

PART II: The Fair Elections Program Post-Election Cycle Report Based Upon the National Best Practices of Public Funding Programs

To: Cecily Collier-Montgomery, Director

Through: William SanFord, General Counsel

From: Belinda Kittles Perry and Shaunda Fennell Cobbs

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MEMORANDUM

TO: Cecily E. Collier- Montgomery,
Director

THRU: William O. SanFord,
General Counsel

FROM: Belinda Kittles Perry, FEP Policy Advisor
Shaunda Fennell Cobbs, Attorney-Advisor

DATE: March 17, 2021

RE: **Part II - The Fair Elections Program Post-Election Cycle Report**
Based Upon the National Best Practices of Public Funding
Programs

Executive Summary

Issue

What are the national best practices relating to the public financing of campaigns and recommendations for changes or enhancements to the Fair Elections Program (FEP), including proposed adjustments to: (A) The qualified small-dollar contribution limits; (B) The number of qualified small-dollar contributions required to be certified as a participating candidate; (C) The base amounts; (D) The matching payments match ratio; and (E) The personal funds of a participating candidate or a participating candidate's immediate family that may be contributed to the participating candidate, pursuant to District of Columbia Official Code, Section 1-1163.32j(a)(2), as well as requirements for filling vacancies.

Introduction

This report is focused on identifying and analyzing possible recommendations for modifications or enhancements to the FEP based upon the national best practices in jurisdictions with public funding programs for campaigns. Generally, large sums of money are required to finance election campaigns in this country. The inherent problem of improper influence, real or potential, exercised by campaign contributors over elected officials, is the high cost of election campaigning. Fundraising is a major distraction to public officials who are seeking reelection preventing them from focusing on important public matters, encouraging contributions with possible corrupting influence, giving incumbents an unfair fundraising advantage over potential challengers, and providing contributors with greater access to public officials than other members of the public. These factors compromise the integrity of the electoral process and the competitiveness of campaigns. Moreover, large amounts of money raised by many candidates and committees supporting or opposing candidates can diminish public confidence in local officials by creating the appearance that elected officials may be unduly influenced by contributors who support their campaigns or oppose their opponents' campaigns.

Many jurisdictions have adopted public campaign funding programs to remedy this problem and level the playing field. The purpose and intent of public campaign funding programs is to place realistic and enforceable limits on the amount individuals may contribute to political campaigns in elections and to provide full and fair enforcement of all the provisions; ensure that all individuals have a fair opportunity to participate in the elective process; allow candidates and officeholders to spend a smaller proportion of their time on fundraising and a greater proportion of their time dealing with issues of importance to their constituents' community; and ensure that serious candidates are able to raise enough money to communicate their views and positions adequately to the public, thereby promoting public discussion of the important issues involved in political campaigns.

Currently, there are approximately thirty-four jurisdictions consisting of States, Counties, and Municipalities that empower small donors and curb the power of big money in politics. Cities, counties, and states around the country have combated this trend with innovative campaign finance reforms that provide public funding to qualified candidates. Programs for public financing of elections provide limited public funds to help finance the campaigns of

candidates who demonstrate popular support and amplify the voices of local constituents, while curbing the power of big money in elections. The programs accomplish this by reducing participating candidates' reliance on large individual, corporate, and out-of jurisdiction donors, while providing incentives to reach out to constituents for small contributions. The oldest programs have been in place for more than four decades, and new systems have evolved. These programs vary in basic design, the scope of the offices they cover, and the amount of funding they provide to participating candidates.

Outline

I. Overview of National Jurisdictions and Types of Public Funding Programs For Campaigns

- **Types of programs:**
 - Small-Donor Matching Programs,
 - Grant-based Programs,
 - Voucher Programs, and
 - Tax Credits/Refunds.
- **Short summary of ten (10) municipal jurisdictions:**

II. Summary Based Upon Jurisdictions with Public Funding Programs for Campaigns

This section provides a detailed description of the national practices in state and municipal jurisdictions with public funding programs for campaigns, which may be accompanied by links for statutes and reports:

[Report on San Francisco's Public Campaign Financing Program November 5, 2019 Election;](#)

NYC: [Voter Analysis Report: 2019 - 2020;](#)

[NYC 2017 Post-Election Report](#)

[Keeping Democracy Strong: NYC's Campaign Finance Program in the 2017 Citywide Elections;](#)

[By the People: The New York City Campaign Finance Program in the 2013 Elections;](#)

Santa Fe council OKs overhaul to public campaign finance By Tripp Stelnicki | tstelnicki@sfnewmexican.com Dec 12, 2018 Updated Dec 13, 2018;

Baltimore City Council Passes Bill To Create Fair Election Fund, Match Small Donor Contributions

By [Emily Sullivan](#) • Dec 2, 2019.

Overall, the public funding programs for campaigns, for matching fund, grants, tax credit/refund and voucher programs often (but need not) require participating candidates to accept restrictions on their fundraising or spending, known as contribution and expenditure limits, in order to qualify for public funds and many jurisdictions incorporate seed money, which means a contribution raised for the primary for the purpose of enabling candidates to collect qualified contributions and in-kind contributions, as requirements to the programs. In some jurisdictions, candidates shall not run unopposed, contributions must be from residents in the jurisdictional seat of the campaign and there are different distributions for incumbents and non-incumbents, as well as contested and non-contested candidates.

The summaries in this section may contain provisions, which are different from the FEP's current requirements. Notes appear after the summary of each jurisdiction, which highlight administrative, procedural and or substantive differences based upon local practices in the respective jurisdiction. The objectives of the Notes are to:

- Assist in the evaluation of possible enhancements to the FEP;
- Identify ways in which effectiveness and workability could be improved to support broad candidate participation;
- Strengthen the impact on participating candidates, while still maintaining the current program structure and parameters; and,
- Examine fundamental features to strengthen the impact of public funding for campaigns in future elections.

Notes in this section of the report include but are not limited to current aspects of the FEP, in the District of Columbia Official Code, Section 1-1163.32j(a)(2) (A)-(E), the qualified small-dollar contribution limits; the number of qualified small-dollar contributions required to be certified as a

participating candidate; the base amounts; the matching payments match ratio; and the personal funds of a participating candidate or a participating candidate's immediate family that may be contributed to the participating candidate.

The Notes highlight a myriad of provisions in jurisdictions that have requirements that either differ from, or, do not exist in the FEP, and are for purposes of comparison only, with the current structure of public financing of campaigns, in the District of Columbia.

Topics of Interest

The topics of interest, accompanied by a summary analysis listed below represent the broad categories of requirements based on the national trends of jurisdictions with public campaign programs and are not all -inclusive. The listed jurisdictions are separated into state and municipal divisions for comparison purposes.

(A) The amount of qualified small-dollar contribution limits, in national jurisdictions:

Matching Funds

States:

1. Connecticut- \$5- \$270
2. New Jersey-\$4,900 (limited for all candidates)
3. West Virginia- \$1-\$100, Exploratory-\$1,000
4. Florida-\$250
5. Maryland- \$1
6. Rhode Island-20% of qualified private contributions
7. Michigan- \$100 or less
8. Hawaii- \$100 or less
9. Massachusetts- \$1000 or less for an individual; \$500 or less for an union

Municipalities:

- 10.San Francisco, California- \$150 (excess is not matched)

- 11.Los Angeles, California-\$5
- 12.Albuquerque, New Mexico-\$5 each of 1% of Registered Voters
- 13.Oakland, California- increments of \$500-\$1000 for reimbursement
- 14.New York, New York-\$10-\$275
- 15.Long Beach, California- \$250-\$500 (matching funds cannot exceed 33% of expenditures; primary, 50%, runoff elections); Special Elections - \$1,000 maximum, no match funds allowed. Contributions from political committees limited to \$2,500.
- 16.Tucson, Arizona-\$10 (from at least 300 residents for Mayor, 200 for City Council);
- 17.New Haven, Connecticut-\$10-\$370
- 18.Austin, Texas-Contributions limited from PAC
- 19.Boulder, Colorado- At least \$500 after candidate raises 10% of expenditure limit
- 20.Montgomery County, Maryland- \$5
- 21.Richmond, California-\$2,500 after candidate raises at least \$10,000 in contributions
- 22.Sacramento, California- up to \$250 for mayor or city council
- 23.Baltimore, Maryland- \$150 maximum contribution, from Individual Corporation, union or PACS
- 24.Denver, Colorado- \$50, (there is a maximum of \$500, \$350 and \$200, for the different seats and ten times the maximum from small donor committees)
- 25.Portland, Oregon- \$50

Grants

States:

1. Minnesota-Tax check off
2. Connecticut- \$5-270 (grant to be determined)
3. Maine- (\$5 contribution plus grant) (Governor, 3,2000 verified registered voters, St. Senator, 175, State House of Representatives, 60)
4. New Mexico-To Be Determined
5. Arizona- \$5
6. Vermont- \$50

Municipality:

7. Santa Fe- \$100 (limited private contributions matched by campaigns) (grant amount \$60,000)

Voucher

Municipality:

1.Seattle-\$25

Summary Analysis: Based upon the practices in some of the above jurisdictions with public funding programs for campaigns in the form of matching funds, grants, tax credit/refund and vouchers, the FEP's current contribution cap of \$200, for Mayor, Chairman of the Council and Attorney General; \$100 for Councilmember at-large; \$50 for Councilmember of a ward, State Board of Education at-large; and \$20 for State Board of Education for a ward, for small-dollar contributions is reasonable, competitive and proportionate to jurisdictions with similar populations, therefore, no recommendations for modification or an increase, of the contribution limit, is necessary at this time.

(B) The number of qualified small-dollar contributions required to be certified as a participating candidate in national jurisdictions:

States:

1. Connecticut- 300 for Senator (for a total of 16,000); 150 for State Representative (for a total of \$5,300)
2. New York-1, 000 for Mayor (for a total \$250,000); 500 for Public Advocate/Comptroller (for a total of \$125,000); 75 for City Council (for a total of \$5,000);
3. New Mexico-Calculations for qualifying contributions is ¼% of registered voters)
4. West Virginia-500 Registered Voters, 10% from each district (totaling \$35,000-50,000);
5. Michigan- at least \$75,000 in qualifying contributions

6. Arizona- 2000 or 1500 contributions at \$5 each
7. Vermont- 1500 at \$50 each; 750 at \$50 each

Municipalities:

8. New Haven, Connecticut-200;
9. Albuquerque, New Mexico-1% of registered voters;
10. Long Beach, California- 500 for mayor (for a total of \$20,000); City Council- 250 for City Council (for a total of \$10,000); City Attorney, City Auditor, City Prosecutor- \$350 (for a total of \$10,000)
11. San Francisco- Board of Supervisors, non-incumbent- 100 (totaling \$10,000) and 150 for incumbent (totaling \$15,000); Mayor non-incumbent 500 (totaling \$50,000) and 750 for incumbent (totaling \$75,000);
12. Tucson, Arizona-300 for Mayor (\$10 contribution), 200 for City Council (\$10 contribution)
13. Portland, Oregon- Mayor- \$500,000 from 500 contributors; Commissioner- \$2,500 from 250 contributors; Auditor- \$2,500 from 250 contributors; ballot qualification;
14. Denver, Colorado- Mayor 250; City Council at-large 100; Auditor 100; Judge 100; City Clerk and recorder 100;
15. Los Angeles- 100 at \$5 each
16. Montgomery County, MD- County Executive- 500 at \$5; At Large Council- 250 at \$5 each; District Council- 125 at \$5 each
17. Prince George's County, MD- County Executive- 500 at \$150 or less; At Large Council- 250 at \$150 or less; District Council- 150 at \$150 or less

Summary Analysis: Based upon the practices of the above jurisdictions with public funding programs for campaigns, in the form of matching funds, grants, tax credit/refund and vouchers, the FEP's current requirement for the number of qualified small-dollar contributions to be certified as a participating candidate is adequate, reasonable and comparable to jurisdictions with similar populations and no adjustments, or modifications are required for the number of qualified small-dollar contributions, which are

currently, 50 for Ward State Board of Education; 150 for Ward and State Board of Education At-Large; 250 for an At-Large Councilperson and 300 for Council Chairperson, 500 for Attorney General and 1,000 for Mayor.

(C) The base payment amounts for participating candidates in national jurisdictions:

States:

1. West Virginia- \$500,000, minus the qualifying contributions;
2. Vermont: Governor-\$150,000 for Primary; \$450,000 for General Election Lieutenant Governor- \$50,000 for Primary; \$150,000 for General Election

Municipalities:

3. San Francisco- (Initial grant of \$300,000 to Mayor and \$60,000 to Supervisor and upon qualifying, 6:1 match);
4. Baltimore, Maryland- Cash Boost: (\$200,000 to Mayor; \$50,000 to President of City Council and Comptroller; none to City Council).

Summary Analysis: Based upon the practices of the above jurisdictions with public funding programs for campaigns, in the form of matching funds, grants, tax credit/refunds and vouchers, the FEP's current requirement for base payments to a participating candidate is sufficient, equitable and comparable to jurisdictions with similar populations and no adjustments, or modifications are required for the FEP's current base payment amounts of \$160,000 for Mayor; \$40,000 for Attorney General, Council Chair, Councilmember At-large and Ward; and \$10,000 for State Board of Education.

