


MEMORANDUM

November 1, 2016

TO: Government Operations and Fiscal Policy Committee

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: **Update:** Public Financing for 2018 Election Cycle

Expected attendees: Robert Hagedoorn, David Crow, Department of Finance

The Department of Finance is expected to update the Committee on the Department's progress in implementing the new public campaign finance system for the 2018 election.

Background

Bill 16-14, Elections – Public Campaign Financing, was enacted on September 30, 2014 and signed into law on October 6, 2014. Bill 16-14 established the first and only public campaign finance system for County elections in Maryland.¹ The law designates the Maryland State Board of Elections to certify candidates and generally administer the public campaign financing system. The Director of Finance is responsible for establishing a Public Election Fund and distributing the public contributions to certified candidates. The Council has appropriated approximately \$6 million to date for the Public Election Fund.

A candidate needs to obtain a specific number of small contributions from a County resident of between \$5 and \$150 in order to qualify for public funding. Each of these qualifying contributions must be received within 365 days before the primary election and at least 45 days before the primary. A candidate for Executive must collect at least 500 qualifying contributions and an aggregate total of at least \$40,000 to qualify. A candidate for At-Large Councilmember must collect at least 250 qualifying contributions and an aggregate total of at least \$20,000. A candidate for District Councilmember must collect at least 125 qualifying contributions and an aggregate total of at least \$10,000.

A candidate for Executive certified to receive public funding will be eligible for a matching contribution of \$6 for each dollar of a qualifying contribution for the first \$50 of the contribution; \$4 for each dollar of the second \$50; and \$2 for each dollar of the third \$50. The match for a candidate for Councilmember is \$4 for each dollar of the first \$50, \$3 for each dollar of the second \$50, and \$2 for each dollar of the third \$50. For example, a candidate for Executive who collects 3 qualifying contributions of \$50 will receive \$900 in matching funds and a candidate who collects 1 qualifying contribution of \$150 would receive \$600 in matching funds. The maximum public contribution for a candidate for Executive is \$750,000 for the primary and \$750,000 for the general election. The maximum public contribution for each election for At-Large Councilmember is \$250,000 and the maximum public contribution for each election for District Councilmember is \$125,000.

¹ A Charter amendment that would authorize the Howard County Council to enact a public campaign financing law is currently on the ballot.

A candidate who voluntarily accepts a public contribution must pay for all campaign expenses with the qualifying contributions, the matching public contributions, and a personal loan from the candidate and the candidate's spouse of no more than \$6000 from each.

The Executive adopted regulations implementing this law that were approved by the Council on October 6, 2015. A copy of these regulations are at ©1-6. A brief description of the progress made by the Department of Finance is at ©7 and a draft of Frequently Asked Questions to be published on the County's website is at ©8-14.

This packet contains:

COMCOR 16.21.01 Public Election Fund
Finance update
Draft FAQs

Circle #

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COMCOR 16.21.01 Public Election Fund

16.21.01.01 General Provisions

A. Authority. In accordance with the authority conferred under Chapter 16, Article IV, Public Campaign Financing of the Montgomery County Code, the County Executive hereby promulgates this regulation to administer and implement the Public Election Fund ("Fund") in Montgomery County, Maryland.

B. Applicability. The Fund provides public campaign financing to a candidate for a County elective office. The legislation establishing the Fund regulates certain campaign finance activity of a candidate for County elective office who voluntarily accepts public campaign financing; authorizes the Maryland State Board of Elections ("Board") to administer and enforce the public campaign financing system; and provides for penalties for violations of the public campaign financing system.

16.21.01.02 Definitions

For purposes of this regulation, the following words and phrases have the following meanings unless the context clearly indicated otherwise:

A. Distribution period is the period during which the County distributes a public contribution from the Fund to a certified candidate, and begins 365 days before the primary election and ends 15 days after the date of the general election.

B. Interest on distributions returned to the Fund must be computed using the prime lending rate as of January 1 in the year in which the distribution is repaid to the Fund. The prime lending rate is published by the Federal Reserve Board and is the rate posted by a majority of top 25 insured U.S. chartered commercial banks.

C. Notification period is the period during which the Board may notify the Director that a distribution must be made from the Fund to an eligible candidate, and begins 365 days before the primary election and ends 5 days after the general election.

