendments at this hearing, rather, this hearing is an opportunity for the public to make comments on the proposed amendments or recommendations for modification to these proposed changes to the Board Regulation number 1. The Board members may ask questions of the witnesses if they wish. Our hearing report will be considered and approved by the Board at a future Board meeting. The hearing report will respond to testimony and is a mechanism by which the Board may modify the proposed amendment to the Board Regulation number 1 that are pending. Also note the court reporter is present to transcribe the hearing. At this time, the document that the Board filed with the Department of Records on September 26th, 2018, including the proposed amendments to Board Regulation number 1 should be entered on the record in this hearing and marked as Exhibit-1. We will now take testimony. I ask the witnesses to
sit at the table and each witness identify
him or herself prior to testifying. Before
hearing from members of the public, I would
like to invite the Board staff to testify
if they wish. So that is now open and we
will hear testimony.

(At this time, Exhibit-1 was
marked for identification.)

MR. Cooke: Good afternoon Board
members and all those in attendance. My
name is Michael Cooke. I am the Board's
director of enforcement. It is my pleasure
today to present testimony on behalf of
Board staff regarding the proposed
amendment to Board Regulation number 1.
Before I do, I would like to note that we
received some written testimony from the
Campaign Legal Center, they are not here
today, but they ask that their written
testimony be made part of the record. So I
would like to do that before I begin my
testimony.

Ms. Beck: Will you tell us who
this group is?
MR. COOKE: The Campaign Legal Center. It's a non-profit organization in Washington D.C. that is sort of a think tank and a policy center for a variety of issues that are similar to what we cover for ethics, campaign, and finance matters. They have testified regarding our regulations before as well as legislation at City Council.

MS. BECK: Did we ask them for this testimony?

MR. COOKE: We did not. They curtailed I guess and submitted it. And I think I got it on Monday that they sent it in. So unless there is any objection from Board members I'll pass this down to the reporter to make a part of the record.

(At this time, Exhibit-2 was marked for identification.)

MR. COOKE: So with that preliminary handled, I will turn to the testimony I present on behalf of Board staff, which is minimal today. A few proposed changes to the proposed amendment
that came out of review that we've done in
the past month since the proposed amendment
was proposed or approved by the Board, as
well as consultation with the Law
Department regarding the proposed amendment
and various discussions with them and some
others about the provisions that are
proposed to be changed in here. I will
begin on page 2 and the definition of
contribution, which is at 1.1H. And it's
actually 1.1HI, which reads, any money
gifts, forgiveness of debts, loans, or
things having a monetary value, et cetera.
We recommend that the words, forgiveness of
debt and loans be flipped so that it would
read, any money, gifts, loans, forgiveness
of debt, or things having a monetary value,
and so on. That is all for that page.
Moving on to page 10, in the chart about
the reporting deadlines, the entries for
cycle 7 are incorrect. The column that
says deadline, in that column, the entry
for cycle 7 currently reads annual report,
the deadline for the cycle 7 report is
actually January 31st of the year -- well, of every year, January 31st. It should be changed to that. And then in the complete as of column it currently reads January 31st, which is the deadline. Instead it should read December 31st of the prior year. That's just some cleanup to make sure that's correct. And then the last provision that I have testimony on is a paragraph 1.30, the reimbursed expenditures.

MS. BECK: What page is that?

MR. COOKE: I apologize, page 18. The 1.30, the reimbursed expenditure provisions that are proposed to be added, some slight modifications. For A, the first thing where it states a campaign or an agent of a candidate shall not use personal funds to make expenditures. That should be reworded to clarify that they shall not use personal accounts to make expenditures. Candidates, of course, can spend an unlimited amount of their personal funds on a campaign but they have
to do it through their campaign committee. So we propose a rewording to clarify that point. And then also propose or it has been suggested to us that it would be helpful to add a little bit more by way of example for what constitutes minor expenditures or the types of expenditures that would not be minor as such that would cause an issue under this rule. So for the hearing report, staff will add some additional examples or language to help clarify that point.

