Campaign Finance Guidelines

Candidates, Political Committees, Political Action Committees, Individual Contributors

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FILING A STATEMENT OF ORGANIZATION DOES NOT QUALIFY A CANDIDATE TO APPEAR ON THE BALLOT. A separate filing form (Candidate Filing Form) must be submitted to include the Candidate's name on the ballot.

A candidate may also be required to file a personal financial statement with the Public Integrity Commission. Contact the Commission directly for filing instructions at (302) 739-2399.

Candidates running for a Federal Office are NOT required to form a Committee in Delaware; however, they **must** comply with Federal Election Commission (FEC) regulations and submit periodic reports. There are specific Campaign Finance reports for Federal Offices that must be filed with the Delaware Secretary of State. For more information on these requirements, call (302) 739-4111. A candidate for a filing in accordance with § 3183(a) of this title for the presidential primary election shall on a form prescribed by the State Election Commissioner, certify 1 individual, who is registered to vote in the State and of the same political party affiliation as the candidate, who is authorized by the candidate to act on the candidate's behalf in all election-related matters. The candidate will be held jointly responsible with the candidate's authorized representative for compliance with all of the election laws for the State.

Mandatory Reporting and Record Keeping

All Political Committees, Political Action Committees, Candidates and some Individual Contributors must file a Statement of Organization and Financial Reports with the Office of the State Election Commissioner. At least one report must be filed each January covering the financial activity from the previous calendar year. Reports are also required thirty days and eight days before any election. Candidates not on the ballot in a particular election are exempt from filing the eight and thirty day reports. Each report begins where the last report ended. Reports not submitted prior to the deadline are subject to fines and penalties as provided by Title 15 of the Delaware Code.

All Reports MUST be submitted using the forms provided by the Campaign Finance Section and MUST be signed by both the Candidate (for Candidate Committees only) and Committee Treasurer.

Detailed records of financial and other transactions must be retained by your Committee for three full years following an election. It is not required that records be submitted along with your Reports, however, you may be subject to an audit by the Office of the State Election Commissioner and/or be asked to provide documentation substantiating the information you submit on reports.

Contact the Campaign Finance Section for listings of Contribution Limits for each type of Political Committee.

The Campaign Finance Disclosure Act requires that all reports submitted by Political Committees in the State of Delaware be regarded as public information. Reports are available to the public within 48 hours of when they are filed with the Campaign Finance Section.

How and Where to File Reports

All Campaign Finance Reports are available on the State Election Commissioner's website (www.elections.delaware.gov). All Campaign Finance Reports must be submitted before the deadline to:

Campaign Finance Section
Office of the State Election Commissioner
111 S. West Street, Suite 10
Dover, DE 19904

COMPLETE REPORTS IN THE CORRECT FORMAT MUST BE SUBMITTED BY THE REPORTING DEADLINE. If you do not submit a complete report in the correct format, it will be returned to you and will be considered late or not filed if it is after the deadline.

Filing Deadlines

Statement of Organization:

Immediately upon forming a Committee or within seven days of when information changes.

Getting Help

If you require assistance completing the Campaign Finance Reports or have questions about any other aspect of Campaign Finance or the Election rules and processes, you may contact the Campaign Finance Section directly:

Campaign Finance Section
Office of the State Election Commissioner
111 S. West Street, Suite 10
Dover, DE 19904
Telephone: 302-739-4277
Fax: 302-739-7351
Email: COE_Campaigns@state.de.us

Answers to many common questions as well as copies of the Delaware Code can be found on our website at www.elections.delaware.gov.

If you have a question concerning Campaign Finance regulations, Title 15 of the Delaware Code or any other governing materials, you may formally submit the question to the Office of the State Election Commissioner for an "official opinion". Formal submissions requesting clarification of regulations and laws must be submitted to the Commissioner of Elections in writing and must include all facts specific to the question. The Commissioner will review the question and forward a written opinion to you concerning the issues presented. Your name and correspondence will be kept confidential. A summary of the ruling together with the question will be forwarded to those persons eligible to receive them and will be made available as public information.

Introduction

The Delaware Campaign Finance and Disclosure Act of 1990, Title 15 of the Delaware Code, Rules and Regulations published for Title 15 and the Commissioner's Advisory Opinions outline reporting requirements for all Candidates, Political Committees, Political Action Committees and Individual Contributors within the State of Delaware. These guidelines are designed to assist you in understanding the general regulations and requirements of the Campaign Finance Section.

Please remember that Candidates, Committees and some Individual Contributors are required to follow other State and Federal laws outside the jurisdiction of the State Election Commissioner. Information concerning Delaware Campaign Finance issues as well as the Delaware Code can be found on our website at: www.elections.delaware.gov.

Who Must File

All Political Committees (Political Parties, Political Action Committees and Candidate Committees) must file a Statement of Organization with the Campaign Finance Section of the Office of the State Election Commissioner when the Committee is formed and whenever any of the Committee information changes. In addition, each Committee is required to file periodic Financial Reports with the Campaign Finance Section. Reports not submitted prior to the deadline are subject to fines and penalties as provided by Title 15 of the Delaware Code.

Any organization or association, whether permanent or created for the purposes of supporting or opposing a specific political campaign is a Political Committee. Committees can be created for either permanent or temporary operation and may begin and end with one election period, or may continue for many years.

- A **Political Party** is defined as an organization eligible to be listed on the general election ballot, including all their constituent parts (statewide, regional, municipal, district committees, finance committees, subdivisions and organizations related to the Political Committee).

- A **Political Action Committee (PAC)** is a coalition of persons, groups, organizations or businesses to achieve common political goals.

- A **Candidate Committee** is a Committee formed for the express purpose of running a Candidate for a specific Office. All Candidates who intend to run for an office with a salary greater than $1,000 **must** form a Committee and register with the Campaign Finance Section. All Candidates who receive or expend more than $2,000 **must** form a Committee and register with the Campaign Finance Section within seven days of exceeding the $2,000 limit. NOTE: If you are a Candidate running for a Federal Office, you are not required to form a Committee in Delaware.

A Candidate Committee can only be located within the State of Delaware. PACs and Political Parties may be located inside or outside of Delaware's geographical boundaries. Filing is required by Out of State Committees if they do not report to another Federal or State (US) Election Authority. Do not duplicate information reported to any Election Authority.

A Statement of Organization must be filed with the Campaign Finance Section as soon as your Committee is established or as soon as there is a change in any of the required information. Any Candidate who runs for an office which pays an annual salary of more than $1,000 must form a Committee and file a Statement of Organization immediately. Any Candidate who receives or expends more than $2,000 in their campaign must form a Committee and file a Statement of Organization within seven days of exceeding the $2,000 limit.

Candidates running for offices with a salary less than $1,000 and who do not receive or expend more than $2,000 in their campaign are exempt from filing Campaign Finance Reports. These Candidates are, however, required to complete a Certification of Intention and submit it to the Campaign Finance Section.

Candidates are permitted to have only one open, active Committee at a time. However, these Committees may have subcommittees. Additional Statements of Organization must be filed for each subcommittee. All reporting requirements and regulations apply equally to subcommittees.