D. Public Election Fund is administered by the Director of Finance ("Director").

E. Qualifying period is the period during which candidates may submit Receipts to become a certified candidate, and begins on January 1 following the last election and ends 45 days before the date of the primary election. Receipts must be submitted to the Board with any regularly scheduled campaign finance report or may be submitted to the Board on the first and third Tuesday of each month during the Qualifying period.

F. Receipts ("Receipts") are a documented acknowledgment of a contribution that must identify the full name of the candidate for a County elective office, the contributor's

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name and residential property address in Montgomery County, Maryland, amount of the contribution, date of receipt, and be signed by the contributor directly or by a digital signature using a method approved by the Board.

G. Receipts submission period is the period during which certified candidates may submit receipts for qualifying contributions to receive public contributions from the Fund, and begins 365 days before the primary election and ends the date of either the primary election or the general election. Receipts must be submitted to the Board with any regularly scheduled campaign finance report or may be submitted to the Board on the first and third Tuesday of each month during the Receipts submission period.

16.21.01.03 How and When Receipts Must be Submitted

A. Receipts for qualifying contributions from contributors must be submitted to the Board.

B. Receipts must be submitted with a summary sheet made available by the Board that lists each receipt by contributor name, property address of the contributor, date of receipt, and amount of the contribution. The summary sheet must show the name of the candidate, elective office, date of submission to the Board, and both total number and total amount of Receipts.

C. Receipts and accompanying summary sheet may be submitted either in person or by certified mail.

D. To qualify as a certified candidate, the submission of Receipts must show a sufficient number and aggregate amount of qualifying contributions based on the formula for the respective County elective office: County Executive and either At-Large or District County Councilmember.

E. To qualify as a certified candidate, Receipts must be submitted during the qualifying period.

F. For certified candidates, Receipts may only be submitted during the receipts submission period which begins 365 days before the primary election and ends the date of either the primary or the general election.

16.21.01.04 Documents for Certification

A. All documents to determine certification of a participating candidate for a County elective office must be filed with the Board.

B. Receipts must be the original signed documented acknowledgement of a contribution.

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16.21.01.05 Allowable Uses of Money

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

B. Expenses incurred prior to the time that the candidate was certified by the Board as a participating candidate, are not permissible and therefore not allowable uses of public funds.

C. Prohibited expenses of public campaign funds include, but are not limited to, personal use or expenses related to holding office; paying for a personal endorsement; and paying late filing fees.

D. Prohibited expenses include contributions to current or future candidates for any elective office different than the one the participating candidate is currently seeking, and contributions to any entity or organization, such as a political party.

E. Under all circumstances pertaining to questions and disputes of permissible campaign expenditures, the Board determines which expenses are permissible and which expenses are not permissible, and that determination is final.

F. Upon the Board's determination that an expense is not permissible for campaign financing, the prohibited expense may not be paid by the participating candidate from the public campaign fund and, if already made, the public campaign fund must be repaid within 10 business days from the date of notification by the Board.

G. The participating candidate must submit documentation to the Board within 15 business days from the date of notification that the prohibited expense was repaid to the public campaign fund within the time required.

H. As a final remedy, if the prohibited expense is not repaid to the public campaign fund within the required time, the Board shall notify the Director that, until further notice from the Board, no distributions from the Fund will be made to the participating candidate.

I. If the Board's decision regarding the prohibited expense is not accepted by the participating candidate and the public campaign fund is not repaid in full for the prohibited expense, the participating candidate must be de-certified by the Board as a participating candidate and all distributions made during either the primary or general election from the Fund must be repaid by the participating candidate within 30 days of notification by the Board.

J. If, after de-certification of the participating candidate, the repayment of all distributions to the Fund is not made within 30 days of notification by the Board, the

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delinquency accrues interest charges as of the date of notification by the Board.

16.21.01.06 Other Policies

A. Distributions from the Fund will be made only during the distribution period which begins 365 days before the primary election and ends 15 days after the date of the general election.

B. The Board must notify the Director within 5 business days from the date that the Board determines that a participating candidate is no longer in a contested election due to the other candidate or all other candidates withdrawing from the election.

C. A participating candidate who withdraws from an election, must repay to the Director all distributions from the Fund received during the election cycle plus interest computed from the date of the distribution(s).

