

Montgomery County Public Election Fund

Resources



<u>Public Election Fund Summary Guide</u> <u>Montgomery County, Maryland (Published: June 2021)</u>

https://www.montgomerycountymd.gov/BONDS/Resources/Files/PEF_Summary_Guide_2021_6.pdf

Montgomery County Program Website:

www.montgomerycountymd.gov/bonds/campaign_financing.html

Public Election Fund Liaison Website:

https://tinyurl.com/MOCOPEFL





Additional Resources



PEF Regulation: PEF Regulation 2 21.pdf (montgomerycountymd.gov)

County Code: 00206B40A4E8210316103341 (montgomerycountymd.gov)

Council Bill 31-20: 20201006 31-20.pdf (montgomerycountymd.gov)

County Finance Website: 2022 Election Cycle Public Campaign Financing Program (montgomerycountymd.gov)

Public Election Fund



Under Maryland Election Law, Section 13-505, counties may establish their own system of public campaign financing in 2013. In September 2014, the County Council unanimously enacted Bill 16-14, which established a Public Election Fund to provide public campaign financing for County Executive and County Council candidates. When the Council enacted Bill 16-14 it was the first measure of its type in the Washington metropolitan region and in Maryland. The Council amended its campaign finance law in 2018 with Bill 40-18, and again in 2020 with Bill 31-20.

The goals of this law are to:

- •Encourage greater voter participation in County elections
- •Increase opportunities for more residents to run for office
- •Reduce the influence of large contributions from businesses, political action groups and other large organizations

Public Election Fund Roles and Responsibilities



The **Maryland State Board of Elections** is responsible for **certifying candidates**, operating Maryland Campaign Reporting Information System (MDCRIS) and assisting in administering the public campaign financing system.

The County's Director of Finance is responsible for administering the Public Election Fund and distributing the public contributions to State certified candidates (in contested election).

The Council is responsible for appropriating funds for the Public Election Fund as well as passing legislation to govern the program.

The Public Election Fund Committee is responsible for recommending funding and outreach.

The **Public Election Fund Liaison** is responsible for assisting the public by **answering questions** regarding the Public Election Fund through **outreach and education**.

Public Election Fund Liaison





OCP RESPONSIBILITIES:

- Handle disputes between merchants and consumers
- Provide consumer specialists by phone or in-person
- Enforce the County's consumer protection laws
- License and Regulate certain businesses
- Education and Outreach to the Community
- Public Election Fund Liaison

Anonymous Tip Line: 240-777-3681

Ensuring Integrity Website: www.montgomerycountymd.gov/consumer

in our Marketplace Email: consumer@montgomerycountymd.gov

MC 311

Public Election Fund Liaison Process



Visit Website: https://tinyurl.com/MOCOPEFL

Submit questions: https://tinyurl.com/PEFLwebform

Research: County Fin; SBE; regulations

Response: Within 2 Business Days (most times within 1)