(D) The matching payments match ratio in national jurisdictions:

States:

1. Santa Fe- \$2:1
2. New York- \$6:1 or 8:1
3. Florida- 2:1, and \$1:1
4. Maryland: \$1:1, \$1:3, Equal shares of the remainder of the fund
5. Michigan: \$2:1 match
6. Hawaii: \$1:1
7. Rhode Island: 1st \$1000-2000 matched
8. New Jersey- \$2:1

Municipalities:

9. Long Beach, Ca. \$1:2, primary and 1:1, runoff election / from political committees; no match for Special Elections;
10. Santa Fe- \$2:1;
11. Los Angeles, California- \$2:1 in primary and 4:1 in general, absent certain criteria 1:1;
12. Boulder, Colorado- \$1:1 match (qualified);
13. San Francisco- \$6:1;
14. Tucson, Arizona- 1:1;
15. Baltimore, Maryland- \$9:1- 1st \$25; 5:1- 2nd \$50; 2:1- remaining \$75;
16. Portland, Oregon- \$50- 6:1 match (for donor who's donation did not get matched to a candidate in the same race);
17. Denver, Colorado- \$50- 9:1 match;
18. Oakland: Match/reimburse in increments of \$500 and \$1000;
19. New Haven: \$60 per \$30 or more; \$2:1 for less than \$30;
20. Montgomery County: \$6:1, \$4:1, \$2:1; \$4:1, \$3:1, \$1:1;
21. Richmond: disburse \$2,500 for every \$5,000 in matchable contributions;
22. Howard County: \$7:1, \$4:1, \$1:1; \$5:1, \$3:1, \$1:1;
23. Prince George's County: \$7:1, \$5:1, \$1:1;
24. Rhode Island: 1st \$1000-2000 matched.

Summary Analysis: Based upon the practices of the above jurisdictions with public funding programs for campaigns, in the form of matching funds, grants, tax credits/refunds and vouchers, the FEP's current requirement is ample, fair and comparable to jurisdictions with similar populations and no adjustments, or modifications are required for the FEP's current matching payments ratio in the amount of 5:1, at this time.

(E) The personal funds of a participating candidate or a participating candidate's immediate family that may be contributed to the participating candidate in national jurisdictions:

States:

1. Connecticut- \$2,000 for Senator and \$1,000 for State Representative (personal funds not considered loans): Financial institutions can lend 11,000;
2. Florida- \$25,000 (personal loans not eligible for match, \$250,000 from national, state, county executive committees);
3. New Jersey- \$25,000 (personal loan)- \$50,000 (bank loan);
4. West Virginia – Exploratory \$1,000 loan;
5. Arizona- \$770/ \$1,520 (statewide offices);
6. Michigan-\$50,000 limit;

Municipalities:

7. New Haven-\$19,000;
8. Oakland, California- limited to 10% of the expenditure limit;
9. Austin, Texas- limited to 5% of the expenditure limit;
10. Boulder, Colorado- limited to 20% of expenditure limit;
11. San Francisco-\$5,000;
12. Tucson, Arizona- limited to 3% of expenditure limit;
13. Denver, Colorado- personal loans up to \$5,000 (repayment made only from non public funds);

14. Long Beach, California, \$10,000-25,000 (for various seats);

15. Los Angeles- \$31,100 for City Council, \$124,500 City Wide positions;

16. Howard County, MD- can accept up to \$12,000 but no more than \$6,000 from immediate family.

Summary Analysis: Based upon the practices of the above jurisdictions with public funding programs for campaigns, in the form of matching funds, grants, tax credits/refunds and vouchers, the FEP's current requirement is adequate, reasonable, and proportionately comparable to jurisdictions with similar populations and no adjustments, or modifications are required for the FEP's current personal funds requirement that limits loan amounts to \$5,000 for Mayor and \$2,500 for Attorney General, Chairman and Councilmember At-Large and Ward.

(F) Contributions that satisfy the threshold for matching funds must be from residents from the campaign jurisdictional seat in the following national jurisdictions:

States:

1. New York, New York,
2. Maine (voter registration to be verified);
3. West Virginia (Registered voters must represent 10% of each congressional district and registered voters are qualified contributors);
4. Hawaii;
5. Michigan;

Municipalities:

6. Oakland, CA.

Summary Analysis: Based upon the practices of the above jurisdictions with public funding programs for campaigns, in the form of matching funds, grants, tax credits/refunds and vouchers,

the FEP's current requirement that qualified contributions must be received from District residents is judicious, reasonable and comparable to jurisdictions with similar populations and no adjustments, or modifications are required for the FEP's current requirement that qualified contributions that satisfy the threshold for matching funds must be from residents of the District of Columbia. Moreover, the current practice ensures the voter's interests in the district are represented to the fullest.

(G) Candidates receiving public campaign funds shall not run unopposed in the following jurisdictions:

States:

1. Florida;
2. Hawaii;
3. Vermont.

Municipalities:

4. Denver, Colorado;
5. Oakland, CA;
6. San Francisco, California (must be opposed by candidate who received contributions or made expenditures over a certain amount);
7. New York, New York;
8. Long Beach, California; (must be opposed by candidate who qualified for matching funds or raised \$10,000);
9. Los Angeles, CA.

Summary Analysis: Based upon the practices of the above jurisdictions with public funding programs for campaigns, in the form of matching funds, grants, tax credits/refunds and vouchers, the FEP's current requirement for eligibility for matching funds is judicious, proper, reasonable and comparable to jurisdictions with similar populations and no adjustments, or modifications are required for the FEP's current requirement that all certified participating candidates running for office are entitled to receive matching funds and a base payment. A participating candidate running in an uncontested race is not entitled to receive a base

payment. This practice ensures a competitive race and directs resources to those in need.

H) Expenditure limits exist for candidates in the following Jurisdictions:

States:

1. Florida (expenditure limits based upon the number of registered voters and expenditure limits for participating and nonparticipating candidates);
2. New Jersey (includes coordinated and independent expenditures);
3. Connecticut;
4. Florida;
5. Maine (no funds to spouse or domestic partner from campaign); Maine (Expenditures limited to amount of distributed funds);

Municipalities:

6. New York, New York;
7. Long Beach, California;
8. Albuquerque, New Mexico (limits debts to amounts distributed by the fund);
9. New Haven, Connecticut;
10. Los Angeles, California;
11. Oakland, California;
12. Richmond, California;
13. Austin, Texas;
14. Sacramento, California;
15. Boulder, Colorado;
16. San Francisco, California (includes independent expenditures) (permits 3rd party Independent Expenditures);
17. Tucson, Arizona (limited to 4% for food for entire campaign, joint expenditure forms to be filed /appropriate for use in Special Elections);
18. Denver, Colorado (permits independent expenditures)

Summary Analysis: Based upon the practices of expenditure limits widely represented in the above jurisdictions with public funding programs for campaigns, in the form of matching funds, grants, tax credits/refunds and vouchers, the FEP's current requirement excluding expenditure limits is equitable, adequate, reasonable and comparable to jurisdictions with similar populations and no adjustments, or modifications are required. The FEP does not have expenditure limits, however, 110% of the average expenditures of the winning candidates for each covered office in the 4 prior election cycles (for the offices of Mayor, Council Chair and Attorney General) (2 election cycles for Council At-Large, Council Ward and State Board of Education), or, where appropriate, until such time as 4 election cycles for the covered office has been held (not including special election) is the basis utilized to calculate and determine the cap on the amount of funds to be distributed, which is an extremely well balanced approach.

(I) Acceptance of contributions from national, state, and county executive committees of a political party in the following national jurisdictions:

States:

1. Florida (not eligible for match)
2. Vermont
3. Michigan
4. New Mexico

Municipalities:

5. Denver, Colorado

Summary Analysis: Based upon the practices of the above jurisdictions with public funding programs for campaigns, in the form of matching funds, grants, tax credits/refunds and vouchers, the FEP's current requirement excluding contributions from business entities, or traditional Political Action Committees is just, reasonable and comparable to jurisdictions with similar populations and no adjustments, or modifications are required for the FEP's current requirements barring contributions from national, state, and county executive committees of a political party and or small donor

committees. The current FEP system permits contributions from Fair Elections Committees that do not exceed \$1,500 per Fair Elections Committee, per election cycle, which ensures the representation of the individual resident voter's interests and is consistent with the objective of eliminating big money from elections and promoting the candidate's involvement directly with residents.

(J) State residency defined as a registered voter, or contributors must be registered voters in the electoral jurisdiction:

States:

1. Florida;
2. Maine (qualified contributions from electoral division and voter registered to be verified);
3. Arizona;
4. Hawaii;
5. Vermont;

Municipalities:

6. Seattle;
7. Albuquerque, New Mexico (qualified contributions only from registered voters);
8. Portland.

Summary Analysis: Based upon the practices of the above jurisdictions with public funding programs for campaigns, in the form of matching funds, grants, tax credits/refunds and vouchers, the FEP's current residency requirement is fair, reasonable, judicious and comparable to jurisdictions with similar populations and no adjustments, or modifications are required for the FEP's current requirement that qualified contributions must be received from District of Columbia residents.

(K) In-kind contributions permitted in the following national jurisdictions:

States:

1. Connecticut
2. Florida;
3. New Jersey (allowed but not entitled to matching Funds, subject to contribution limit);
4. New Mexico (allowed from a political party up to 10% of public funds received);
5. Maryland;
6. Michigan;

Municipalities:

7. Denver, Colorado;
8. Seattle;
9. Boulder, Colorado;
10. Albuquerque, New Mexico;
11. Tucson, Arizona;
12. Howard County, Maryland.

Summary Analysis: Based upon the practices of the above jurisdictions with public funding programs for campaigns, in the form of matching funds, grants, tax credits/refunds and vouchers, the FEP's current requirement excluding in-kind contributions is equitable, fair, reasonable and comparable to jurisdictions with similar populations and no adjustments, or modifications are required for the FEP's current practice of excluding in-kind contributions. This practice is consistent with the objective to keep big money out of elections and foster the candidate's interaction with resident voters. It should be noted that some of the jurisdictions that accept in-kind contributions, may have open contributions and, or may be subject to lower distribution payouts, therefore, the FEP's system excluding in-kind contributions is sound and financially balanced.

(L) Administrative Forms and Report Filings in the following national jurisdictions:

States:

1. New Jersey (debate participation form for non-participants, statement of qualification, issue advocacy participation form, filing subsequent reports in increments of \$12,500 in contributions; account for recipient committee by administrative agency, statement of 500 words for voters guide);
2. New Mexico (return of funds w/in 2 weeks after primary and general);
3. West Virginia (return funds 48 hours after ceasing to be certified in exploratory and 5 days post-election, voters guide);

Municipalities:

4. San Francisco (threshold form w/in 48 hours, Remission of funds in 30 days), post-election claims for contributions permitted);
5. Tucson, Arizona (return of funds reports to be signed and notarized, 10 days post-election report to be filed and post-election audit to take place before candidate takes office, original signatures required for contributions, employment contract with paid staff to be signed and notarized and penalty 3x for failure to file, joint expenditure forms required)

Summary Analysis: Based upon the practices of the above jurisdictions with public funding programs for campaigns, in the form of matching funds, grants, tax credits/refunds and vouchers, the FEP's current requirements for filing reports for receipts of contributions and expenditures, termination and refunds and post-election reports and completion of administrative forms is adequate, proper, reasonable and comparable to jurisdictions with similar populations and no adjustments, or modifications are required for the FEP's current requirements. Since the administration of the FEP is fairly new, upon the completion of the functional operation of multiple election cycles the FEP can reassess the merits of additional administrative forms, on a needs basis.

Conclusion for Executive Summary

Thirty-four jurisdictions with small-donor matching payments, grants based, tax credit/refunds and voucher systems for public campaign funding were researched and examined, for the purpose of making recommendations for changes, enhancements and proposed adjustments to the FEP. The research revealed that the majority of the systems with public campaign funding are small-donor matching payment programs in states, with large populations and some in municipalities, with similar populations to the district. The research contains summaries of the jurisdictions, and notes, which highlight differences, for your edification, in the areas of ratio match, candidates' use of personal funds, base payments, opposition in a race as a qualifier, distribution amounts to incumbents versus non-incumbents, and contested versus non-contested candidates, early remission of funds, qualifying contributions to come from residents in the jurisdictional seat of the campaign and the use of various disclosure forms. Additionally, the research reveals that several jurisdictions have substantially different structures, which incorporate, the use of seed money, limitations on expenditures and acceptance of in-kind contributions. Our research and review, demonstrates that there are several administrative, procedural and substantive features, in states and municipalities, which are different from the FEP, however, based upon a comparative analysis they do not provide a basis for recommendations, for modifications or enhancements to the current requirements of the FEP. In comparison to the national jurisdictions, it is readily apparent that the FEP is a highly functioning, successful, competitive program that encompasses requirements, which are efficient, and reasonable and foster the intended legislative objectives to keep big money out of the elections, with sufficient built-in safeguards to ensure compliance and prevent fraud and or abuse. Accordingly, there are no recommendations for modifications and or enhancements to the FEP to propose at this time. The summary and ensuing notes of each jurisdiction will serve as a guide, to reassess requirements on a needs basis going forward, only after the occurrence of multiple election cycles under the FEP, as promulgated.

I. Overview of National Jurisdictions and Types of Public Funding Programs For Campaigns

The types of programs currently used across the nation are Small-Donor Matching Programs, Grant-based Programs, Tax Credit/Refunds, and Voucher Programs.