D. If a participating candidate is no longer in a contested election, no further distributions to the participating candidate from the Fund can be made starting with the date the Board determined that there is no longer a contested election for that County elective office for either the primary or general election. Any distribution from the Fund that was made for a contribution after the Board determined that the election is no longer contested, must be repaid by the participating candidate to the Director.

E. Within 30 days after the County Board certifies 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.

F. If a participating candidate seeks a County elective office different from the one the candidate was certified for during the same election cycle, that candidate must withdraw from the election, must repay to the Director all distributions from the Fund received during the election cycle plus interest computed from the date of the distribution(s), and apply for certification by the Board for the new County elective office. The Board's previously approved contributions for the County elective office from which the candidate has withdrawn can be used towards the certification for the new County elective office.

G. The Board must determine the amount of a public contribution that each participating candidate is eligible for, based on the amount reflected on the Receipts as presented to the Board and the formula for the respective County elective office: County Executive and either At-Large or District County Councilmember.

H. The Board must compute and authorize the amount of public contribution, notify the Director of the amount of public contribution for each participating candidate in writing, and the Director must process the authorized public contributions and deposit the

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amount into a participating candidate's publicly funded campaign account within 3 business days from the date the Director receives notification that the Board authorized the public contribution if there are sufficient funds in the Fund for a full distribution.

I. If the Director determines that there are insufficient funds in the Fund for the full distribution authorized by the Board, the Director must deposit the adjusted amount of authorized public contributions into a participating candidate's publicly funded campaign account within 5 business days from the date the Director receives notification that the Board authorized the public contribution.

J. Payments will be made as direct deposit to the candidate's bank checking account through Automated Clearing House (ACH) and all candidates must furnish certain banking information to the Director at the time of filing notice of intent with the Board.

K. The Director must process all authorized public contributions by date and in the order of the earliest date first to the latest date last and based on the date they were authorized by the Board. After the Director processed and deposited all authorized public contributions for the earliest date, the Director must process and deposit all authorized public contributions for any subsequent date authorized by the Board.

L. The Board must not authorize the Director to distribute a public contribution from the Fund to a participating candidate that in aggregate would exceed the public contribution limit for either a primary or general election for that County elective office as authorized in Bill 16-14.

M. In the event that the Board authorized and the Director distributed a public contribution that exceeded the public contribution limit for that County elective office, the Board must notify the participating candidate within 5 business days from the date of that determination in writing, and the participating candidate must repay the Fund within 5 business days from the date of the notification letter.

N. If, after notification by the Board to the participating candidate of an erroneous public contribution, the amount is not repaid to the Fund within 5 business days, the delinquency accrues interest charges as of the date of notification by the Board.

O. If the Director determined that the amount of the Fund is insufficient to distribute the public contributions authorized by the Board for that date, each public contribution to a participating candidate must be reduced by the same percentage of the total public contribution authorized by the Board on that date.

P. After the Director determines that the Fund is insufficient to distribute any or all public contributions authorized by the Board, no subsequent claim may be made by a participating candidate based on a public contribution authorized by the Board on a date prior to the determination of Fund insufficiency but not received by the Director until after the date of

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determination of Fund insufficiency.

Q. If the Director determined that the Fund has a zero balance, the Director must notify the County Executive, County Council President, and Board within 3 business days from the date of that determination.

R. If the Director determined that the Fund has a zero balance but the Board determined that the public contribution limits for the respective County elective offices have not been reached, the Board may continue to authorize public contributions and notify the Director, and the Director must hold these authorized public contribution notifications until such time that the Fund has a balance greater than zero. At such time, the Director must process authorized public contributions in the following order: (1) in the event that a portion of previously authorized public contributions was not paid due to insufficient funds, and (2) authorized public contributions that were held must be processed by date and in the order of the earliest date first to the latest date last and based on the date they were authorized by the Board.

S. If the Director determined that the Fund has a zero balance on the day following the end of the Distribution period, but holds authorized public contributions that were not processed due to insufficient funds, the Director must notify the Board detailing the amounts not paid by date authorized and by candidate.

T. The Board, upon notification from the Director that certain authorized public contributions have not and will not be remitted to the public campaign funds and that the distribution period is closed, must notify the participating candidate(s) within 10 business days from the date of notification from the Director in writing.