Repeat: Available throughout the process and beyond

Status of the Public Election Fund As of: 30 SEP 21



Overall Fund: \$5,020,000
Certified Candidates: 4
Applicants: 18

Matching Paid: \$234,342

Remaining Balance: \$4,785,658

Eligible Elective Offices for Public Election Fund Program

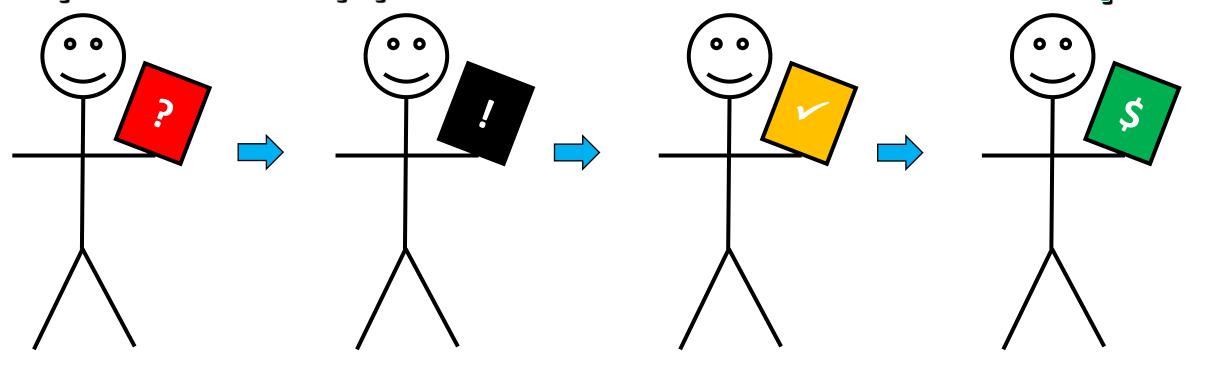


- (1) County Executive
- (2) At-Large County Councilmember
- (3) District Councilmember

Candidates in the Public Election **Fund Pipeline**



Explorer Applicant Certified Participant



Not in the program/ the public

Entered the program & has a public campaign finance account (with donations)

Met contribution minimums & approved by State to access the fund

In a contested election & receiving funds

First Step to Participate



- 1. Register the Public Finance Committee through Maryland Campaign Reporting System (MDCRIS)
- 2. File a Notice of Intent to Participate



3. Contact the Public Election Fund Liaison (not required but helpful)

Starting Documents

MDCRIS will generate the following documents for your participation in the program. You will be able to view, save and/or print.

Note: These documents will be needed to open the Publicly Funded Campaign Account with the banking institution of choice.

Notice of Intent



Appointment of Chairperson & Treasurer



Maryland State Board of Elections

ALTOEVIA	APPOINTMENT OF CHAIRPERSON						
Full Name : Molina, Fictoria	Date of Bi	rth: 06/25/1976	Registered Voter of County :	Anne Arundel			
Residence Address: 131 West Street, Annapolis, Maryland 21401							
Mailing Address: 151 West Street, Annapolis, Maryland 21401							
Public Phone: (410) 268-2880		Fax:					
Email: vickinol1976@gmail.com							
support/oppose State and local candidates or ballot issues. I under resignation with the State Board of Elections. Chairperson Signature: Molina, Victoria			Date: 04/14/2017	er rorm, and the the			
APPOINT	MENT (OF TREASURE	R				
Full Name: Molina, Francisco	Date of Biz	th: 07/02/1933	Registered Voter of County :	Worcester			
Residence Address: 151 West Street, Annapolis, Maryland 21401							
Mailing Address: 151 West Street, Annapolis, Maryland 21401							
Public Phone : (410) 269-2880		Fax:					
Email: fnolina@mdcris.org							

Statement of Organization

MONTGOMERY COUNTY
PUBLIC ELECTION FUND

		Maryland State Board of Elections			
		Public Finan	ce Committee		
		Statement of	Organization		
Public Finance Committee Name:	Vicki N	folina for Anne Arundel		Established Date: 04/14/2017	
		CAND	IDATE		
Full Name: Molina, Victoria			Name on Ballot :		
Date of Birth: 6/25/1976			County of Residence : Anno Arundol		
Residence Address: 151 Wast Street,	Annapolis, A	daryland 21401			
Mailing Address: 151 West Street, An	napolis, Mar	yland 21401			
Public Phone: (410) 268-2880 Fax:					
Email: vickimol1976@gmail.com					
I hereby authorize the above a	amed comm	ittee to raise and spend campa	ign funds for my caudidac		
Candidate Signature: Molina, V	ictoria			Date: 04/14/2017	
		ELECTION PA	RTICIPATION		
Election		Office	Sought *	Jurisdiction *	
Guhematorial		County Council - At-Large		Montromery	

Important Legal Notices



Maryland State Board of Elections

Important Legal Notices:

Conducting campaign finance activity prior to the filing of the Statement of Organization is prohibited. Once you have completed this form in its entirety, including all required signatures and filed it with the State Board of Elections, the entity named herein can open a bank account and begin raising and spending money.

To serve as a Chairperson or Treasurer an individual must be:

• A registered voter of the State of Maryland and

 \bullet In good standing with the Candidacy and Campaign Finance Division.

It is permissible for an officer to serve on more than one committee. A Candidate may not serve as a Treasurer for a committee.

The Treasurer is responsible for all receipts and expenditures of the Political Committee. All assets received by or on behalf of the campaign finance entity must pass through the hands of the Treasurer.