MS. BECK. You don't have that language.

MR. COOKE: We do not have that language today. And then in B, it was noted that the sentence has two accept as's in it, which can be somewhat confusing if an exception and then an exception to the exception. So noting, that is a good point, we will do a proposed rewording for the hearing report to try and eliminate that ambiguity or confusion in this particular section. None of this would
change the substantive meaning of this
provision, but again, the goal is to make
it as easy as possible for people to
understand. And that concludes the
testimony that I have at this time with
regards to the proposed amendment.

    MR. REED: The judge insists that
I take over at this time. I thought she
was doing a great job, but my name is Mike
Reed. I'm chair of the Board and I would
personally like to thank Judge Beck for
getting the hearing started. Board member
Epps and I had the honor of attending the
still unfinished and ongoing memorial
service for the great Jerry Linfest.

    MS. BECK: It started at 11:00
this morning.

    MR. REED: It's probably going to
go until about 2:00 maybe, but that's why
we're late. And I very much appreciate the
Board going forward in a timely fashion. I
would like to thank Mr. Cooke for his
testimony. And first thing I would do is
open up the floor to the Board for any
other questions for Mr. Cooke or staff
concerning his testimony? And hearing none
I would then ask if there are any other
witnesses who wish to offer testimony about
the proposed amendments for Board
Regulation number 1. Thank you. Could you
please state your name for the record.

MR. BONIN: Thank you Mr. Chair.

My name is Adam Bonin. I'm an attorney in
solo practice here in the City of
Philadelphia whose practice specializes in
political law, whether it's campaign,
finance, and election law, lobbying
compliance, investigations. I honestly
have many clients that are interested in
this for various reasons. My testimony
today is solely personal. It is not on
behalf of any particular client. I wish I
had written testimony today, normally I do
under these circumstances, however, it
being twenty days before a federal
election, things are a little bit busy
right now. So I appreciate the presence of
the court reporter here. But if I think of
anything afterwards I will submit brief written testimony as well. I want to cover three areas in the proposed amendments. Reimbursed expenditures, the use of online service providers, and then credit cards. As a general matter, I understand what the Board is seeking through all three areas, they would increase transparency in the expenditures which a campaign is making as well as putting greater teeth into the single checking account which of course comes from a city ordinance and says that campaigns shall only have one checking account for receiving contributions and making expenditures. With that being said, I believe that these regulations may be pursuing some of these goals in ways that cause unnecessary unintended consequences, and in many cases the transparency goals can be accomplished through other means. As to reimbursed expenditures, which really is of the three areas the one that causes me the most concern.

MS. BECK: Refer first back to
the page and the paragraph you were
referring to.