(Administrative History: Reg. No. 12-15 (Method 1); Dept.: Finance)

PUBLIC ELECTION FUND: PROGRAM UPDATE

- After Consultation with the State Board of Elections, the Department of Finance submitted Method 1 Executive Regulations, which were adopted in October of 2015. These Executive Regulations specified the handling of the following processes:
 - How and when receipts must be submitted.
 - Documents needed for Certification.
 - Allowable Uses of Money.
 - Other policies necessary to implement the Program.
- The Department of Finance created a new Fund named the “Public Election Fund” in the County’s financial reporting system for monitoring and maintaining the funds and distributions from the Fund. The current balance in the Fund is approximately \$6 million.
- Software programming is currently underway at the State Board of Elections to accommodate the necessary changes that the County’s Public Election Fund Program now require. The changes are expected to be completed by the end of October and have a fixed-fee contract cost of \$157,700. This cost was included in the FY17 Adopted Budget and \$160,000 was appropriated to the Public Election Fund to cover these costs.
- In preparation of the July 1, 2017 determination by the Director of Finance of whether there will be adequate funding in the Public Election Fund for the 2018 primary and general elections, the Department of Finance will be conducting analysis on the necessary funding levels based on the 2010 and 2014 election data. This analysis will be completed in advance of the July 1, 2017 deadline.
- The Program Legislation and Executive Regulations have been posted to the Department of Finance’s website and a Frequently Asked Question (FAQ) document has been drafted and will be published for potential candidates and users to access once it is finalized.
- The Department of Finance has scheduled a meeting with the County’s Board of Election at the end of this calendar year to discuss the Program and how our Departments can collaborate in the promotion, outreach, and resources for this Program. Since the Board of Election is heavily involved at this moment with the current general election and they have informed us that no candidate can file for a 2018 County office until the 2016 election cycle has been certified (will occur on December 19th, 2016), we deem the timeline of our meeting to be appropriate.
- In an effort to achieve Program transparency, the Department of Finance has worked internally across multiple divisions to ensure that the Public Election Fund distribution information (distribution date, amount, candidate, etc.) will be made available under the Spending Montgomery module within the County’s Open Montgomery platform.



Montgomery County Government

Frequently Asked Questions

Public Election Fund

What is the Public Election Fund and for what purpose was it established?

The Public Election Fund ("Fund") provides matching County funds based on eligible contributions to eligible candidates. The Fund was created to provide public campaign financing to a candidate for a County elective office in an effort to reduce the role of large private contributions during the election process and encourage small private donations.

Who is eligible to participate in this Program?

To be eligible to participate in the Public Campaign Financing program, a candidate must be a County resident who is running for a covered office (i.e., the Office of the County Executive or County Councilmember) and become a candidate certified by the State Board of Elections in either a primary or general election.

Who is allowed to contribute to a candidate's publicly funded campaign account?

Qualifying contributions must be made by County residents with an aggregate donation in a 4-year election cycle of a minimum of \$5 but not greater than \$150 within the election cycle, but no later than 15 days prior to the respective election.

How does an individual become a certified candidate for the Office of the County Executive?

- File a notice of intent with the Maryland State Board of Elections by submitting an approved form on or before April 15th in the year of election.
- Establish a publicly funded campaign account for the purpose of receiving eligible contributions, deposit into the account all qualifying eligible contributions (Note: proof of receipt of each qualifying contribution must be submitted to the Maryland State Board of Elections), and spend funds in accordance with Program regulations.
- Each candidate must collect from County residents at a minimum:
 - o 500 qualifying contributions (minimum \$5 but not to exceed \$150); and
 - o An aggregate total of at least \$40,000.

How does an individual become a certified candidate for the Office of an At-Large Councilmember?

- File a notice of intent with the Maryland State Board of Elections by submitting an approved form on or before April 15th in the year of election.
- Establish a publicly funded campaign account for the purpose of receiving eligible contributions, deposit into the account all qualifying eligible contributions (Note: proof of receipt of each qualifying contribution must be submitted to the Maryland State Board of Elections), and spend funds in accordance with Program regulations.
- Each candidate must collect from County residents at a minimum:
 - o 250 qualifying contributions (minimum \$5 but not to exceed \$150); and
 - o An aggregate total of at least \$20,000.