Description of types of programs:

1. Small-Donor Matching Programs - Matching fund programs match small contributions to qualifying candidates with public funds, according to a specified ratio. Today's highest matching funds ratio is in Denver and Portland where participating candidates receive \$9 for every \$1 in small contributions. The goal is to amplify the voices of regular voters by incentivizing candidates to seek donations from a broad base of constituents rather than a few wealthy donors.
2. Grant-based Programs - Grant-based programs—often referred to as “clean elections,” “fair elections” or “citizen-funded elections”—provide full funding for candidates to run their campaigns. Participating candidates receive a lump-sum grant from a public fund and no further fundraising is required (or allowed), so every participating candidate has equal resources with which to campaign. To qualify for the program, candidates must raise a threshold number of very small contributions (often \$5) to demonstrate broad support in the community. Newer systems can allow for further fundraising given the challenge of increasing outside spending.
3. Voucher Programs- Voucher programs provide a “coupon” to individuals to donate to a candidate (or sometimes a party or political committee), who can then redeem the voucher for campaign funds.
4. Tax Credits/Refunds -Tax credit programs generally allow those who file long-form tax returns to claim a full or partial credit for small political contributions made during the filing year to candidates (and sometimes parties or PACs). The tax credit can be refundable (available to those without tax liability) or not. Other programs refund the contributor's money immediately, so donors do not have to wait for tax time.

Short survey of ten (10) municipal jurisdictions:

The following is an abbreviated summary of ten (10) municipal jurisdictions with programs for public funding, which appear in detail in section II: Summary Based Upon Jurisdictions with Public Funding Programs for Campaigns.

(1) New York, New York

- a. Jurisdiction – Municipal
- b. Population – 8.4 Million (2018)
- c. Year Enacted – 1988
- d. Type – Matching Funds
- e. Offices – Mayor, Citywide Public Advocate, Comptroller, Borough President, and City Council
- f. Last Election – 2020
- g. Participation – Confirmation unavailable at time of report
- h. Administrating Agency – NYC Campaign Finance Board
- i. Funding Source – City Council Appropriations and Donations
- j. Applicable to only Contested Elections: Yes
- k. Open or Closed – Open, but subject to overall expenditure limits, varies by office sought
- l. Candidate Qualification/Threshold Requirements – two-part fundraising threshold; collect a minimum number of contributions from area candidate seeks to represent (district or borough), and raise a minimum amount of qualifying contributions from NYC residents – certify agreement to and demonstrate compliance with governing act and regulations – be on the ballot and have an opponent on the ballot – submit FDS with Conflicts Board

- m. Cap on Public Funds made available/Per Election/Election Cycle – Yes, Cap limit established by Section 3-705 of NY CFA, and cannot exceed certain % of expenditure limits. Cap is Payable Per Election
- n. Expenditure Limits – Set by Section 3-706 of NY CFA, applies to each primary, general, special
- o. Debate Requirement: Yes
- p. Remission of Surplus Funds Required – Yes
- q. Disbursement Mechanism/Matching Rate – Yes. 8:1 match for first \$250 of \$2000 Contribution for Mayor; BP, CC, first \$175 of each \$1400 contribution: only the matchable portion counts toward the threshold
- r. Post-Election Audits Required – Yes
- s. Treatment of Outstanding Penalties – Candidates with outstanding penalties or public funds repayment obligations from the contribution limits; increased a prior election may not qualify to receive matching funds for current election until payment made
- t. Application to Special or Vacancy Filling Elections – Yes
- u. Recent Amendments to Public Financing Program – 2018, by voter approval of Charter Revisions and CC legislation in 2019: Increase of matching rate on contributions from NY residents from 6:1 match to 8:1 match; increased the maximum matchable amount for city-wide offices; lowered the contribution limits; increased the amount of public funds candidates may receive per election to 75% of expenditure limits; and made public funds available as early as the December of the calendar year preceding the election/ candidates may elect to proceed under provisions existing prior to the 2018 Charter ballot referendum through 2021

NOTES:

2021 Cap – New Program: Mayor, \$6,476,444 Cap/\$2000 contribution limit; Public Advocate, \$4,048,888 Cap/\$2000 Contribution limit; Borough President, \$1,457,777 Cap/\$1500 Contribution limit; CC \$168,888 Cap/\$1000 Contribution limit.

Certified Statement of need must be filed where the candidate is not running in a primary for an open seat (an office for which no incumbent is seeking reelection) to receive the maximum amount of public funds based on your valid matching claims.

(2) Montgomery County, Maryland

- a. Jurisdiction – Municipal
- b. Population – 1.05 Million (2018)
- c. Year Enacted – 2015 MD. Election Law Sec. 13-505
- d. Type – Matching Funds
- e. Offices – County Executive, County Council
- f. Last Election – 2018 \$5.2 Million disbursed to 23 Qualified Candidates/10 Elected Offices/7 obtained by candidates in the Program, including the County Executive
- g. Participation – 68
- h. Adminstrating Agency – Campaign Finance Division of the Maryland State Board of Elections
- i. Funding Source – City Council Appropriations/Remitted Funds/Interest on Public Election Funds/Voluntary Donations to Fund / Maryland Public Election Fund is non-lapsing

- j. Applicable only to Contested Elections: Yes. Available only to candidates participating in contested elections
- k. Open or Closed – Open
- l. Candidate Qualification/Threshold Requirements – To qualify, a candidate must file a Notice of Intent on or before April 15th of the election year; establish a publicly funded campaign account; agree to limited contributions (\$150) (\$6500 from self/spouse) and sources; collect qualifying number of contributions from county residents dependent upon office sought and meet qualifying threshold (County Executive, 500, \$40,000- At Large CC; 250, \$20,000- District CC, 125, \$10,000). Only contributions from county residents are eligible for match of at least \$5.00 but no more than \$150.00
- m. Cap on Public Funds made available/Per Election/Election Cycle – Yes, Cap limit established by statute: \$750,000 per election for County Executive; \$250,000 for At- Large CC; and \$125,000 for District CC. Cap is Payable Per Election. May accept eligible contributions from non-county residents 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
- n. Expenditure Limits – No
- o. Debate Requirement: Candidates are not required to participate in debates in order to receive public funds through the Public Election Fund
- p. Remission of Surplus Funds Required – Yes. Upon withdrawal from program, or within 30 days of certification of primary

results, or within 30 days of certification of general election results

- q. Disbursement Mechanism/Matching Rate – Yes. CT. EX. 6:1 match for each dollar of first \$50; 4:1 for each dollar for the second \$50; and 2:1 for each remaining dollar to the maximum contribution of \$150.00 allowed. At Large CC. 4:1 match for each dollar of first \$50; 3:1 for each dollar for the second \$50; and 2:1 for each remaining dollar to the maximum contribution of \$150.00 allowed.

D. CC. EX. 4:1 match for each dollar of first \$50; 3:1 for each dollar for the second \$50; and 2:1 for each remaining dollar to the maximum contribution of \$150.00 allowed.

- r. Post-Election Audits Required – Post-general election audits are now required, following amendments to the Public Campaign Financing program in fall 2020.
- s. Treatment of Outstanding Penalties – Outstanding penalties are deemed a Class A civil violation, resulting in a fine of \$500 each day a violation (e.g., non-repayment of funds deemed by the state Board of Elections, based on County regulations, to have been used for an ineligible use or activity).
- t. Application to Special or Vacancy Filling Elections – Only applies to contested elections, including special election held to fill a vacancy in a covered office
- u. Recent Amendments to Public Financing Program – 2017, Bill 25-17 (8/1/17).

NOTES:

Maryland Election Law 13-505 authorized the counties to establish their own system of public financing. September 2014, the Montgomery County, Maryland Council enacted Bill 16-14 which established a Public Election fund to provide public campaign financing for County Executive and Council candidates.

Provides for Distribution Period – begins 365 days before the Primary Election and ends 15 days after the date of the General Election, as provided in Bill 16-14.

Nine (9) mandatory reports/optional reports may be filed on the first and third Tuesday of each month after distribution period.

Prohibits matching dollars for contributions from candidate/spouses, and in-kind contributions of property, goods, or services.

A certified candidate may continue to collect qualifying contributions and receive a matching public contribution up to 15 days before a primary or general election

Qualifying contributions may not exceed \$150.00.

***ANNUAL CPI ADJUSTMENT – THE CHIEF ADMINISTRATIVE OFFICER MUST ADJUST THE PUBLIC CONTRIBUTION LIMITS (A)(3) (CE-\$750,000; AT LARGE CC - \$250,000; AND DIST CC - \$125,000); AND THE QUALIFYING ELIGIBLE CONTRIBUTION (C) (\$150.00) IN JULY OF EVERY FOURTH YEAR SUBSEQUENT TO THE EFFECTIVE DATE OF THE ACT (2018), BY THE ANNUAL AVERAGE INCREASE, IF ANY, IN THE CPI FOR THE PREVIOUS FOUR (4) YEARS. MUST CALCULATE ADJUSTMENT TO THE NEAREST MULTIPLE OF

\$10 DOLLARS AND PUBLISH THE AMOUNT NO LATER THAN MARCH 1ST OF EACH 4TH YEAR.

(3) New Haven, Connecticut

- a. Jurisdiction – Municipal
- b. Population – 130,418 (2018)
- c. Year Enacted – 2007, Amended 2009 (New Haven Code of Ordinances, ORD No 1589, 5/4/09)
- d. Type – Matching Funds/Public Funding Grants
- e. Offices – Mayor
- f. Last Election – 2019
- g. Participation – 1
- h. Adminstrating Agency – Democracy Fund Board (7 Members, approved by State Elections Enforcement Commission of the State of Connecticut)
- i. Funding Source – Board of Alderman appropriations and voluntary individual contributions (Democracy Fund is non-lapsing)
- j. Applicable only to Contested Elections – Yes.
- k. Open or Closed – Partially closed, may contribute up to \$20,000 in personal funds per primary or general election. Subject to overall expenditure limits of \$368,000 per election.
- l. Candidate Qualification/Threshold Requirements – two-part fundraising threshold; must collect a minimum number of 200 contributions of \$10 to \$390 from city voters. Must agree to abide by contribution and expenditure limits and ceilings; contribution limits are no more than \$390 from individuals or a town committee; must not accept contributions from political committees or business

- m. Cap on Public Funds made available/Per Election/Election Cycle –
Yes, Cap limit established on matching funds up to \$125,000 and public financing grants of \$20,000 for both the Primary and General Elections. Cap is Payable Per Election
- n. Expenditure Limits – \$368,000 expenditure limit applies to each primary and general election
- o. Debate Requirement: Yes, must participate in at least one public forum
- p. Remission of Surplus Funds Required – Confirmation unavailable at time of report
- q. Disbursement Mechanism/Matching Rate – \$20,000 Grant upon qualifying per election; 2:1 match of contributions under \$30; \$60 match for contributions of \$30 up to \$125,000 cap
- r. Post-Election Audits Required – Subject to recordkeeping and reporting requirements, and audit examination
- s. Treatment of Outstanding Penalties – Candidate must not be in default to the City, or not have agreed to a payment arrangement with the City, regarding outstanding tax payments or contractual obligations
- t. Application to Special or Vacancy Filling Elections – No. Election under the Act defined as “any primary or general election for Mayor of the City of New Haven”. Section 2-822 (4) of Ordinance.
- u. Recent Amendments to Public Financing Program –None

NOTES:

The City of New Haven, Connecticut is the first and only Municipality in the State of Connecticut to establish a public financing system for municipal elections.

***** ANNUAL CPI ADJUSTMENT – (SEC. 2-831) (ORD. NO. 1589: 5/4/09) EVERY FOUR (4) YEARS, THE AMOUNT OF THE VOLUNTARY CONTRIBUTION SIZE LIMIT, THE PUBLIC FINANCING GRANTS, THE CONTRIBUTION AND EXPENDITURE CEILING, THE CIVIL PENALTY, SHALL BE ADJUSTED ACCORDING TO THE FOUR (40 YEAR AGGREGATE COST OF LIVING CHANGES IN THE NEW HAVEN MSA, AS SHOWN BY THE CPI NEW HAVEN FOR ALL ITEMS IN THE NH MSA, ROUNDED TO THE NEAREST FIVE (5) DOLLAR SIZE VARIATION.

(4) Albuquerque, New Mexico

- a. Jurisdiction – Municipal
- b. Population – 560,218 (2018)
- c. Year Enacted – 2005, 2011
- d. Type – Matching Funds
- e. Offices – Mayor, and City Council
- f. Last Election – 2019
- g. Participation – 10
- h. Adminstrating Agency – City Clerk
- i. Funding Source – 1/10th of 1% of the General Fund, qualified contributions, unspent money, seed money exceeding 10% of expenditure limit deducted from fund distribution, voluntary contributions

- j. Applicable only to Contested Elections - If candidate is declared unopposed, must return unspent or unencumbered funds to City Clerk
- k. Open or Closed – Closed.
- l. Candidate Qualifications/Threshold Requirements – Must collect \$5 from each of at least 1% of the registered district voters as determined by the City Clerk; and agree to abide by the spending limits
- m. Cap on Public Funds made available/Per Election/Election Cycle –
- n. Expenditure Limits – Based on 1% of registered voters in the district.
- o. Debate Requirement - None
- p. Remission of Surplus Funds Required – Yes
- q. Disbursement Mechanism/Matching Rate – Yes. \$1 per registered city/district voter, minus seed money and qualified contributions
- r. Post-Election Audits Required – Pre-Election Audits
- s. Treatment of Outstanding Penalties – Must not have any outstanding campaign finance compliance issues or fines with Office of the City Clerk or Board of Ethics
- t. Application to Special or Vacancy Filling Elections – None
- u. Recent Amendments to Public Financing Program – 2021, including Election Code Amendments, provided for treatment of candidates with outstanding fines, may not appear on the ballot, prohibited contributions from city contractors, and specified 2021 spending limits, in kind contribution limits, and seed money limits.

NOTES:

City of Albuquerque elections are nonpartisan.