Additionally, only the Treasurer can disburse campaign funds. Maryland law requires that the Treasurer keep a detailed and accurate account book on behalf of the campaign finance entity.

A Treasurer may not serve "in name only" and may not delegate any statutory responsibility to another person, including the Candidate.

The responsible officers are jointly and severally responsible for filing all campaign finance reports. Late fees assessed against the committee may not be paid with campaign funds.

All Committees are continuing accounts and must file their reports electronically with State Board of Elections.

Even if no transactions have occurred during the reporting period, the committee is required to file a campaign finance report. The State Board will send the responsible officers of the committee a pre-report notice indicating the next required report. The report must be filed innely to avoid the assessment of late fees. Until the last campaign finance report is marked final, the campaign finance entiry is presumed active.

Approved Accounts Login Setup



- Once approved by the State Board of Elections, an email will be sent to the listed committee members: Applicant candidate, Chairperson, and Treasurer.
- Receipt of this email will be within twenty-four (24) hours. Please verify that this email was not received in the spam folder. If you do not receive this email within twenty-four (24) hours, please contact the State Board of Elections.
- Once the email is received, the three registered committee members, the candidate, chair and treasurer, will each receive individual temporary passwords to log into MDCRIS.
- The committee member will need to log into MDCRIS with the temporary password, and create a unique personal password. Each member of the committee will have an individual log in and a unique personal password.

Publicly Funded Campaign Account



The committee must open a bank account for the exclusive use of the public funded campaign. The bank account will receive all deposits and make disbursements.

Any other bank accounts associated with the campaign or candidate will not be recognized and must be closed or inactive during the period the candidate seeks public funds.



Once the Publicly Funded Candidate Committee is established through MDCRIS and the bank account is established, the applicant candidate can begin collecting qualifying contributions towards becoming a certified candidate.

NOTE: No contributions received prior to the Notice of Intent will be considered to be a qualifying contribution.



CONTRIBUTIONS

Qualifying Contributions



A qualifying contribution must satisfy the following criteria:

- An aggregate donation of at least \$5 but no more than \$250;
- Contributed in support of an applicant candidate during the four-year election cycle;
- The maximum amount of a contribution from a single resident to an applicant candidate is \$250 during each election cycle. The only exceptions are a candidate and a candidate's spouse loan not to exceed \$12,000 combined;
- The contributor must be a County resident;
- Contributions must be made during the qualifying period; 14 MAY 22
- Contributions must be acknowledged by a receipt that identifies the contributor's name, residential address, and be signed by the contributor directly or by a digital signature.
- Are not in-kind contributions of property, goods, or services.

Eligible Contributions



An eligible contribution must satisfy the following criteria and will not be matched by public funding:

- An aggregate donation of \$250 or less from an individual in support of a candidate during the election cycle
- Each eligible contribution must have a proof of receipt that will be submitted to the State Board
- The contributor does not have to be a County resident.

Impermissible Contributions



An applicant candidate <u>must not</u> accept the following contributions:

- A private contribution from any group or organization, including a political action committee, a corporation, labor organization or a State or local central committee of a political party.
- A private contribution from a sole proprietor, LLC or LLP.
- A private contribution or contributions from <u>an individual</u> in an <u>aggregate</u> greater than \$250 during a <u>four (4) year election cycle</u>.
- A loan from anyone other than the applicant candidate or the candidate's spouse.
- Cash contributions greater than \$100 from an individual
- Anonymous contributions.

Candidate/ Candidate Spouse Loans



An applicant candidate or applicant candidates' spouse must not lend a combined total of more than \$12,000.00 to the candidate's publicly funded campaign account during the four-year election cycle. The loan or contribution amount is **not eligible for matching public election funds**.

All other loans are impermissible.

The candidate or candidate's spouse may give/loan up to an aggregate of \$12,000 for the election cycle.

Note: Candidate/ Candidate's Spouse loans must be reported in MDCRIS under contributions. See MDCRIS Reporting for further instructions.