How does an individual become a certified candidate for the Office of a District Councilmember?

- File a notice of intent with the Maryland State Board of Elections by submitting an approved form on or before April 15th in the year of election.
- Establish a publicly funded campaign account for the purpose of receiving eligible contributions, deposit into the account all qualifying eligible contributions (Note: proof of receipt of each qualifying contribution must be submitted to the Maryland State Board of Elections), and spend funds in accordance with Program regulations.
- Each candidate must collect from County residents at a minimum:
 - o 125 qualifying contributions (minimum \$5 but not to exceed \$150); and
 - o An aggregate total of at least \$10,000.

How much money would an individual have to raise in qualified contributions to become a certified candidate?

- Each County Executive candidate must collect from County residents at a minimum:
 - o 500 qualifying contributions (minimum \$5 but not to exceed \$150); and
 - o An aggregate total of at least \$40,000.
- Each At-Large Councilmember candidate must collect from County residents at a minimum:
 - o 250 qualifying contributions (minimum \$5 but not to exceed \$150); and
 - o An aggregate total of at least \$20,000.
- Each District Councilmember candidate must collect from County residents at a minimum:
 - o 125 qualifying contributions (minimum \$5 but not to exceed \$150); and
 - o An aggregate total of at least \$10,000.

How are public funds distributed to a candidate once they become certified?

Upon becoming certified, the distribution of public funds from the Public Election Fund are listed in the table below:

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

Where does the Public Election Fund receive its funding?

All funds that are in the Public Election Fund are:

- Funds appropriated by the Montgomery County Council.
- Any unspent money in a certified candidate's publicly funded campaign account that is returned after the candidate is no longer a candidate for a covered office.
- Any County matching funds received by a participating candidate who voluntarily withdraws from program participation that is returned to the Fund.
- All interest earned on money in the Fund, including interest on funds returned to the Fund by a participating candidate who withdraws from program participation.
- Voluntary donations made directly to the Fund.

What happens to surplus funds remaining in a certified candidate's publicly funded campaign account at the end of a primary election? General election?

All unspent funds remaining in the certified candidate's publicly funded campaign must be returned to the Public Election Fund at the end of the candidate's contested campaign. For candidates who win a contested primary election and continue on to a contested general election, they may retain the unspent funds and continue to receive eligible contributions up to 15 days prior to the general election for the covered office for which they are campaigning.

If, as a certified candidate, I receive a distribution(s) from the Public Election Fund for my campaign but later decide to withdraw or am found to have violated program regulations, do I have to pay back the public contributions received?

Yes, if a candidate receives any distributions from the Public Election Fund and later either withdraws or has violated the applicable regulations, the candidate must return all Public Election Fund contribution amounts, including interest on the returned amount. 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.

What happens if the Public Election Fund runs out of funding during an election cycle?

All requests for matching funds received from a certified candidate will be recorded in the order of receipt and once the Public Election Fund has additional funds, the funds will be distributed in the same order in which the requests were received until all request have been satisfied or funds have been exhausted.

Can a candidate use contributions and funds that were raised by them prior to qualifying for the Program and becoming a Certified Candidate?

To qualify to participate in the Public Election Fund Program, a candidate must become certified by meeting the required contribution thresholds (contribution number and dollar amounts) as well as not accepting contributions outside of the Qualified Contribution guidelines (e.g. \$5 - \$150, made by County resident, etc.). All Eligible Contributions will be deposited into the Candidate's established publicly funded campaign account for the exclusive purpose of receiving eligible contributions and spending funds in accordance with the Program. Any funds raised by a candidate prior to filing a notice of intent with the State Board of Elections cannot be used by the candidate at any point during their certified candidacy.

When can I receive distributions of public funds to my publicly funded campaign account?

The Distribution Period begins 365 days before the Primary Election and ends 15 days after the General Election that the candidate is participating in. For the 2018 election, the Distribution Period will run from June 26, 2017 through November 21, 2018.

Who determines a candidate's eligibility, eligible contributions and expenditures, amount of matching funds that will be distributed, and the candidate's compliance with Program regulations?

All determinations of candidate eligibility and compliance reside with the State Board of Elections (the Board). The decision by the Board whether to certify a candidate is final. Upon certification, the Board determines the amount of public contribution matching funds to distribute to each candidate based on their eligible contributions. All questions and disputes pertaining to permissible campaign expenditures are determined by and should be directed to the Board.