The City of Albuquerque is subject to a permanent injunction from the US District Court of New Mexico from taking any action to implement the matching funds provisions of the Charter Code. Participating candidates may only receive the initial distribution of funds based upon \$1 per registered voter the elected official will represent, if elected. The opinion provides “additional funds to a publicly funded candidate when expenditures by a privately funded candidate and independent groups exceed funding initially allotted to the publicly funded candidate, substantially burdens political speech and is not sufficiently justified by a compelling interest to survive First Amendment scrutiny”. *McComish v. Bennett*, consolidated with *Arizona Free Enterprise Club’s Freedom Club PAC v. Bennett*, Docket No. 10-239, Term OT 2010 (6/27/11).

Candidates may raise seed money during the exploratory period, but not after, and accept no more than \$250 of seed money per person and donate no more than \$2500 of seed limit which may differ based on the % of voters in each district.

City Clerk provides candidates with preprinted qualifying contributor books with receipts for contributions – must be returned at end of qualifying period, or at end of each week, on Friday, for verification of contributions on a rolling basis. The City Clerk’s web-based application allows candidates to accept electronic qualifying contributions and provides automatic voter verification. Must also file financial reports required by Election Code disclosing expenditures and in-kind

contributions during the qualifying periods: Mayor, 4/17/21 – 6/19/21; and CC, 5/31/21 – 7/5/21.

Publicly financed candidates may accept in kind contributions limited to 5% of the annual salary for the office sought in total contributions from any one person for any one election. Total in kind contributions may not exceed 10% of candidate's spending limit: 2021- Mayor, \$6,250.40; D-1, 3, 5, 7, and 9, \$1,499.68.

(5) Long Beach, California

- a. Jurisdiction – Municipal
- b. Population – 467,354 (2018)
- c. Year Enacted – 1994
- d. Type – Matching Funds
- e. Offices – Mayor, City Council, City Attorney, City Prosecutor, City Auditor
- f. Last Election – 2018 (last Mayoral Election), 2020 City Council
- g. Participation – Confirmation unavailable at time of report
- h. Adminstrating Agency – City Clerk (Fair Political Practices Commission)
- i. Funding Source – City Council Appropriations
- j. Applicable only to Contested Elections – Yes, must be opposed by a candidate who has qualified for matching funds, or raised \$20,000
- k. Open or Closed – Open, but subject to overall expenditure limits
- l. Candidate Qualification/Threshold Requirements – All candidates must accept the expenditure ceilings as required by Long Beach Municipal Code Section 2.01.510, “Candidate Acceptance or

Rejection of Expenditure Ceilings”. CC, must raise \$5000 in contributions of \$250 or less; City Attorney, City Prosecutor, Auditor, \$10,000 in contributions of \$350 or less; and Mayor, \$20,000 in contributions of \$500 or less: For each contribution, dependent on the office sought, only a portion of the contribution counts towards the threshold amount.

- m. Cap on Public Funds made available/Per Election/Election Cycle – Yes, Cap limit. Matching payments cannot exceed 33% of maximum expenditure limits established for each election. Cap is Payable Per Election
- n. Expenditure Limits – Set by Long Beach, California, Municipal Statute 2.01.410, “Expenditure Ceilings”. Varies by Office.
- o. Debate Requirement – Confirmation unavailable at time of report
- p. Remission of Surplus Funds Required – Yes. Long Beach Statute 2.01.410, “Disposal of Surplus Funds”, requires the reimbursement of the Campaign Reform Account of the City of Long Beach up to the full amount of matching funds, if any received, by the candidate
- q. Disbursement Mechanism/Matching Rate – Yes. 1: 1 match
- r. Post-Election Audits Required – Confirmation unavailable at time of report
- s. Treatment of Outstanding Penalties – Confirmation unavailable at time of report
- t. Application to Special or Vacancy Filling Elections – Long Beach Statute Section 2.01.410 “Expenditure Ceilings” expressly states that the “expenditure limits set forth in this Section shall not apply to candidates for office in any special election, nor shall such candidates be eligible for matching funds”.

u. Recent Amendments to Public Financing Program— None

(6) Los Angeles, California

a. Jurisdiction – Municipal

b. Population – 3.99 Million (2018)

c. Year Enacted – 1991

d. Type – Matching Funds

e. Offices – Mayor, and City Council, Controller and City Attorney

f. Last Election – 2018/ 2020

g. Participation – Confirmation unavailable at time of report

h. Adminstrating Agency – City of Los Angeles Ethics Commission

i. Funding Source – City Council Appropriations

j. Applicable only to Contested Elections: Yes. Must be opposed by a candidate who is also qualified to appear on the ballot

k. Open or Closed – Open, but subject to overall expenditure limits, and the following limits on the use of personal funds city-wide: \$34,800 in Primary, and \$34,800 in General

l. Candidate Qualification/Threshold Requirements – two part fundraising threshold; CC, must collect a minimum number 100 of contributions of \$5 or more from individuals who reside in the area the candidate seeks to represent, (only \$114 of the contribution counts toward the threshold), and raise a minimum amount \$11,400 of qualifying contributions; Mayor, must collect a minimum number of contributions of \$5 or more from individuals who reside in the area the candidate seeks to represent, (only \$214 of the contribution counts toward the threshold), and raise a minimum amount \$64,200

of qualifying contributions. Must attend Ethics Training, and be certified to appear on the ballot

- m. Cap on Public Funds made available/Per Election/Election Cycle – Yes, Cap limit Mayor, Primary, \$1,071,000, and \$1,284,000 for the General; CC, \$151,000, Primary, and \$189,000 General. Cap is Payable Per Election
- n. Expenditure Limits – CC, \$537,000 for the Primary, and up to \$448,000 in the General; Mayor, \$3,329,00 for the Primary, and \$2,662,000 for the General Election
- o. Debate Requirement – Yes. Must participate in at least one debate during the primary election, and two debates during the general election
- p. Remission of Surplus Funds Required – Yes. Surplus funds must be repaid to the Public Matching Funds Trust within 90 calendar days after the election, or if candidate withdraws, within 10 calendar days of the withdrawal
- q. Disbursement Mechanism/Matching Rate – Yes. 6:1 match for first \$114.00 per individual contribution: only the matchable portion counts toward the threshold
- r. Post-Election Audits Required – Yes. Charter Section 702 (d) requires the audit of all campaign committees where the candidate raises or spends at least \$100,000, or receives public matching funds
- s. Treatment of Outstanding Penalties – see pages 134-135 below for a full description
- t. Application to Special or Vacancy Filling Elections – Confirmation unavailable at time of report

- u. Recent Amendments to Public Financing Program – 2019, Increased rate of match; increased the amount of funding available to qualified candidates; updated the qualification criteria; mandated contributor certification; and imposed a debate requirement, and if no-opponent agrees to debate, must conduct a town hall meeting

NOTES:

Post-election contributions eligible for match were received during the three (3) months immediately following the election; and for the purpose of retiring debt incurred during the election.

(7)Oakland, California

- a. Jurisdiction – Municipal
- b. Population – 110,146 (2018)
- c. Year Enacted – 1999, the Oakland Campaign Finance Reform Act, amended 2019; the Limited Public Financing Act, Ordinance No. 13031 (7/27/10), Sections 3.13.010, et seq., the Limited Public Financing Act of the City of Oakland
- d. Type – Matching Funds
- e. Offices – District City Council
- f. Last Election – 2020
- g. Participation – 17
- h. Administrating Agency – City of Oakland Public Ethics Commission
- i. Funding Source – City Council Appropriations/Non-lapsing Election Campaign Fund – amounts allocated to the Fund limited to no more than \$500,000 for any two-year budget cycle
- j. Applicable to Contested Elections - Yes

- k. Open or Closed – Open, but subject to overall expenditure limits, and cannot use personal funds for more than 10% of the expenditure limits
- l. Candidate Qualification/Threshold Requirements – Must collect 5 % of the expenditure limit from contributions originating from the residents/businesses from the City of Oakland. Certify agreement to receive ethics training by candidate, treasurer, or campaign designee, and to audits or reviews, and must be certified to appear on the ballot and opposed by another candidate on the ballot for the same office.
- m. Cap on Public Funds made available/Per Election/Election Cycle – \$153,000
- n. Expenditure Limits – Varies by District (for example, District 1: \$127,000 and District 4: \$121,000)
- o. Debate Requirement – Public debates are strongly encouraged: Sec. 3.13.70, encouraged to participate in one or more nonpartisan candidate debates for each election
- p. Remission of Surplus Funds Required – Yes. Sec. 3.13.150
- q. Disbursement Mechanism/Matching Rate – Yes. A candidate can be reimbursed for expenditures up to 30% of the expenditure limits; Primary public match for \$2 private; General 1:1 match
- r. Post-Election Audits Required – Yes. Mandatory post-election audits by city auditor of all candidates accepting public financing. Section 3.13.100 C.
- s. Treatment of Outstanding Penalties – The Public Ethics Commission is authorized to administratively enforce the provisions of the Limited Public Financing Act, which may include the

imposition of fines, penalties and the return of public financing received.

- t. Application to Special or Vacancy Filling Elections – The Act does not address Special Elections or Vacancy Filling Elections. The program would be administered in the same manner as General Elections.
- u. Recent Amendments to Public Financing Program – The last amendments made to the LPFA were in 2010.

NOTES:

The Election Code overall prohibits contractor contributions.

(8) Richmond, California

- a. Jurisdiction – Municipal
- b. Population – 110,146 (2018)
- c. Year Enacted – 1993, Amended Section 2.42 “Fair Elections”, of the CA Municipal Code, 2018, Ordinance 10-14 N.S.
- d. Type – Matching Funds
- e. Offices – Mayor, City Council
- f. Last Election – 2018 (Matching Funds suspended for 2020 Election)
- g. Participation – 11
- h. Administering Agency – City Clerk
- i. Funding Source – Appropriations from City Treasury
- j. Application to Contested Elections Only: Yes
- k. Open or Closed – Partially Closed, may raise up to \$75,000 in outside contributions

- l. Candidate Qualification/Threshold Requirements – Must file a public funding request, and be certified to appear on the ballot and opposed by at least one other certified candidate for the same office; Requires 20 valid signatures of registered qualified electors on nominating petition
- m. Cap on Public Funds made available/Per Election/Election Cycle – Yes, Cap limit established \$75,000: \$12,500 per election
- n. Expenditure Limits – \$75,000
- o. Debate Requirement - None
- p. Remission of Surplus Funds Required –Program does not address this per Administrator
- q. Disbursement Mechanism/Matching Rate – \$2500 lumpsum at stated fundraising benchmarks, \$10,000; \$15,000; \$20,000; \$25,000; \$30,000/ \$12,500 matching limit per election
- r. Post-Election Audits Required – None
- s. Treatment of Outstanding Penalties – Program does not address this though there are enforcement procedures in other areas of the Richmond city code
- t. Application to Special or Vacancy Filling Procedures – Richmond has a procedure. Please see pages 174-175 below for a full description
- u. Recent Amendments to Public Financing Program – 2018, Amended Section 2.42 “Fair Elections”, of the CA Municipal Code, 2018, Ordinance 10-14 N.S.

2018, to require that a “qualified Candidate” is where a candidate files a public funding request, is certified to appear on the ballot, and is opposed by at least one other certified candidate for the same office;

the total amount of contributions accepted for which matching funds are sought will not exceed \$75,000 (if received in excess no longer qualified, and must return all funds previously received); and the disbursement is as stated above, which cannot exceed \$12,500 in matching funds per election.

(9) San Francisco, California

- a. Jurisdiction – Municipal
- b. Population – 881,549 (2019)
- c. Year Enacted – 2020/SF Voters adopted Proposition O, the Fair Elections Ordinance, which amended the SF Campaign Finance Reform Ordinance to provide for partial public financing
- d. Type – Matching Funds
- e. Offices – Mayor, Board of Supervisors
- f. Last Election – 2020
- g. Participation – 16
- h. Adminstrating Agency – San Francisco Ethics Commission
- i. Funding Source – Appropriations of \$2.75 per resident of the City and San Francisco County
- j. Application to Contested Elections – Yes. Must be opposed by a candidate who has qualified for public financing or who has received contributions/and or made expenditures of \$10,000 or more
- k. Open or Closed – Open, but subject to overall expenditure limits, and cannot spend more than \$5000 in personal funds
- l. Candidate Qualification/Threshold Requirements – Board of Supervisors NIC, \$10,000 from at least 100 individuals; Board of Supervisors INC, – \$15,000 from at least 150 individuals; Mayoral

Candidate NIC, \$50,000 from at least 500 individuals; Mayoral Candidate INC, \$75,000 from at least 750 individuals. All contributions must be received from San Francisco residents/only first \$100 of contribution over \$100 counts towards eligibility. Candidates must agree to spending limits and have paid all outstanding fines or penalties owed to the City/have no prior findings of campaign finance violations (last five (5) years) and agree to only accept \$5000 contribution from self. Cannot spend more than expenditure limits until threshold raised

- m. Cap on Public Funds made available/Per Election/Election Cycle – Yes, Cap limit established by S.F. Code and GC, Section 1-104, and cannot exceed \$1,200,000, NIC Mayoral Candidate; \$1,185,000, INC Mayoral Candidate; \$255,555, NIC Supervisorial Candidate; and \$252,000, INC Supervisorial Candidate
- n. Expenditure Limits – Board of Supervisor Candidates, \$350,000; Mayoral Candidates, \$1,700,000; applies to each primary, general, special
- o. Debate Requirement – Must participate in at least three debates
- p. Remission of Surplus Funds Required – Yes. Unexpended public funds must be forfeited to the City within 30 days of any election/withdrawal, disqualification, or completion of audit, whichever happens last
- q. Disbursement Mechanism/Matching Rate – Yes. Lump sum upon qualifying: Mayor, \$300,000; Supervisor, \$60,000. Then, matched at 6:1 rate