Contribution Types



Permitted Contributions & Public Match Eligibility					
Candidate Loan Cash					
Check	Credit Card				
Electronic Funds Transfer In-Kind					
Other Income Payroll Deduction					
Raffle or Wheel (Cash) Raffle or Wheel (Check)					
Refund/ Rebate Ticket Purchase (Cash)					
Ticket Purchase (Check)	Ticket Purchase (Credit Card)				

Not Permitted Contributions			
Coordinated In-Kind	Transfers		

KEY				
Matched	Not Matched	Not Permitted		

Receipt of Contributions



Receipt

AO	documented acknowledgement of a contribution that must:
۱	dentify the full name of the candidate for the County elective office
	The contributor's name
	The contributor's residential property address (<u>not P.O. Box</u>) in Montgomery
(County (Qualified Contribution)
	The amount of contribution
	The date of contribution
S	The contributor's name signature (directly or by State Board approved digital signature) signature card name must match the name of contributor to qualify for matching

Digital Signatures



A contribution receipt from the contributor with a digital signature means a document provided to the State Board where the donor made an affirmative action acknowledging the contribution to a publicly financed candidate. This is more than checking a box but an action, a check mark, as evidence of the signature, will not be accepted by the contributor for matching funds. For example, evidence that the donor affirmatively typed in his or her initials or name at the time of making the contributions understanding the law and its requirements for making a contribution. The supporting documentation of a digital signature must include a record with a time stamp of when the action occurred. See Election Law Article §1-101(y) for a definition of an electronic signature.



Ready to qualify?

Certification of a candidate in the Program

Certification of Candidate



- Receipts for all qualifying contributions;
- A declaration from the candidate agreeing to follow the regulations governing the use of public contributions (Notice of Intent- filed at the establishment of the committee (MDCRIS));
 Notice of Intent NLT: 15 APR 22
- A campaign finance report that includes:
 - a list of each qualifying contribution received;
 - o all eligible contributions and loans received,
 - a list of each expenditure made and outstanding obligations by the candidate during the qualifying period
 - o all receipts associated with each contribution and expenditure; and
- Certificate of candidacy for a covered office (Filed at the County Board of Elections).

Certificate of Candidacy NLT: 22 Feb 22

Qualifying Period



This is the period during which candidates may submit receipts to the Board of Elections to become a certified candidate. The period begins on January 1 following the last election and ends 45 days before the primary election.

Qualifying Period Gubernatorial Ends: 14 MAY 22

Minimum Requirements to Qualify: Public Financing Per Elective Office



Elective Office	Number of Qualifying Contributions (\$5.00 minimum - \$250.00 maximum)*	Aggregate Total
County Executive	500	\$40,000.00
At-Large Councilmember	250	\$20,000.00
District Councilmember	125	\$10,000.00

^{* 1} Contribution = a single donor's aggregate donation(s) during an election cycle.

Certification Window: 10 Days



- After receiving the required information from the applicant candidate, the Board must certify the candidate no later than 10 business days after receiving the information.
- Recertification is <u>not required</u> for the general election.
- There is a 10-day curing period for correcting submissions as well



Filing and Reporting Schedule

Montgomery County Campaign Finance Report Schedule 2021-2022



Day	<u>Date</u>	<u>Notes</u>
Monday	6/28/2021	Disbursement Period Begins
Tuesday	7/6/2021	
Tuesday	7/20/2021	
Tuesday	8/3/2021	
Tuesday	8/17/2021	
Tuesday	9/7/2021	
Tuesday	9/21/2021	
Tuesday	10/5/2021	
Tuesday	10/19/2021	
Tuesday	11/2/2021	
Tuesday	11/16/2021	
Tuesday	12/7/2021	
Tuesday	12/21/2021	
Wednesday	1/19/2022	2022 Annual Report
Tuesday	2/1/2022	
Tuesday	2/15/2022	
Tuesday	3/1/2022	
Tuesday	3/15/2022	
Tuesday	4/5/2022	
Tuesday	4/19/2022	Spring Report
Tuesday	5/3/2022	
Tuesday	5/24/2022	Pre-Primary Report 1
Tuesday	6/7/2022	
Friday	6/17/2022	Pre-Primary Report 2
Tuesday	7/5/2022	Last Report for the Primary Election
Tuesday	7/19/2022	
Tuesday	8/2/2022	
Tuesday	8/30/2022	Pre-General Report 1
Tuesday	9/6/2022	
Tuesday	9/20/2022	
Tuesday	10/4/2022	
Friday	10/28/2022	Pre-General Report 2
Tuesday	11/1/2022	
Monday	11/22/2022	Post-General Report

This material is provided for informational purposes only, campaigns should check with State Board of Elections to confirm reporting deadlines.

