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October 23, 2018

The Office of Campaign Finance  
Att: Director  
1015 Half Street, SE  
Suite 775  
Washington, D.C. 20003

**RE: Request for investigation for violation of campaign finance contribution limits by Mayor Muriel Bowser to At-Large Council candidates Dionne Reeder and Anita Bonds**

#### Complainant

Public Citizen is a nonprofit educational and political advocacy organization dedicated to promote the public interest in federal, state and local government, including reasonable limits and transparency of money in politics. Public Citizen has approximately 500,000 members and activists nationwide. Public Citizen does not participate in partisan political activities nor endorse candidates for elective office.

This complaint is filed on behalf of Public Citizen by Craig Holman, Ph.D., Government affairs lobbyist for Public Citizen's Congress Watch division, 215 Pennsylvania Avenue, SE, Washington, D.C. 20003.

#### Respondent

Re-Elect Muriel Bowser Our Mayor  
P.O. Box 90668  
Washington, D.C. 20090

#### Complaint

In October 2018, the principal campaign committee of Mayor Muriel Bowser – Re-Elect Muriel Bowser Our Mayor – has paid for direct mail and rental facilities for a district-wide get-out-the-vote (GOTV) campaign for the upcoming general election to be held on November 6, 2018. The GOTV campaign involved district-wide mailing advertisements as well as at least one rental facility for a rally at Ivy City Smokehouse, 1356 Okie Street, NE, held on October 14, 2018.

The GOTV campaign was hosted specifically by At-Large Council candidates Dionne Reeder and Anita Bonds, both of whom were prominently featured in the campaign advertisements and materially participated in the GOTV rally.

The mailer for the event disclosed that the advertising and event were “Paid for by Re-Elect Muriel Bowser Our Mayor.” There was no notice of payments by candidates Reeder and Bonds for the advertisements and event.

Candidates for elective office in the District of Columbia certainly may finance voter registration and get-out-the-vote drives, but these are campaign expenditures subject to the District’s campaign finance laws. There is no limit on such expenditures.

However, candidates in the District are subject to contribution limits and disclosure requirements. The contribution limits for At-Large Council candidates is \$1,000 per person per election cycle. Mayor Bowser reported aggregate direct campaign contributions to At-Large candidate Reeder of \$450 in 2018 and no direct contributions to At-Large candidate Bonds. Mayor Bowser has helped fundraise considerably more donations for both candidates from other sources, especially for Reeder.

Mayor Bowser has solicited contributions for Reeder from her network of campaign donors, including government contractors, amounting to more than \$100,000 so far. Bowser pitched Reeder at the GOTV rally at the Ivy City Smokehouse as a candidate with a valuable business perspective to represent the District without representing the other candidate as is necessary for balanced GOTV drives. The Ivy City Smokehouse rally followed multiple efforts by Bowser to promote Reeder’s candidacy, who otherwise is not well known across the District.<sup>1</sup>

Mayor Bowser may finance such voter registration and GOTV advertisements and events exclusively from her own campaign funds as long as the campaign activity is conducted *independently* of any other candidate for elective office. In order to qualify as an “independent expenditure,” the expenditure may not be coordinated with any other public official or candidate, or any person acting on behalf of any other public official or candidate.<sup>2</sup>

Under Section 1161.01(10B) of the Code of the District of Columbia, “coordination” means to take an action, including making an expenditure:

*“(A) At the request or suggestion of a candidate or public official, a political committee affiliated with a candidate or public official, or an agent of a candidate or public official or of a political committee affiliated with the candidate or public official; or*

*(B) With the material involvement of a candidate or public official, a political committee affiliated with a candidate or public official, or an agent of a candidate or public official or of a political committee affiliated with a candidate or public official.”*

Under Section 1161.01(33A) of the Code of the District of Columbia, “material involvement” means “*any communication to or from a candidate or public official, political committee*

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<sup>1</sup> Fenit Nirappil, “DC mayor rallies for Reeder in an effort to oust Silverman,” Washington Post (Oct. 14, 2018), available at: [https://www.washingtonpost.com/local/dc-politics/bowser-rallies-for-dionne-reeder-latest-in-her-push-to-oust-elissa-silverman/2018/10/14/836342d2-ce4b-11e8-a3e6-44daa3d35ede\\_story.html?utm\\_term=.beda57dbd8df](https://www.washingtonpost.com/local/dc-politics/bowser-rallies-for-dionne-reeder-latest-in-her-push-to-oust-elissa-silverman/2018/10/14/836342d2-ce4b-11e8-a3e6-44daa3d35ede_story.html?utm_term=.beda57dbd8df)

<sup>2</sup> DC Office of Campaign Finance, *Campaign Finance Guide* (Jan. 31, 2015), available at: <https://ocf.dc.gov/node/765922>

*affiliated with a candidate or public official, or any agent of a candidate or public official or political committee affiliated with a candidate or public official, related to the contribution or expenditure. Material involvement includes devising or helping to devise the strategy, content, means of dissemination, or timing of the expenditure, or making any express or implied solicitation of the expenditure.”*

The communications, planning, and participation of At-Large Council candidates Reeder and Bonds in Mayor Bowser’s voter registration and GOTV campaign, as evidenced by the candidates’ prominent display in the advertisements prior to the rally and prominent role at the rally itself, make for material involvement and coordination in the GOTV campaign. As a result, the coordinated expenditures by Mayor Bowser for the GOTV campaign constitute in-kind contributions by Bowser to the campaigns of Reeder and Bonds, subject to the aggregate \$1,000 contribution limit and disclosure requirements.

Though total expenditures by Mayor Bowser on the GOTV campaign have yet to be reported, it is very likely that the expenses far exceed a \$1,000 in-kind donation to each of the candidates, and thus would be in violation of the contribution limit specified in Section 1-1163.33 of the Code of the District of Columbia.

On behalf of Public Citizen, I hereby request an investigation into whether Mayor Muriel Bowser, or any other parties noted above if their coordinated participation was knowing and willful, have violated the District’s contribution limits and disclosure requirements.

Thank you for your prompt attention to this matter. Please contact me if you have further questions or comments.

GOTV mailer is available at:

 [Bowser GOTV page 1.jpeg](#)

 [Bowser GOTV page 2.jpeg](#)

 [Bowser GOTV page 3.jpeg](#)

 [Bowser GOTV page 4.jpeg](#)

Respectfully Submitted,



Craig Holman, Ph.D.  
Government affairs lobbyist  
Public Citizen’s Congress Watch division