- r. Post-Election Audits Required – Yes. Mandatory Audit required of all candidates certified to receive public funds within 60 days of the due date of the first post-election report due January 31st
- s. Treatment of Outstanding Penalties – Must have paid all outstanding fines or penalties owed to the City by the candidate for which the candidate was the controlling candidate or treasurer /have no prior findings of campaign finance violations (last five (5) years),
- t. Application to Special or Vacancy Filling Elections – Yes
- u. Recent Amendments to Public Financing Program – None

(10) Tucson, Arizona

- a. Jurisdiction – Municipal
- b. Population – 545,975 (2018)
- c. Year Enacted – 1987
- d. Type – Matching Funds
- e. Offices – Mayor, and City Council
- f. Last Election – 2019
- g. Participation - 9
- h. Administering Agency – City Clerk
- i. Funding Source – Appropriations, Gifts and Donations
- j. Applicable to only Contested Elections - No
- k. Open or Closed – Open, but subject to overall expenditure limits, and cannot use personal funds for more than 3% of expenditure limit
- l. Candidate Qualification/Threshold Requirements – Must sign a contract with the City and meet eligibility requirements. Agree to abide by limits on candidate's use of personal monies, limits on expenditures and contributions; and must complete two (2) audits

and file audit reports. Mayoral, collect \$10 each from at least 300 individual city (Tucson) residents; City Council, collect, collect \$10 each from at least 200 individual city (Tucson) residents

- m. Cap on Public Funds made available/Per Election/Election Cycle – Yes, Cap limit: Mayor, \$130,684.74; and City Council, \$65,342.37.
- n. Expenditure Limits – Mayoral, \$261,369,48; City Council \$130,684.74 through end of campaign period. Limits based on voter rolls and Consumer Price Index.
- o. Debate Requirement - None
- p. Remission of Surplus Funds Required – Unexpended public matching funds must be returned to the city up to the amount provided to the candidate
- q. Disbursement Mechanism/Matching Rate – Yes. 1:1 match of individual contributions, even from non-residents. Will not match personal funds and contributions from political committees, partnerships, corporations, or other groups eligible to make contributions
- r. Post-Election Audits Required – Yes
- s. Treatment of Outstanding Penalties – nominating papers will not be accepted if there is more than \$1,000.00 in fines
- t. Application to Special or Vacancy Filling Elections – N/A
- u. Recent Amendments to Public Financing Program – None

II. Summary Based Upon Jurisdictions with Public Funding Programs for Campaigns

The following is a summary of the qualifications for each jurisdiction with public funding for electoral campaigns followed by notes highlighting

practices in jurisdictions, with public campaign funding not shared by the FEP.

1. Minnesota Public Subsidy and Refunds Program, Campaign Finance and Public Disclosure Board of the Minn. Sect of State.

Minnesota has an estimated 2019 population of 5,639,632. The Minnesota Public Subsidy and Refund Program legislated in 1974 is a public subsidy program for the seat of governor and statewide legislators.

[Link: Political contribution refund program](#)

The program consists of two components:

- (1) Direct public subsidy payments, and
- (2) Political contribution refund program.

Eligibility

To participate in the public subsidy program, a candidate must raise the required threshold in qualifying contributions; and win the primary election. The amount the committee receives in direct public subsidy payments varies by committee because the payments come from two sources of funds.

Distribution of Funds

First, candidates receive money from a general account appropriation that is divided equally by candidates running for a specified office.

Second, candidates affiliated with any of the political parties receive a party account payment from the pool of money designated for their party by tax check off.

Refunds

The political contribution refund program allows Minnesota voters who contribute to a registered political party or to a candidate who has signed the public subsidy agreement to apply for a refund of their contribution. The maximum refund that contributors may receive is \$50 per person, or \$100 for married couples, per year.

Notes

#1. In Minnesota candidates affiliated with any of the political parties receive a party account payment from the pool of money designated for their party by tax check off.

2. Connecticut, Citizens' Election Program, State Elections Enforcement Commission

The State of Connecticut has an estimated 2019 population of 3,565,287. In 2020, the General Assembly Primary and General Elections Chapter 157 of the Connecticut General Statutes established the Citizens' Election Program (the "Program"), a voluntary program that provides clean elections financing to qualified candidates for statewide offices and the General Assembly. The program is financed by the Citizens' Election Fund, which receives funds primarily from the proceeds of the sale of abandoned property in the State of Connecticut's custody, as well as voluntary donations.

Affidavit of Intent to Abide or Affidavit of Intent Not to Abide

All General Assembly candidates are required to file an Affidavit of Intent to Abide by Expenditure Limits and Other Program Requirements, unless exempt. Candidates who elect not to participate in the Program must complete the Affidavit of Intent Not to Abide by Expenditure Limits.

A candidate who changes his or her party status after filing will not be eligible to apply for a Program grant.

Qualifying Threshold -Demonstrating Public Support

To qualify for clean elections financing, candidates must demonstrate they have adequate support from the public. Candidates accomplish this by meeting a three-part "threshold":

Candidates must raise an aggregate amount of small-dollar monetary contributions from individuals between \$5 and \$270:

Candidates must receive such contributions from a certain number of individuals residing in the district; and

Candidates must obtain access to the ballot. The method of ballot access is part of the process to measure public support and therefore determines the grant amount of a qualified candidate committee.

Qualifying Contributions

Small-dollar monetary contributions from individuals between \$5 and \$270;

In-kind contributions, personal funds and loans do not count as qualifying contributions.

Principals of current and prospective state contractors, as well as minors under the age of 12, may not make qualifying contributions.

Coordinating expenditures with committees or people who are not permissible donors may disqualify a committee from participation in the Program or cause a grant to need to be returned.

Qualification Thresholds for General Assembly Offices

Office Sought	Aggregate Contribution Requirement- Individuals Only	Minimum Resident Contributions	Individual Contribution Limits
State Senator	\$16,000	300 residents of municipalities included, in whole or in part, in the district	\$5 to \$270
State Representative	\$5,300	150 residents of municipalities included, in whole or in part, in the district	\$5 to \$270

Candidate's Personal Funds

The Program permits participating candidates to provide a limited amount of personal funds to their campaigns. Candidates may only provide such personal funds to their campaigns before applying for an initial grant. The grant will be reduced by the amount of any allowable personal funds provided. Personal funds do not constitute qualifying contributions.

Office Sought	Maximum Allowable Personal Funds
State Senator	\$2,000
State Representative	\$1,000

Loans to the Candidate Committee

Only financial institutions may provide loans, valued up to an aggregate of \$1,000. The \$1,000 loan limit applies to candidate committees of candidates

seeking any office covered by the Program. Program requirements further provide that any such borrowed funds do not constitute qualifying contributions. The candidate committee of a participating candidate must repay all outstanding loans before applying for a grant from the Citizens' Election Fund.

No person, political committee, or party committee can endorse or guarantee a loan or aggregate loans exceeding \$500, except the candidate. In a general election, a state central committee may endorse or guarantee a loan or aggregate loans from financial institutions up to \$1,000.

Useful Links

[2020 General Assembly Post-Election and Termination Fact Sheet](#) [CEP Program Overview](#) [Print Copy CEP Training Videos](#) [CEP Forms](#) [2020 Participating Guidebook](#) [Rulings and Opinions](#) [Filing Calendars](#) [Committee Registration List](#) [Grant Application Deadlines/Commission Meetings](#)

Notes

#1. The Connecticut Clean Election Financing Program permits in-kind contributions, which may not count as qualifying contributions.

3. Santa Fe, New Mexico, Municipal, Grants, City Clerk

Santa Fe has an estimated 2019 population of 83,922. Santa Fe, New Mexico- Code of Ordinances Chapter IX Elections and Political Campaign Codes Section 9-3-Public Campaign Finance Code:

Link to Santa Fe Code:

https://library.municode.com/nm/santa_fe/codes/code_of_ordinances?nodeId=CHIXELPOCACO_9-3PUCAFICO

Santa Fe, New Mexico has a publicly funded grants program for the Santa Fe city offices of mayor, city council and judgeships that was created in 2016. The publicly funded grants program in Santa Fe, New Mexico has a match at

a 2:1 ratio. As of 2018, candidates may raise a limited amount of private contributions, which will be matched by the city's public campaign fund.

The new ordinance is a compromise between ardent public campaign finance advocates and skeptical councilors, who resisted the original proposal to allow publicly financed candidates to raise additional private dollars to their hearts' content. The intent of the reform, backers said, is to encourage office-seekers to opt for the public money and disincentivize a private fundraising arms race, such as the 2018 mayoral contest, when Mayor Alan Webber raised a record-breaking sum of more than \$315,000 and his rivals were unable to keep pace. Only one candidate in that five-way race, former City Councilor Ron Trujillo, qualified for the \$60,000 public disbursement. Trujillo finished a distant second. The matching provision stems from the original conception of the city's public campaign finance program, in which matching public campaign funds would have been tied to the amount privately financed candidates were raising. Before Santa Fe could ever implement the program in a regular municipal election, however, the U.S. Supreme Court found such matching provisions to be unconstitutional, saying they would disadvantage privately funded candidates. Santa Fe council OKs overhaul to public campaign finance.

Contribution and Distribution Caps

The maximum private donation to publicly funded candidates cannot exceed \$100.

Mayoral candidates are capped at \$120,000 (\$60,000 disbursement plus \$30,000 in donations and a \$30,000 city match) and;

Council candidates are capped at \$22,500 (the \$15,000 disbursement plus \$3,750 in private funds and a \$3,750 match).

Additional Links:

[Santa Fe council OKs overhaul to public campaign finance By Tripp Stelnicki | \[tstelnicki@sfnewmexican.com\]\(mailto:tstelnicki@sfnewmexican.com\) Dec 12, 2018 Updated Dec 13, 2018;](#)

Notes

None

4. New York, New York, Matching Funds Program, NYC Campaign Finance Board

New York City has an estimated 2019 population of 8,336,817. Pursuant to New York City Campaign Finance Act Title 3, Chapter 7, the New York City's landmark Campaign Finance Program created in 1988 provides public funds to candidates for city office. The voluntary public financing program matches small-dollar contributions from individuals who reside in New York City. A \$10 contribution from a NYC resident to a participating candidate in the 2021 election could be worth as much as \$90 to their campaign. New York's program consists of **open** financing, but candidates are subject to overall expenditure limits.

Links for additional information:

- [Campaign Finance Act](#)
- [NYC Charter](#)
- [CFB Rules](#)

[How It Works | New York City Campaign Finance Board](#)

Eligibility

Any candidate running for municipal office, mayor, comptroller, public advocate, borough president, and city council may join the program. The program does not cover county district attorney offices or state or federal offices.

To receive public funds, candidates must:

1. Meet a two-part fundraising threshold:
 - Collect a minimum number of contributions (of \$10 or more) from the area they seek to represent. For instance: candidates for City Council must have 75 contributors from their district; candidates for borough president must have 100 contributors from their borough.
 - Raise a minimum amount of qualifying contributions from NYC residents (only the matching portion of the contributions counts towards this threshold).
2. Certify agreement to and demonstrate compliance with the requirements of the Act and Board Rules.
3. Be on the ballot and have an opponent on the ballot.
4. Submit a personal financial disclosure filing with the Conflicts of Interest Board

Requirements for Participants

Spending Limits & Restrictions

Candidates who seek public funds agree to abide by spending limits, which ensure money will not decide an election between participating candidates. The spending limit varies by office sought.

Early Payments

Candidates who receive an early public funds payment may be required to return public funds if they:

1. Terminate their candidacies prior to the petitioning period;
2. Fail to get on the ballot in the primary and/or general election;
3. Fail to gather and submit petitions; or
4. Eventually do not face opposition on the ballot.

Limits on Public Funds

There is a cap on the total amount of public funds available to each candidate. Candidates may only spend public funds to further their campaign and must agree to return public funds that were not spent in accordance with the rules.

Accountability & Audits

After the election, candidates who have received public funding must return any remaining funds to the city. As a result, there are strict limits on what publicly funded campaigns can spend after the election. All campaigns are audited, and those who receive public funds must provide a thorough accounting of the way public funds were spent. Those who fail to comply with the law may face penalties. Candidates with outstanding penalties or public funds repayment obligations from a previous election may not receive matching funds for the current election until payment is made.

Statement of Need for Additional Public Funds

2019 Public Advocate & Council District 45 (Jun/Nov): General (For Participants Only)

In order to limit public funding in races where participants face minimal opposition, public funds payments are capped at 25% of the maximum.

Participating candidates must demonstrate a need for additional public funds by submitting a [Certified Statement of Need](#).

There were changes to New York City's landmark Campaign Finance Program designed to diminish the role of big contributions in city elections and increase the availability of public financing to candidates for city office. Approved by voters in the 2018 Charter revision and expanded by the City Council in 2019, these changes

- Increased the matching rate on contributions from New York City residents
- Increased the maximum matching amount for citywide offices
- Lowered the contribution limits
- Increased the amount of public funds candidates may receive per election
- Made public funds available as early as December of the calendar year preceding the election year.

Candidates for elections through 2021 may choose to participate in the matching funds program under the provisions that existed prior to the 2018 ballot referendum.