Public Election Fund Reports



- A certified campaign committee may seek a public contribution by filing a
 Matching Fund Report on the <u>first and third Tuesday</u> of each month.
- These are optional reports
- The end transaction date is the day before the report can be filed
- The report requires the committee to specify the requested amount of matching funds
- No late fees will occur by not filing an optional report. The data will move over to the next reporting period automatically.

Reporting Requirements



All Reports must be filed using the Maryland Campaign Reporting Information System. This program can be accessed using any internet browser, logging in at www.campaignfinance.maryland.gov.

Reports for your committee can be filed up till 11:59

PM on your filing date deadline.

Once your report has been submitted through MDCRIS, an email will be sent verifying your submission.

Distributions



Key Information Needed

- ☐ Bank Account Number
- ☐ Bank Routing Number
- ☐ Campaign Employer Identification Number

Make sure SBE and the Dept. of Finance has your correct information- otherwise delays may occur

Distribution Period



Period begins 365 days before the primary election and ends thirty (30) days after the general election. Definition and Period are defined in Bill 31-20

The Distribution Period for the November 2022 Election is from June 28, 2021, through December 08, 2022.

Again- Distribution requests may only be submitted on the **first and third Tuesday** of every month.

Distributions of Public Contributions



Once the contributions are certified by the State Board, the Director of Finance for Montgomery County is notified to deposit the authorized matching publicly funded campaign contribution into the certified candidate's publicly funded campaign account.

This deposit must be made within three (3) business days after the Board notifies the Director.

Distribution Table



COVERED OFFICE	Matching ratio for Public Dollars	Qualified Contribution Threshold	Maximum Public Contribution	
	6 to 1	First \$50		
County Executive	4 to 1	\$51 - \$100	\$750,000 Per Election	
	2 to 1	\$101 - \$150*		
	4 to 1	First \$50		
At-Large Councilmember	3 to 1	\$51 - \$100	\$250,000 Per Election	
	2 to 1	\$101 - \$150*		
	4 to 1	First \$50		
District Councilmember	3 to 1	\$51 - \$100	\$125,000 Per Election	
	2 to 1	\$101 - \$150*		

^{*}Fund matching stops after the first \$150

Fund Matching Formula



Matching formula example for Council office positions							
Contributor Total \$ \$1-\$50 \$51-\$100 \$101-\$150 \$151-\$250 Total							
	Donated	(x4)	(x3)	(x2)	(x0)	Matching \$	
Α	\$150	\$200	\$150	\$100	\$0	\$450	
В	\$250	\$200	\$150	\$100	\$0	\$450	

So, when you break down the contributions from both contributors A (\$150 donation) and B (\$250 donation), the candidate receives a combined match of \$900.

Because the match stops after the first \$150 of a donation the matching funds of a \$150 donation is the same (\$450) as the matching funds of a \$250 max donation.

Only donations between \$5 and \$250 are qualified for matching. The maximum amount of matching public funds for this position is \$125,000 per election.

Maximum Public Contribution



The maximum public contribution to a certified candidate is calculated separately for the primary election and for the general election.

A candidate who wins the nomination after receiving County matching funds up to the maximum during the primary, may continue to receive matching funds from the County up to the maximum amount during a contested general election for additional qualifying contributions received.

Contested Elections



A contest that can be lost by a candidate.

A contested election **does not include write-in candidates** for determining eligibility for matching funds.

In order to receive a public fund matching distribution, a candidate **must** be in a contested election.

Expenditures



The allowable uses of money in a publicly funded campaign account are limited to expenses directly related to election campaign activities and expenses incurred during the specific time period for either the primary or general election.

Other Prohibited Uses of Money



Prohibited uses of money in a publicly funded campaign account include:

- Personal use or expenses relating to holding office
- Payment of a personal endorsement
- Payment of late filing fees.