MR. BONIN: Sure. This is from
section 1.30 for reimbursed expenditures,
page 18. I think I'm working off the
original draft, not republished draft. So
I didn't want to misstate what things pages
were on. I understand and appreciate Mr.
Cooke's amendment as to changing it for
personal funds and personal accounts, I
think that is valuable. The idea that if
you are a self-funding candidate, you know,
just running all the expenditures
personally rather than putting money into
the account and then spending it up, I
think that is a laudable amendment. But
where I really take issue is where it comes
to disallowing candidates or agents of a
campaign to making general purchases on
behalf of the campaign and then being
reimbursed. The reason for that is that I
think that it violates a number of things
with best practices with campaigns. When
you have people who have to seek
reimbursement for campaign expenses, that
gives the campaign's treasurer, gives the
head campaign staff a check on those
expenses to make sure that you're only
reimbursing those expenses which are
campaign related and not personal expenses.
Forcing all of these expenditures to be
made by the campaign directly means that
you're going to have to distribute debit
cards or credit cards to all of the
staffers that are going to be making
purchases. I have seen personally, and you
know, the Board is aware of, you know, at
least one devastating circumstance in which
a campaign staffer who had a campaign debit
card blew tens of thousands of dollars at
Sugar House Casino from a gambling
addiction. He had the card, the money went
straight out of the accounts. I mean
that's obviously an extreme example, but
you lose any, you know -- most of your real
control of where your campaign is spending,
if you're giving lots of staffers direct
access to the account. Allowing for them
to make expenditures off of their own credit cards that come out of their own checking accounts and then being reimbursed, it gives campaigns a check against abusive and personal use. The other thing, you know, that I would say to that, to the extent that the question is about transparency of reimbursements and all you're seeing is the line item of the name of an individual who is being reimbursed, but without any detail as to what these reimbursements are. The same goes on for the credit card expenditures. There is an additional remedy that also exists under the law, and that is voucher request. Under the Pennsylvania Election Code every committee, including candidate committee, is required to keep vouchers and receipts for all expenditures made and they have to produce them upon a request filed with the relevant election authority, for city races it would be the City Commissioner's Office. I have been through this a number of times with my clients. I
think almost exclusively when members of
the press has made such requests, but you
know, if that is the kind of information
which the Board wants to have better access
to, you know, more detailed information as
to what these reimbursed expenditures are.
There is nothing stopping Board staff,
Members of the Board, members of the public
from making these voucher requests through
the City Commissioner's Office. They are
enforceable as a matter of law. Obviously,
failure to comply with them does come with
court sanctions. And while it would not be
as immediate a process as required within
campaign financial court itself, it
certainly does give access to that
information, that's number one. Number two
as the PM and service providers.

MS. BECK: Tell us where you
were.

MR. BONIN: This is section 1.26
now, page 15. In which the proposed
regulations state that a campaign may use
PayPal or similar service to accept
contributions so long as the contributions are promptly transferred in the committee's checking account, that much is fine and good and perfect and wonderful. Although, to be honest, most campaign to be honest most campaigns don't use these sorts of service to receive contributions because PayPal, unlike services like Act Blue or NGP, does not itself require the full information that's required for the election committee but for reporting. You still have to go back to your contributors to get the address information, the employer information. So while I have seen some campaigns use these services because PayPal is very easy to set up, it is uncommon. My real concern is in not allowing a candidate's campaign to use PayPal to make expenditures. As a primary matter, you know, let's think about how PayPal works, that's one of these providers that I'm most familiar with. You attach PayPal to a checking account, you can attach it to your campaign's checking
accounts and as long as funds are in there, there is really no meaningful difference between using PayPal to pay vendors or campaign employees as it would be to write them checks or to use a credit card to make expenditures. In fact, compared to cash, which is certainly another way of paying, you know, election day workers and canvassers for example, you have better and clearer information of the transactions that are taking place through PayPal than you would if these transactions are on more of a casualty basis. So I think the -- I'm not sure that this is the sort of regulation that needs to be pursued at all at this point. I think we are dealing with, you know, a modernizing economy, and to close a drawer to a means of paying campaign staff, paying vendors, where there is no real problem being solved so long as we're dealing with PayPal funds that are really being transferred into an account before being expended. I would just move away from this altogether and just allow
campaigns to use Paypal as a means of paying employees and paying vendors. And appreciating that you're getting better data on those transactions, again, via voucher request if necessary. Although, I don't know that you would need that. I'm thinking that if you're paying campaign staffers through Paypal, then the expenditure that you report on your campaign finance report is the payment to that individual anyway. It's not a payment to PayPal. So this is an area that I would disregard altogether. Finally --

MR. REED: You're saying you would eliminate 1.25C, is that what you're saying?