Public Funds Matching Rate

New Program (Option A) <http://www.nyccfb.info/program/what-s-new-in-the-campaign-finance-program-2/-a1>

Office	Matching Rate	Amount Eligible for Match Per Contributor	Maximum Public Funds Per Contributor
Mayor, Public Advocate, Comptroller	\$8-to-\$1	\$250	\$2,000
Borough President, City Council		\$175	\$1,400

Old Program (Option B)

Office	Matching Rate	Amount Eligible for Match Per Contributor	Maximum Public Funds Per Contributor
All Offices	\$6-to-\$1	\$175	\$1,050

Maximum Public Funds Payment

New Program (Option A)

Office	Maximum Public Fund Payment
Mayor	\$6,476,444
Public Advocate, Comptroller	\$4,048,888
Borough President	\$1,457,777
City Council	\$168,888

Old Program (Option B)

Office	Maximum Public Fund Payment
Mayor	\$4,007,300
Public Advocate, Comptroller	\$2,505,250
Borough President	\$902,000
City Council	\$104,500

Contribution Limits

New Program (Option A)

Office	Contribution Limit
Mayor, Public Advocate, Comptroller	\$2,000
Borough President	\$1,500
City Council	\$1,000

Old Program (Option B)

Office	Contribution Limit
Mayor, Public Advocate, Comptroller	\$5,100
Borough President	\$3,950
City Council	\$2,850

Timing of Payments

Option	A	(New	Program)
	First public funds payments begin as early as December 2020.		

Option	B	(Old	Program)
	First public funds payments begin as early as December 2020. Early payments in “Option B” are capped at \$250,000 for mayoral candidates, \$125,000 for public advocate and comptroller candidates, \$50,000 for borough president candidates, and \$10,000 for city council candidates.		

NYC Votes

The 1988 Charter Revision Commission saw a clear link between low voter engagement and the widespread perception that large contributors exercised undue influence over government. Seeking to restore and increase confidence and participation in the electoral process, the Charter established a Department of Campaign Finance and Voter Assistance charged with three main duties: administering the landmark matching funds program adopted by the City Council earlier that year; encouraging more New Yorkers, especially those in underrepresented communities, to register and vote; and publishing a

nonpartisan voter guide with information on candidates and ballot proposals, to be distributed to every household with a registered voter.

The Voter Assistance Commission (VAC) was separated from the CFB the following year. However, the 2010 Charter Revision Commission proposed reconstituting VAC within the CFB as its Voter Assistance Advisory Committee (VAAC), restoring the CFB's broader mandate to help more voters participate in the political process.

Link to additional information:

[Voter Analysis Report: 2019 - 2020](#)

The Voter Analysis Report for 2019-2020 (released April 30, 2020) includes new research on voter participation in the decade from 2008 to 2018; original analysis on voting in 2019 elections; and recommendations for legislative and policy changes to expand access to voting in NYC. The tabs on this page include an executive summary, interactive maps, and updates, providing additional context for the full [PDF report](#).

Prepared by NYC Votes the nonpartisan voter engagement initiative of the New York City Campaign Finance Board (CFB), an independent agency that administers the city's small-dollar matching funds program for city elections.

Keeping Democracy Strong: NYC's Campaign Finance Program in the 2017 Citywide Elections

2017 Post-Election Report

New York City's landmark Campaign Finance Program has shaped the landscape of city elections and strengthened New Yorkers' relationship to their government since 1988.

The [CFB's comprehensive report on the 2017 citywide elections](#) shows that small-dollar contributors played a larger role in city elections than ever before.

Key findings of the report include:

Small-dollar contributors (those who gave \$175 or less) played a larger role in New York City's 2017 elections than in either the 2009 or 2013 elections.

- **73 percent of all contributors to candidates for mayor** gave \$175 or less.
- In 2013, small-dollar contributors were **just 48 percent** of contributors to mayoral campaigns.
- In 2009, small-dollar contributors were **70 percent** of contributors to mayoral candidates.

More candidates conducted small-dollar fundraising online.

- The CFB's NYC Votes Contribute application (nycvotes.org) allowed candidates to recruit small-dollar supporters via the web, social media, and email.

- Candidates raised **over 27,000 contributions, totaling nearly \$4.4 million**, via NYC Votes Contribute.
- For the first time in the Program’s history, more contributions were made by credit card than by check.

Those small contributions were amplified through public matching funds.

- Eligible candidates received **\$17.7 million in public funds** payments in 2017.
- For the second election cycle in a row, both major party nominees for mayor participated in the matching funds program and received \$5.9 million in matching funds.
- City Council candidates received more than 50 percent of their funds from the public match.

With public funds available to candidates, NYC’s municipal elections are more often contested or competitive than state legislative races.

- In the 2017 races for City Council, five of 41 incumbents (12 percent) faced no opposition in the primary or general election, while 26 percent of incumbents in the State Assembly and Senate representing New York City were re-elected in 2016 without an opponent.
- For City Council, 12 of 51 races (24 percent) were competitive (meaning the winner received less than 50 percent of vote); by that standard, only one local race for the state legislature was competitive in 2016.

The report also includes specific proposals to build on the Program’s successes and improve the system. The Board’s proposals focus particularly on the citywide offices where large contributions continue to play a large role in funding campaigns.

The proposals include:

- Lowering the contribution limits.
- Increasing the matching ratio for citywide candidates.
- Increasing the amount of public funds candidates are eligible to receive.
- Making it easier for citywide candidates to qualify for public funds.

The report includes important updates about the Board’s administration of the Campaign Finance Program, including outlines of changes to the post-election audit process for the 2017 elections and a summary of enforcement actions for the 2013 election cycle.


Other sections of the report include:

- Profiles of the most interesting races of the 2017 elections in “At the Races.”

- In-depth analysis of campaign finance data from the 2017 elections—including maps produced by the Center for Urban Research at the CUNY Graduate Center.
- A close look at independent expenditures and contributions from individuals doing business with city government.
- A review of the Campaign Finance Board’s voter education and engagement efforts for the 2017 elections through its NYC Votes initiative.
- A survey of innovations and improvements to the services the CFB provides for candidates.

September 1, 2014

Report Shows Campaigns Relied on Small Contributions Public Funds Reduced the Impact of Big Money and Special Interests Candidates for City office in last year’s elections overwhelmingly funded their campaigns with small contributions from City residents according to a comprehensive report released today by the New York City Campaign Finance Board (CFB). The report, “[By the People: The New York City Campaign Finance Program in the 2013 Elections](#),” also includes the Board’s recommendations for legislative actions to strengthen and improve the administration of the Program. ([Download the report](#)).

For this report, the CFB worked with the Center for Urban Research at the CUNY Graduate Center to prepare maps showing contribution patterns within New York City. Link for additional information:  [By the People: The New York City Campaign Finance Program in the 2013 Elections](#)

Post-Election Audit Requirement

New York City Campaign Finance Act, Title 3, Chapter 7, Section 3-710: Examinations and Audits; repayments

1 (a) A draft audit of a participating candidate is to be completed within 8 months, after submission of the final disclosure report for the covered elections for City Council and borough-wide races and 10 months for city-wide races unless subject of the audit consents in writing for a longer period.

(b) A final audit, where the candidate, candidate’s manager and treasurer completed audit training by the board, within 14 months for City Council and borough-wide races and 16 months for city-wide races; and

16 months for City Council and borough-wide races and 18 months for city-wide races, without audit training by the board; subject to notice of violations

and recommendations for penalties and payment and notice of a right to a hearing.

Special Elections

In New York City, special elections are held to temporarily fill vacancies in city offices resulting from an elected official's resignation, removal, death, or permanent incapacitation.

A special election takes place in a shorter time period than a primary or general election. Within three days of a vacancy, the mayor proclaims a special election date and the ballot petitioning process begins. Petitions must be submitted to the New York City Board of Elections (City BOE) within 12 days of the mayor's proclamation. Candidates who wish to participate in the [Campaign Finance Program](#) must submit a Certification to the CFB within 14 days of the mayor's proclamation. Candidates must also file a personal financial disclosure report with the New York City Conflicts of Interest Board (COIB).

Special elections are usually held on the first Tuesday at least 80 days after the office has been vacated. The election date will be confirmed in the mayor's proclamation.

If a Candidate Has Already Opened a Committee

If a candidate has registered a committee for the next citywide election, he or she must use that committee for the special election. All funds raised and spent by a campaign are presumed to be for the candidate's next election. Once a special election is declared, the candidate must register his or her committee for the special election with the CFB and the campaign's C-SMART will be updated to reflect the special election.

If a Candidate Has Not Opened a Committee

Follow the steps in [Start Your Campaign](#).

Recordkeeping

All recordkeeping requirements for a special election are the same as for a primary and general election in a four-year cycle. Campaigns must keep detailed records and documentation for each financial transaction.

Campaigns must use the [special election contribution card](#) when collecting contributions after the special election has been proclaimed.

Filing Disclosure Statements

All candidates for special elections are required to register and file disclosure statements with the CFB. You must disclose all contributions and expenditures in the disclosure statement due immediately after they are received/incurred using the CFB's financial disclosure application, C-SMART. Candidates must continue to file disclosure with the CFB through

the audit process and until the campaign has paid all outstanding liabilities and appropriately disposed of all assets.

Any candidate who fails to comply with the disclosure statement requirements may be subject to financial penalties. All official CFB notices from Audit and Legal will be sent electronically via C-Access.

Limits

Contribution Limits

The contribution limit for a special election is half the contribution limit for the standard [four-year election cycle](#) (this includes the [doing business limit](#)). If a candidate has accepted contributions over the special election limits, they must refund the excess amounts to contributors by certified or bank check from the committee's bank account before the first disclosure statement. Copies of the refund checks must be submitted with the first disclosure statement. Contribution limits apply to all candidates, whether or not they join the Campaign Finance Program.

Office	Special Contribution New Program	Election Limit (Option A)	Special Contribution Old Program B)/Non-Participant	Election Limit (Option B)
Mayor, Public Advocate, Comptroller	\$1,000		\$2,550	
Borough President	\$750		\$1,975	
City Council	\$500		\$1,425	

Like in regular four-year election cycles, you can accept a contribution from a political committee only if the committee has registered with the CFB for the next citywide election. [View a list of registered political committees for this election cycle.](#)

Special Election Doing Business Limit

Office	Special Doing Business Limit	Election Limit
Mayor, Public Advocate, Comptroller	\$200	
Borough President	\$160	
City Council	\$125	

[Access the Doing Business Database](#)

Expenditure Limit

The expenditure limit in a special election is equal to the [limit](#) for a primary or general election in a standard four-year election cycle. If the campaign has already spent money prior to the announcement of the special election, that spending will be presumed to be for the special election.

Office	Special Election Expenditure Limit
Mayor	\$7,286,000
Public Advocate, Comptroller	\$4,555,000
Borough President	\$1,640,000
City Council	\$190,000

MATCHING FUNDS

The matching rate and the maximum matchable amount per contributor are the same as in a [regular citywide election](#).

New Program (Option A)

Office	Matching Rate	Maximum Matchable Per Contributor	Maximum Public Funds Per Contributor	Maximum Public Funds Per Election [†]
Mayor		\$250	\$2,000	\$5,464,500
Public Advocate and Comptroller	\$8-to-\$1	\$250	\$2,000	\$3,416,250
Borough President		\$175	\$1,400	\$1,230,000
City Council		\$175	\$1,400	\$142,500

[†] 75% of applicable spending limit

Old Program (Option B)

Office	Matching Rate	Maximum Matchable Public Funds Per Contributor	Maximum Public Funds Per Contributor	Maximum Public Funds Per Election [‡]
Mayor	\$6-to-\$1	\$175	\$1,050	\$4,007,300

Public Advocate and Comptroller	\$175	\$1,050	\$2,505,250
Borough President	\$175	\$1,050	\$902,000
City Council	\$175	\$1,050	\$104,500

‡ 55% of applicable spending limit

Choosing Option B means that you will be eligible to receive less in public funds but will be allowed to collect contributions at a higher limit.

Whichever program option candidates choose, to be eligible to receive public funds, all candidates must join the Campaign Finance Program and meet the following criteria:

- Be in compliance with the Act and [CFB Rules](#), including abiding by a strict [spending limit](#).
- Certify into the Program by submitting a [Certification](#).
- Meet a [two-part financial threshold](#). (See below)
- Submit a personal financial disclosure statement to the New York City Conflicts of Interest Board (COIB).
- Be on the ballot and face an opponent on the ballot.

To qualify for matching funds, candidates must meet the following thresholds.

Office	Special Election Dollar Threshold	Special Election Contributor Threshold
Mayor	\$125,000	1,000
Public Advocate, Comptroller	\$62,500	500
Borough President	\$10,000 – \$50,094*	100 †
City Council	\$5,000	75 ‡

*The threshold amount is based upon the number of persons living in each borough, according to the 2010 Census and rounded to the nearest dollar. The amount for each borough is: Bronx (\$27,702), Brooklyn (\$50,094), Manhattan (\$31,717), Queens (\$44,614), and Staten Island (\$10,000).

† Must be borough residents.

‡ Must be district residents.

DISCLOSURE DEADLINES

All candidates must submit disclosure statements to the CFB. The [Disclosure Deadlines](#) page will include relevant disclosure deadlines once a special election has been proclaimed.

Campaign Finance Board Issues Matching Funds Payments to City Council Special Election and 2021 Candidates

[02/19/2021](#)

The NYC Campaign Finance Board (CFB) issued public matching funds payment totaling \$924,779 to nine candidates for city office today.

The CFB approved payments totaling \$88,408 to five candidates in the City Council District 31 special election (see details below). Including today's payments, the CFB has distributed a total of \$566,893 to five candidates in the race. The election will be held on February 23.

The CFB also approved payments totaling \$836,327 to four candidates in the 2021 citywide elections. Including the payments approved today, the CFB has issued a total of \$38,615,139 to 128 candidates.

With more than 300 candidates seeking to qualify for public funds, the January 15, 2021 filing was the largest in the history of the matching funds program, with more transactions than were recorded for the entire 2017 election cycle. In less than one month, the CFB reviewed this enormous volume of transactions to issue public funds payments on Tuesday, February 16.