Transfers



A Publicly Financed Candidate **MAY NOT**:

- Make transfers to candidates for any elective office
- Make transfers to any other campaign finance entity, including central committees
- Receive transfers from any other campaign finance entity, including central committees

Membership in a Slate



An applicant candidate may not be a member of a slate in any election.

Withdrawal



In the event that a candidate chooses to opt out of the Public Election Fund Program, the candidate must file a statement of withdrawal with the State Board. Additionally, the following criteria will apply with regard to any public contribution:

- A candidate may opt out of the Public Election Fund Program at any time before the public election fund contribution is received by the candidate's publicly funded campaign account.
- If a candidate receives any distributions from the Public Election Fund and later withdraws from the Program, for whatever reason, the candidate must return all Public Election Fund contribution amounts, including interest on the returned amount that was received during the election cycle. Interest is to be computed using the prime lending rate (published by the Federal Reserve Board as of January 1 in the year in which the distribution is repaid) to the Public Election Fund (time period of return).

State of Maryland



Under penalty of perjury, the undersigned candidate for elective office in Montgomery County and the responsible officers for the publicly funded campaign account, intend to withdraw from Public Election Fund program. We understand that the withdrawal means that the publicly funded campaign account must return with interest all Public Election Fund contributions within 10 business days. Any violation of the Montgomery County Public Campaign Financing Article is a Class A civil violation. Additionally, the candidate and responsible officers may be subject to penalties in §§13-603 and 13-604 of Election Law Article of the Annotated Code of Maryland.

Date:			
Information on Candidate:			
Name			-
Signature of Candidate			-
Residential Address			
Publicly Funded Campaign Account Int	formation:		
Name and number of the Publicly Fu	nded Campaign A	ccount	
Bank Account Number	Name of Bank		
Treasurer		Chairman	
Signature of Treasurer		Signature of Chairman	
Residential Address of Treasurer		Residential Address of Chairman	

Contact Person: Jared DeMarinis, Director, Candidacy and Campaign Finance

Maryland State Board of Elections

Division of Candidacy and Campaign Finance P.O. Box 6486 - 151 West Street, Suite 200 - Annapolis, MD 21401-0486 410-269-2880 - 800-222-8683 - MD Relay 800-735-2258 www.elections. state md.us

Surplus



All unspent funds remaining in the certified candidate's publicly funded campaign account <u>must be returned to</u> the <u>Public Election Fund at the end of the candidate's contested campaign.</u> Candidates, who win a contested primary election and continue to a contested general election, may retain the unspent funds and continue to receive eligible contributions up to the general election for the covered office for which they are a certified candidate.

Within <u>ninety days</u> of the County Board certifying the results of the general election, a participating candidate must repay to the Fund any unspent money in the candidate's publicly funded campaign account. If a candidate does not repay the unspent money to the Fund as specified, the delinquency accrues interest charges from the date the County Board certified the results of the general election.

Additional Resources



Montgomery County Council

Legislative Branch - http://www.montgomerycountymd.gov/COUNCIL/public campaign finance.html

Maryland State Board of Elections - http://elections.maryland.gov/campaign_finance/index.html

Montgomery County Maryland Government

Department of Finance - https://www.montgomerycountymd.gov/bonds/campaign_financing.html

Council Bill 16-14: Public Campaign Financing Program Established

https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/bill/2014/20140930 16-14A.pdf

Montgomery County Executive Regulation 12-15: Public Election Fund

https://www.montgomerycountymd.gov/BONDS/Resources/Files/MCER 12 15 Public Election Fund.pdf

Public Election Fund Program: Frequently Asked Questions https://www.montgomerycountymd.gov/BONDS/Resources/Files/Public Election Fund FAQ V4.pdf

County Code: Public Election Fund - https://www.montgomerycountymd.gov/BONDS/Resources/Files/County Code Public Election Fund.pdf

Maryland Campaign Reporting Information System Help Desk

www.elections.state.md.us

Email: info.sbe@maryland.gov (make sure to note it is a Public Financing Question in the email)

Phone: 410-269-2880



Questions?

<u>Visit</u>

https://tinyurl.com/MOCOPEFL

SUBMIT QUESTIONS

https://tinyurl.com/PEFLwebform