During the period that I am obtaining qualified contributions, but prior to becoming a certified candidate, am I subject to the Program's regulations over campaign expenditures?

Yes, to become a certified candidate for a County Elected Office with the State Board of Elections, each applicant candidate must provide the following:

- 1) A declaration from the candidate agreeing to follow the regulations governing the use of a public contribution;
- 2) A campaign finance report which includes:
 - a. A list of each qualifying contribution received
 - b. A list of each expenditure made by the candidate during the qualifying period
 - c. The receipt associated with each contribution and expenditure
- 3) A certificate of candidacy for a covered office.

Any expenditure items not in compliance with these regulations will disqualify the potential candidate from becoming certified and participating in the Public Election Fund Program.

What are considered to be either allowable or prohibited uses of funds within the Program?

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

Prohibited expenses of public campaign funds include, but are not limited to, personal use or expenses related to holding office; paying for a personal endorsement; and paying late filing fees.

Prohibited expenses include contributing to current or future candidates for any elective office, and contributions to any entity or organization, such as a political party.

When can I begin raising qualified contributions towards the certification requirements?

The Qualifying Period for becoming a certified candidate begins on January 1 following the prior General Election and ends 45 days prior to the Primary Election that the candidate is participating in. For the 2018 election, the Qualifying Period will run from January 1, 2015 through May 12, 2018.

Can I use money raised outside of the Program to pay in advance for goods and services which will be received after I join the Program?

No. All goods and services that are received once a candidate has filed their intent to participate in the Program must be paid for out of the candidate's publicly funded campaign account. However, assets that the candidate has paid for and received prior to filing their intent to participate in the Program can be used within the candidate's campaign after they become a participating candidate.

- Example 1: On March 1, 20x1, Candidate A contracts with a bus manufacturer to build a custom campaign bus and pays \$100,000 in full for the bus to be built and delivered on July 1, 20x1. On April 1, 20x1, Candidate A files their notice of intent to participate in the Public Election Fund with the State Board of Elections. On July 1, 20x1, upon receipt of the pre-paid campaign bus, Candidate A would be in violation of the Public Election Fund regulations which prohibit the advanced purchase of goods and services with ineligible contributions received outside of the Program.
- Example 2: On March 1, 20x1, Candidate B contracts with a web developer to create a campaign website for the cost of \$10,000 and pays in full at the time. On March 21, 20x1, the website is completed and published to the world wide web with an ongoing monthly fee of \$99, which began on March 21, 20x1. On April 21, 20x1, Candidate B files their notice of intent to participate in the Public Election Fund with the State Board of Elections. Upon filing this notice of intent, Candidate B now pays the monthly website fee of \$99 from the candidate's publicly funded campaign account. This is

considered to be an allowable expense within the Program since the asset was purchased, received, and in operation prior to the candidate filing the notice of intent and all associated fees moving forward for current charges are being paid out of the approved publicly funded campaign account.

For additional information related to the Program, please contact:

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MEMORANDUM

November 1, 2016

TO: Government Operations and Fiscal Policy Committee

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: **Update/Addendum:** Public Financing for 2018 Election Cycle

The packet for the worksession contains a mistake in the description of the Public Campaign Financing Law. The packet indicates that a qualifying contribution must be “received within 365 days before the primary election and at least 45 days before the primary.” This statement is incorrect. A qualifying contribution must be received during the qualifying period. Section 16-18 defines the qualifying period as:

Qualifying period means the period of time beginning on January 1 following the last election for the office the candidate seeks and ending 45 days before the date of the primary election. The qualifying period for a special election under Section 16-17 must be set by Council resolution.

Therefore, a candidate may begin collecting qualifying contributions for the 2018 election beginning on January 1, 2015 after filing notice of intent with the State Board and establishing a publicly funded campaign account for the candidate. Section 16-20(a) states:

- (a) *Before raising any contribution governed by this Article, an applicant candidate must:*
- (1) *file notice of intent with the Board on or before April 15 of the year of the election on a form prescribed by the Board; and*
 - (2) *establish a publicly funded campaign account for the candidate for the purpose of receiving eligible contributions and spending funds in accordance with this Article.*