We have since identified information that was erroneously omitted from the payment reviews. Based on that additional information, these candidates should have been eligible for payment on February 16, and we are paying them today.

We are conducting a careful and thorough review of the February 16 payments to identify and issue any other payments that should be made. We will provide further information next week.

[CITY COUNCIL DISTRICT 31](#) - 2021 SPECIAL ELECTION PUBLIC FUNDS

Candidate	Feb. 19
Rux, Shawn	\$55,425
Benjamin, Latoya	\$9,214
Brooks-Powers, Selvena	\$7,125

Candidate	Feb. 19
Osina, Pesach	\$8,976
Silva, Manuel	\$7,668

2021 CITYWIDE ELECTIONS - PUBLIC FUNDS

Candidate	Office	Feb. 19
Low, Jenny	City Council, District 1	\$160,396
Osse, Chi	City Council, District 36	\$160,400
Raymond, Edwin	City Council, District 40	\$160,444
Richards, Donovan	Borough President Queens	- \$355,087

The City Council District 31 special election is among the first elections for city office conducted with [Ranked Choice Voting](#), which allows voters to rank five candidates in order of preference. Voters may refer to the [Frequently Asked Questions](#) section of the CFB website for more info about Ranked Choice Voting.

HOW THE CAMPAIGN FINANCE PROGRAM WORKS

The CFB provides public matching funds to qualifying candidates at a matching rate of \$8-to-\$1 for the first \$175 for City Council and Borough President candidates, or \$250 for citywide candidates contributed by city residents. Contributions from New York City residents are eligible for a maximum matching funds payment of \$1,400 for City Council and Borough President candidates, or \$2,000 for citywide candidates.

To qualify for public matching funds, candidates must meet the nonpartisan objective criteria set in the law, including a two-part fundraising threshold. In City Council elections, candidates must raise 75 contributions from district residents and \$5,000 in match-eligible funds (the first \$175 from a city resident). Candidates must also comply with all [program rules](#), including

individual contribution limits and a prohibition on contributions from corporations, limited liability companies, and partnerships.

The \$8-to-\$1 matching rate was adopted by voters, along with other improvements to the matching funds program, in November 2018. Candidates may choose to participate in the old program, which provides public funds at a \$6-to-\$1 matching rate.

The CFB's [Candidate Services](#) staff offers extensive support to campaigns, providing access to training, resources, and one-on-one guidance to help them navigate their disclosure requirements and compliance obligations.

More information about the candidates' campaign finance data is available on the CFB website in the [Campaign Finance Summary](#) portal. Individual contribution data is available in the [Follow the Money](#) database.

Penalties

New York City Campaign Finance Act, Title 3, Chapter 7, Section 3-711:

1. The penalty for untimely filings or violations shall be a civil penalty not to exceed 10,000. The board shall publish a schedule of civil penalties for common infractions and violations including examples of aggravating and mitigating circumstances to be used to address penalties.
2. (a) If expenditure limitations are exceeded then the penalty will be subject to 3x the amount of the excess expenditures. (b) A candidate failing to provide a response to a draft audit will be subject to a civil penalty up to 10% of the total public funds received.
3. Furnishing intentional, knowing or false information to the board is a class A misd. in addition to all penalties.
4. Anyone taking steps to correct violations prior to receipt of written notice of violations shall NOT be subject to penalty for any such violations.

Short Summary

New York City has a matching funds program for the office of mayor, comptroller, public advocate, borough president and city council. NYC matches contributions with public funds, at the ratio of 6:1, or 8:1. This voluntary public financing program matches small-dollar contributions from individuals who reside in New York City.

To receive public funds, a candidate must meet a two-part fundraising threshold:

- Collect a minimum number of contributions of \$10 or more, from the area they seek to represent. For instance: candidates for City Council must have 75 contributors from their district; candidates for borough president must have 100 contributors from their borough.
- Raise a minimum amount of qualifying contributions from NYC residents (only the matching portion of the contributions counts towards this threshold).

Be on the ballot and have an opponent on the ballot.

Submit a personal financial disclosure filing with the Conflicts of Interest Board.

Candidates who seek public funds agree to abide by spending limits, which ensure money will not decide an election between participating candidates. The spending limit varies by office sought. There is a cap on the total amount of public funds available to each candidate. In campaigns where there is minimal opposition, public funds are capped at 25% of the maximum. To receive the maximum public funds the candidate must submit a Statement of Need, with supporting documents.

There are strict limits on what publicly funded campaigns can spend after the election. Candidates with outstanding penalties or public funds repayment obligations from a previous election may not receive matching funds for the current election until payment is made. Candidates for elections through 2021 may choose to participate in the matching funds program under the provisions that existed prior to the 2018 ballot referendum.

Press Release:

Campaign Finance Board Issues Matching Funds Payments to 26 Candidates

February 24, 2021 – The NYC Campaign Finance Board (CFB) issued public matching funds payment totaling \$584,623 to 26 candidates for city office, including one candidate receiving public funds for the first time. Details are available in the table below. Including today's payments, the CFB has approved payments totaling \$39,199,762 to 151 candidates in the 2021 citywide elections. *Why is the CFB issuing public funds today?*

As [noted last week](#), CFB staff determined that information was omitted from reviews for the February 16 public funds payment. An update to the CFB's internal database application used to review candidate filings and determine payment amounts resulted in an undercount of valid match-eligible contributions for some candidates. The application update in question has been removed from our system and will not affect audit reviews for future candidate filings. After conducting a careful and thorough secondary review of all disclosure statement filings over the last several days, we have determined that the following campaigns were eligible to receive additional public funds payments on February 16 and we are issuing those payments today.

[2021 CITYWIDE ELECTIONS](#) - PUBLIC FUNDS

Candidate	Office	Feb. 24
Stringer, Scott	Mayor	\$12,654
Benjamin, Brian	Comptroller	\$6,916
Lander, Brad	Comptroller	\$270,081
Cornegy, Jr., Robert	Borough President - Brooklyn	\$16,720
Edwards, Khari	Borough President - Brooklyn	\$23,180
Caputo, Elizabeth	Borough President - Manhattan	\$5,130
Kallos, Benjamin	Borough President - Manhattan	\$5,662
Levine, Mark	Borough President - Manhattan	\$4,180
Matteo, Steven	Borough President - Staten Island	\$190
Cabrera, Fernando	Borough President - Bronx	\$20,832
Gibson, Vanessa	Borough President - Bronx	\$2,204
Li, Gigi	City Council - District 1	\$160,277*
Lamorte, Rebecca	City Council - District 5	\$532
Sosa, Christopher	City Council - District 5	\$3,040
Tejada, Luis	City Council - District 7	\$5,882
Ayala, Diana	City Council - District 8	\$1,710
O'Leary, Brent	City Council - District 26	\$6,711

Candidate	Office	Feb. 24
Scala, Michael	City Council - District 32	\$2,470
Cambranes, Victoria	City Council - District 33	\$2,850
Sherman, Stuart	City Council - District 33	\$4,218
Solotaire, Benjamin	City Council - District 33	\$6,764
Willabus, R. Dimple	City Council - District 46	\$3,838
Grey, Selina	City Council - District 49	\$3,116
Ogunleye, Ranti	City Council - District 49	\$1,292
Pirozzolo, Sam	City Council - District 50	\$13,794
Wonica, George	City Council - District 51	\$380

Debates

§3-709.5: Mandatory debates

(a) In any year in which a primary, general or special election is to be held, any participating candidate

and any limited participating candidate for nomination or election to a city-wide office shall participate in either of the two pre-election debates, or both, held pursuant to this section for which he or she is eligible and is required to debate pursuant to this section. A participating candidate or limited participating candidate for nomination or election to a city-wide office is eligible to participate in a debate for each election in which he or she is on the ballot if he or she has met such criteria for participation as specified in this section, and as shall be further specified in any agreement between the debate sponsor and the board.

(b) In any year in which a run-off primary or run-off special election to fill a vacancy for a city-wide office is held, any participating candidate and any limited participating candidate for nomination or election to such city-wide office who is on the ballot shall participate in one run-off election debate. If, seven days prior to the date of the run-off election debate, the New York city board of elections has not yet approved a finalized run-off ballot, the participating and limited participating candidates with the two highest vote counts in the primary or special election immediately preceding the run-off election, as determined by the New York city board of elections unofficial election results, shall participate in one run-off election debate. If any additional candidate is separated from the candidate with the second highest

vote count by one percent or less of all votes cast in the special or primary election immediately preceding the run-off election, as determined by the New York city board of elections unofficial election results, then such candidate shall also participate in such run-off election debate. If the New York city board of elections determines prior to the run-off debate that a run-off election will not take place, the debate sponsors and the board shall cancel the run-off election debate.

(c) In the case of a primary election, the debate shall be among participating candidates and limited participating candidates seeking the nomination of the same political party who meet the requirements provided in paragraph (a) of this subdivision. If there is no contested primary election for an office in a political party then no debate for that party's nomination shall be held pursuant to this section.

(d) Each debate held pursuant to this section shall be at least one hour's duration.

2. For purposes of this section, a "debate" shall mean the moderated reciprocal discussion of issues among candidates on the ballot for the same office.

3. The campaign finance board shall select one or more sponsors for each debate required pursuant to this section. For primary, general and special elections, the second debate shall be a debate among the leading contenders for the office, as described in paragraph (b) of subdivision five of this section.

4. Organizations which are not affiliated with any political party or with any holder of or candidate for public office, which have not endorsed any candidate in the pending primary, special, general, or run-off election for the city-wide office shall be eligible to sponsor one or more of the required debates. The rules for conducting such debates, and the date, time and location of such debates, shall be solely the responsibility of the organizations selected but shall not be made final without consultation with the campaign finance board.

5. Written applications by organizations to sponsor a debate shall be submitted to the campaign finance board on a form provided by the board not later than a date chosen by the board in any year in which an election is held for city-wide offices.

(a) The written application shall:

(i) demonstrate that the organization and any proposed co-sponsor meet the criteria of subdivision four of this section;

(ii) specify any elections and offices for which the organization seeks to sponsor debates;

(iii) set forth proposed dates, times, durations, and locations of the debates and the specific and exclusive circumstances under which the dates or times may be changed, together with a provision for when the rescheduled debates would be held;

(iv) provide a detailed description of the format and ground rules for the debates;

(v) verify that the staging, promotion, and coverage of the debates shall be in conformance with all applicable laws;

(vi) include an agreement to indemnify the city, including the board, for any liability arising from the acts or omissions of the sponsor;

(vii) set forth plans for publicity and for broadcast and other media coverage for the debates; and

(viii) set forth the proposed criteria for determining which candidates are eligible to participate in each debate the organization seeks to sponsor, in accordance with paragraph (b) of this subdivision.

(b) (i) Except as otherwise provided in subparagraph (ii) below, each debate for a primary, general or special election shall include only those participating candidates or limited participating candidates the sponsor of each such debate has determined meet the non-partisan, objective, and non-discriminatory criteria set forth in any agreement between the sponsor and the board; provided, however, that the criteria for the first debate for a primary or general election shall include financial criteria requiring that a participating candidate or limited participating candidate shall be eligible to participate in such debate if he or she has, by the last filing date prior to such debate, (I) raised, and (II) spent, an amount equal to or more than two and one half percent of the expenditure limitation provided in subdivision one of section 3-706 for the office for which such candidate seeks nomination for election or election;

provided, further, that the criteria for the first debate for a special election shall include financial criteria requiring that a participating candidate or limited participating candidate shall be eligible to participate in such debate if he or she has, by the last filing date prior to such debate, (I) raised, and (II) spent, an amount equal to or more than one and one quarter percent of the expenditure limitation provided in subdivision one of section 3-706 for the office for which such candidate seeks election; and provided, further, that the second debate for a primary, general, or special election shall include only those participating candidates or limited participating candidates who the sponsors have also determined are leading contenders on the basis of additional non-partisan, objective, and non-discriminatory criteria set forth in any agreement between the sponsor and the board. For the purpose of determining whether a participating candidate or limited participating candidate has met the financial criteria to be eligible to participate in any debate, only contributions raised and spent in compliance with the act shall be used to determine the amount that the candidate has raised and spent as a percentage of the expenditure limit provided in subdivision one of section 3-706; further, money “raised” and “spent” does not include outstanding liabilities or loans. Nothing in this provision is intended to limit the debates to the two major political parties.

(ii) If a debate sponsor has determined that a non-participating candidate has met all the non-partisan, objective, and non-discriminatory criteria applicable to participating candidates and limited participating candidates for access to any of the primary, general, or special election debates, the sponsor may invite that candidate to participate in such debate. In the case of a run-off primary election or a run-off special election, the sponsor may invite a non-participating candidate to participate in such debate. However, if a non-participating candidate does not accept such invitation to debate or does not appear at such debate, the debate shall go forward as scheduled; provided, however, if there is only one participating candidate or limited participating candidate participating in any such debate, such debate shall be canceled.

6. Prior to choosing a sponsor, the board shall provide for the receipt of comments from interested persons regarding the qualifications of potential sponsors. The board shall consider and give substantial weight to such comments submitted by candidates.

7. Based upon the criteria in subdivision four above and any comments received pursuant to subdivision six above, the board shall select the organization or organizations to sponsor the debates and shall provide written notification to the organization or organizations so selected. In addition to the

sufficiency of the application, the board shall consider the applicant's ability to reach a wide audience and present a fair and impartial debate. The board may accept an application subject to modifications as it deems appropriate and as are acceptable to the sponsor.

8. For all debates, the board shall provide each debate sponsor it has selected with a list of participating candidates and limited participating candidates who are eligible to be considered to participate in such debates.