MR. BONIN: I would just eliminate it. I would just allow campaigns and political committees to use PayPal -- or at least I would get rid of subparagraph two. And that way you're fulfilling the single account rule while not getting into that problem. Finally, as to the use of credit cards to make expenditures. This is
section 1.23, sub A, sub III, page 14 in my version. And Mr. Cooke and I have had lengthy discussions in between the Board meetings about this topic. And we have a healthy but friendly difference of opinion, but the difference is narrowing somewhat on this. The first thing I would note is that this is not a requirement which exists under the Pennsylvania Election Code. I am aware, you know, Mr. Cooke and staff have been in contact with the Department of State as to this, and that they have stated that this is a requirement of the election code, it's never been introduced. If a state rep, if a candidate for state office, if a pact is making credit card expenditures and just lists the payment to Amex or Visa or whatnot as the expenditure, I have never seen any kind of enforcement or clarified actions of this. So this is a new requirement under the Pennsylvania Election Code.

MR. REED: What section are you referring to?
THE WITNESS: 1.23, A3. It says if the filer has used a credit or charge card to make expenditures, the filer shall disclose and itemize each purchase. I have a few issues with this. Number one, let's recall that the filers with the Board Of Ethics are not only for candidates for city office, it's also anyone who makes a contribution to a candidate for city office has to file with the Board of Ethics. Imposing this requirement as written means that a state rep from Erie running for City Council in Philadelphia or a pact from elsewhere in the state, now has to itemize all it's other credit card expenditures in it's report to make any contribution over $50 to a city candidate. You can solve that problem by itself by eliminating this requirement. Instead of saying if the filer has used a credit or a charge card, you say if a city candidate has used a credit or a charge card. In that way you're at least eliminating the universe of the people who are faced with this and
really -- and in that way you're focussing
on the people who are actually subject to
the single account rule. With everyone
else in the state there is no question that
they can use credit cards, and since the
only expenditure that the city really has
an interest in is the contribution to the
candidate and whoever the sources were for
that contribution, you're not really
providing any additional relevant
information and only imposing a burden on
people outside the City of Philadelphia,
committees and candidates outside of the
city who wish to make a contribution to
city candidates. The next level concerns
all deal with implementation. Even if
you're limiting this to city candidates --
Mr. Chairman, you look like you wanted to
ask me a question.

MR. REED: Well, I'm just
reflecting on the last statement you made.
With all of the outside money that's coming
into campaigns. The notion that we are
affecting people outside of Philadelphia,
actors, is not really impressive to me personally.

MR. BONIN: What is the information that you care about those outside actors? You care about what have they contributed to city candidates, you care about where does their money come from. I'm not sure that any of their expenditures that don't deal with city candidates are a matter of --

MR. REED: Oh, you're saying it's overly broad?

MR. BONIN: Yeah.

MR. CREAMER: What about, if I may, what about independent expenditure groups. Let's say they put all their TV ads or whatever expenditures to influence a covered election on a credit card and then they disclose a payment to their payment to their credit card and we don't know anything about the expenditure information.

THE WITNESS: That is a fair question. I mean that's -- as you know, that's generally not how these expenditures
flow. It's payments to the vendors
themselves, who believe me, want that money
wired in before they do what they have to
do whether it's ads or print or whatnot. I
see where you're coming from. I'm not sure
that if in the way that expenditures
actually work that credit cards are a real
issue. They might be more of an issue to
the extent that you're talking about
independent expenditure committees, you
know, who are involved in -- I'm trying to
-- I guess it's hard to think of a type of
independent expenditure for which a vendor
would be happy with a credit card as
opposed to we need the check, we need the
wire before we can do anything. Like I
said, my other set of concerns deal with
implementation on this, you know, because
these regulations do not specify, and we
would certainly need guidance on, you know,
the discrepancy between when an expenditure
is made and when it's billed and when it's
reported. If you're making the expenditure
through a credit card, the campaign isn't
sending out the check until it's billed. And when it sends it out it makes the payment. In the meantime, it has all of these expenditures. You would wind up with a situation in which, you know, the campaign is reporting expenditures which have not touched it's bank account yet. And, you know, you would have a really meaningful discrepancy between the cash on hand as reported and the cash in hand which really exists. There's also the question of whether you would treat the outstanding unpaid bill as campaign debt when it, as a true matter, the campaign hasn't paid it yet, but you're already listing it as an expenditure so in a way you're double counting it. Because when it does get paid, you're not putting out an additional expenditure. It's also a question of what do you do if a campaign is not paying it's balance in full every month and it is carrying debt. In that case right now, you would certainly list that unpaid balance as a campaign debt. I'm just not
quite sure how this all works out if the idea is that instead of reporting the transactions with the credit card company, you're reporting the underlying transactions as well. I do think here, as with the reimbursement issue, vouchers are a less immediate but none-the-less a way for the Board, for the public to get access to the same data. I'm not just entirely sure -- I get the need for transparency here. It is frustrating as someone who looks at opposing campaigns to see an expenditure to American Express and not know what's in there. I am also aware that the FEC has guidelines for credit card expenditures and requires that disclosure there. I do think that the Board needs to think through and give much more specific guidelines as to if it's going to implement something like this, what are the dates of the relevant expenditures. What do you do with the gap between when a transaction takes place and when it is billed. It needs to really think through how it wants
to implement something like this. With that, I'm happy to take any questions from the Board.

MR. REED: Thank you for your excellent comments as always. Are there any witnesses who wish to offer testimony about proposed amendment to Board Regulation 1? In the absence of any other witnesses I am going to declare the public hearing on Board Regulation number 1 closed. Thank you all for attending. And we will study the testimony of the hearing and the record amongst ourselves accordingly.

(The hearing concluded at 2:42 p.m.)
CERTIFICATION

I, WILLIAM USHER, Court Reporter,
certify that the foregoing is a true
and accurate transcript of the
foregoing deposition, that the witness
was first sworn by me at the time,
place and on the date herein before
set forth.

I further certify that I am
neither attorney nor counsel for, not
related to nor employed by any of the
parties to the action in which this
deposition was taken; further, that I
am not a relative or employee of any
attorney or counsel employed in this
case, nor am I financially interested
in this action.

________________________
William Usher
Court Reporter
and Notary Public
Dated:__________
Exhibit-1
Exhibit-2
touched 27:7
transaction 28:22
transactions 20:10
20:12 21:4 28:3,5
transcribe 6:17
transcript 1:6 30:7
transferred 19:2
20:22
transparency 14:8,19
17:8 28:10
treasurer 16:2
treat 27:12
tree 27:14 30:6
try 11:22
trying 26:11
turn 8:21
TV 25:16
twenty 13:21
two 11:17 18:17
21:21
type 26:12
types 11:7
uncommon 19:17
underlying 28:4
understand 12:4 14:6
15:8
unfinished 12:14
unintended 14:18
United 1:23
universe 23:23
unlimited 10:23
unnecessary 14:18
unpaid 27:13,23
use 10:18,21 14:4
17:5 18:23 19:6,15
19:18 20:5 21:1,19
21:23 24:5
Usher 1:7 30:5,22
valuable 15:11
value 9:13,17
variety 8:4
various 9:6 13:16
vendor 26:13
vendors 20:3,19 21:2
26:1
version 22:2
vice 2:5 4:6
violates 15:22
Visa 22:18
voucher 17:15 18:9
21:5
vouchers 17:18 28:6
W
W 2:5 4:5
want 14:2 15:7 26:2
wanted 24:18
wants 18:4 28:24
Washington 8:3
way 11:5 20:7 21:21
23:22 24:1 26:6
27:16 28:7
ways 14:17
we're 12:20 20:21
we've 9:1
website 5:21 6:1
Wednesday 1:11
Wednesday 1:11
welcome 4:4,17
went 16:18
whatnot 22:18 26:4
William 1:7 30:5,22
wind 27:4
wire 26:16
wired 26:3
wish 6:9 7:5 13:4,18
24:14 29:6
witness 7:1 23:1
25:22 30:8
witnesses 6:9,24 13:4
29:6,9
wonderful 19:4
words 9:14
work 26:7
workers 20:8
working 15:5
works 19:21 28:1
write 20:4
written 7:17,19 13:19
14:2 23:11