9. If a candidate fails to participate in any debate required under this section before an election, the candidate shall be liable for return of any public matching funds previously received pursuant to the certification filed by the candidate in connection with the election for which such debate is held, shall be ineligible to receive any further matching funds for that election, and may be subject to a civil penalty pursuant to section 3-711. For purposes of this subdivision, each primary, general, special or run-off election shall be considered a separate election.

10. Following the submission of a petition on behalf of the candidate and a hearing before the board, the sanction or sanctions provided in subdivision nine of this section applicable to a candidate for failure to participate in any debate as required under this section may be waived upon a determination by the board that the failure to participate in the debate occurred under circumstances beyond the control of the candidate and of such nature that a reasonable person would find the failure justifiable or excusable.

11. Nothing contained in this section shall preclude any candidate from agreeing to participate in any number of additional debates between any and all candidates for a city-wide office, including non-participating candidates or limited participating candidates. These debates need not be held under guidelines or the purview of the campaign finance board.

12. The city of New York shall indemnify each sponsor for any liability of such sponsor arising out of the acts or omissions of the city of New York in connection with the selection of candidates for participation in any debate held pursuant to this section 3-709.5.

13. Any broadcast plan accepted by the board pursuant to subparagraph (vii) of paragraph (a) of subdivision 5, and subdivision 7, of this section shall include a requirement that the debate be made available, at no cost, to the city-owned or operated television channel serving the largest public audience for simultaneous broadcast. Each debate held pursuant to this section shall be broadcast simultaneously, to the extent technologically practicable and in accordance with federal law and the rules of the federal communications commission, on such city-owned or operated television channel. Such city-owned or operated television channel shall not be a sponsor of such debate.

Candidate Debates – 2021 NYC Debate Program

The Debate Program is a cornerstone of the CFB's voter education efforts. The program ensures that citywide candidates participating in the [public matching funds program](#) participate in debates if they meet the nonpartisan, objective criteria. Debates provide New Yorkers with an opportunity to compare candidates side-by-side as they discuss the important issues facing the city. The CFB seeks sponsors to produce live debates for the 2021 primary and general elections for mayor, public advocate, and comptroller. Past sponsors include broadcast and other media outlets, academic institutions, civic organizations, and technology firms. An information session was held on Thursday, October 22, to provide [prospective sponsors](#) with information about program requirements and the application process. Watch [video of the info session](#). New York City's charter-mandated debate program is conducted under the umbrella of the CFB's nonpartisan voter engagement initiative, NYC Votes. The 2021 primary elections will be the first citywide elections conducted under ranked choice voting.

2021 Debate Program Applications Received.

Notes

#1. In the NYC, public funding program, matching funds for the office of mayor, comptroller, public advocate, borough president and city council are based on a ratio of 6:1, or 8:1, depending on the option selected.

#2. In NYC a participating candidate is required to file a personal financial disclosure statement.

#3. Candidates in NYC, with outstanding penalties or public funds repayment obligations from a previous election may not receive matching funds for the current election until payment is made.

#4. Public funding for candidates who face minimal opposition in NYC is capped at 25% of the maximum public funding.

#5. Based upon the threshold requirements in NYC participants collect a minimum number of contributions of \$10 or more, from the area they seek to represent, for instance, candidates for City Council must have 75 contributors from their district, and candidates for borough president must have 100

contributors from their borough, where the seat is located, in order to qualify and be eligible for matching funds.

#6. During 2019, the NYC public funding program increased the matching rate on contributions from city residents, increased the matching amount for citywide seats, lowered the contribution limits, increased the amount of public funds a candidate is entitled to receive per election, made public funds available as early as December of the calendar year preceding the election year and permitted candidates to choose to participate in the matching funds program under the provisions that existed prior to the 2018 ballot referendum.

5. Long Beach, Ca, Municipal, Matching Funds, City Clerk

Long Beach has an estimated 2019 population of 466,776. The Long Beach, California Municipal Code, Title 2 Administration and Personnel, Chapter 2.01 -The Long Beach Campaign Reform Act established in 1994 created a public campaign funding program for the seat of Mayor, City Council, City Attorney, City Auditor and City Prosecutor, at a match of a 1:2 ratio for primary and 1:1 ratio for run-off elections. The program consists of **open** financing, but candidates are subject to overall expenditure limits.

Link to Long Beach Municipal Code:

https://library.municode.com/ca/long_beach/codes/municipal_code?nodeId=TIT2ADPE_CH2.01THLOBECAREAC

Expenditure Limits

The candidates in this program are subject to expenditure limits.

The maximum available matching funds shall not exceed thirty-three percent (33%) of the maximum amount permitted for expenditure in the primary and fifty percent (50%) of the maximum amount permitted for expenditure in the runoff election.

Contribution Limits

The contribution limits for:

Mayor is \$500 and the threshold fundraising is \$20,000

City Council is \$250 and the threshold fundraising is \$10,000

City Attorney is \$350 and the threshold fundraising is \$10,000

City Auditor, is \$350 and the threshold fundraising is \$10,000
City Prosecutor is \$350 and the threshold fundraising is \$10,000

Eligibility

Must be opposed by a candidate who has qualified for matching funds, or who has raised at least \$10,000. Candidates who qualify for and apply for matching funds in the primary nominating election shall receive \$1 in matching funds for every \$2 raised through contributions (\$1 to \$1 for runoff election).

Special Elections

For special elections, no person shall accept contributions totaling more than one thousand dollars (\$1,000.00); and no political committee shall make a contribution totaling more than two thousand five hundred dollars (\$2,500.00). The expenditure limits do not apply to candidates for office in any special election, nor shall such candidates be eligible for matching funds.

Chapter 2.01.340 - Loans.

Notwithstanding any other provision of this [Section 2.01.340](#): (1) a candidate for City Council shall not loan or otherwise transfer to his or her campaign, funds, or other thing of value, in excess of ten thousand dollars (\$10,000.00) in a primary election and ten thousand dollars (\$10,000.00) in a runoff election; (2) a candidate for City Attorney, City Auditor or City Prosecutor shall not loan or otherwise transfer to his or her campaign, funds, or other thing of value, in excess of fifteen thousand dollars (\$15,000.00) in a primary election and fifteen thousand dollars (\$15,000.00) in a runoff election; and, (3) a candidate for Mayor shall not loan or otherwise transfer to his or her campaign, funds, or other thing of value, in excess of twenty-five thousand dollars (\$25,000.00) in a primary election and twenty-five thousand dollars (\$25,000.00) in a runoff election. Nothing herein shall be construed to restrict a candidate from contributing his or her own funds or assets to his or her campaign.

Chapter 2.01.410 - Expenditure ceilings.

No candidate for office who files a statement of acceptance of expenditure ceilings or any controlled committee of such a candidate shall make qualified campaign expenditures above the following amounts and subject to the following restrictions:

A.

1.

Except as otherwise provided herein, a candidate for City Council may not spend more than forty thousand dollars (\$40,000.00) in the primary or more than twenty thousand dollars (\$20,000.00) in the runoff election to be eligible for matching funds.

2.

In order to qualify for matching funds, a City Council candidate: (a) must raise at least five thousand dollars (\$5,000.00) in contributions of two hundred fifty dollars (\$250.00) or less within the election cycle, of which only up to the first one hundred dollars (\$100.00) of each contribution may be counted for purposes of achieving the qualifying total of five thousand dollars (\$5,000.00); and (b) must be opposed by a candidate who has qualified for matching funds or who has raised ten thousand dollars (\$10,000.00).

3.

The maximum available matching funds shall be an amount not to exceed thirty-three percent (33%) of the maximum amount permitted for expenditure in the primary and fifty percent (50%) of the maximum amount permitted for expenditure in the runoff election.

4.

During each election cycle, the City Clerk shall, immediately following the final day for filing nominating petitions for the office of City Councilmember, ascertain: (a) the number of registered voters in each councilman district as of the final day for filing; and (b) the mean number of voters in all such districts. Thereafter, and for the ensuing election cycle, in each district where the number of registered voters exceeds the mean, the expenditure limitations of forty thousand dollars (\$40,000.00) and twenty thousand dollars (\$20,000.00) shall be increased two dollars (\$2.00) and one dollar (\$1.00), respectively, for each registered voter in excess of the mean.

B.

A candidate for City Attorney, City Auditor or City Prosecutor may not spend more than one hundred thousand dollars (\$100,000.00) in the primary or more than fifty thousand dollars (\$50,000.00) in the runoff election. In order to qualify for matching funds, such a candidate:

1.

Must raise at least ten thousand dollars (\$10,000.00) in contributions of three hundred fifty dollars (\$350.00) or less within the election cycle, of which such contributions, only up to the first one hundred fifty dollars (\$150.00) each, may be counted for purposes of achieving the qualifying total of ten thousand dollars (\$10,000.00); and

2.

Must be opposed by a candidate who has qualified for matching funds or who has raised twenty thousand dollars (\$20,000.00). The maximum available matching funds shall be an amount not to exceed thirty-three percent (33%) of the maximum amount permitted for expenditure in the primary and fifty percent (50%) of the maximum amount permitted for expenditure in the runoff election.

C.

A candidate for Mayor may not spend more than two hundred thousand dollars (\$200,000.00) in the primary or more than one hundred thousand dollars (\$100,000.00) in the runoff election to be eligible for matching funds. In order to qualify for matching funds, such a candidate:

1.

Must raise at least twenty thousand dollars (\$20,000.00) in contributions of five hundred dollars (\$500.00) or less within the election cycle, of which such contributions, only up to the first two hundred dollars (\$200.00) of each may be counted for the purpose of achieving the qualifying total of twenty thousand dollars (\$20,000.00); and

2.

Must be opposed by a candidate who has qualified for matching funds or who has raised forty thousand dollars (\$40,000.00). The maximum available matching funds shall be an amount not to exceed thirty-three percent (33%) of the maximum amount permitted for expenditure in the primary and fifty percent (50%) of the maximum amount permitted for expenditure in the runoff election.

G.

A candidate wishing to apply for matching funds may submit such application with the City Clerk no more frequently than every ten (10)-business days.

Chapter 2.01.510 - Candidate acceptance or rejection of expenditure ceilings.

A.

Each candidate for office, at the time of filing his or her nomination papers, shall file a statement accepting or rejecting the expenditure ceilings in Division IV.

B.

If a candidate declines to accept the expenditure ceilings in [Section 2.01.410](#), the candidate shall be nonetheless subject to the contribution limitations in [Section 2.01.310](#).

Chapter 2.01.630 - Notice of independent expenditures.

Any person who makes independent expenditures of more than two hundred fifty dollars (\$250.00) in support of or in opposition to any candidate shall notify the City Clerk and all candidates running for the same seat by telegram, facsimile or any other electronic means approved by the City Clerk each time such expenditure is made.

Special Elections

Per statute no matching funds permitted

DIVISION III. - CONTRIBUTION LIMITATIONS

2.01.310 - Limitations on contributions from persons.

C. For special elections, no person shall make to any candidate for office or the controlled committee of such a candidate, and no such candidate or the candidate's controlled committee shall accept from any such person, a contribution or contributions totaling more than one thousand dollars (\$1,000.00); and no political committee (as defined in California Government Code Section 82013) shall make to any candidate for office or the controlled committee of such a candidate, and no such candidate or the candidate's controlled committee shall accept from any such political committee, a contribution or contributions totaling more than two thousand five hundred dollars (\$2,500.00).

DIVISION IV. - EXPENDITURE CEILINGS AND MATCHING FUNDS

2.01.410 - Expenditure ceilings.

No candidate for office who files a statement of acceptance of expenditure ceilings nor any controlled committee of such a candidate shall make qualified campaign expenditures above the following amounts and subject to the following restrictions:

H.

The expenditure limits set forth in this Section shall not apply to candidates for office in any special election, nor shall such candidates be eligible for matching funds.

Penalties

Link for The Long Beach Campaign Reform Act:

https://library.municode.com/ca/long_beach/codes/municipal_code?nodeId=TIT2ADPE_CH2.01THLOBECAREAC_DIVXIEN

CHAPTER 2.01 - THE LONG BEACH CAMPAIGN REFORM ACT
DIVISION XI. - ENFORCEMENT

2.01.1110 - Criminal actions.

A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Act shall be guilty of a misdemeanor. Any person convicted of such a misdemeanor, unless provision is otherwise made herein, shall be punishable by a fine of not more than five hundred dollars (\$500.00), or by imprisonment in the City or County jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

B. As an alternative to the penalty provided in Subsection 2.01.1110.A, violation of or failure to comply with any provision of or condition lawfully imposed under this Act may be deemed to constitute an infraction as provided in Section 17 of the California Penal Code, and penalties for such infractions shall be as set forth in Subdivision 19e of the Penal Code.

C. Any person who causes any other person to violate any provision of this Act, or who aids and abets any other person in the violation of any provision of this Act, shall be equally subject to the provisions of this Section.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94)

2.01.1120 - Civil action.

A. Any person who violates any provision of this act shall be liable in a civil action brought by the City Attorney or, in the case of a conflict of interest on the part of the City Attorney, an attorney retained by the City on the City Attorney's recommendation, or by or on behalf of a person residing within the jurisdiction, for an amount not more than three (3) times the amount of the unlawful contribution or expenditure.

B. If two (2) or more persons are responsible for any violation, they shall be jointly and severally liable.

C. Any person, before filing a civil action pursuant to this Section, shall first file with the City Attorney a written request for the City Attorney to commence the action. The request shall contain a statement of the grounds for believing the cause of action exists. The City Attorney shall respond within forty (40) days after receipt of the request indicating whether he or she intends to file a civil action. (In the case of a conflict of interest on the part of the City Attorney, independent counsel shall be retained to formulate this response.) If

the City Attorney or, when applicable, independent counsel indicates in the affirmative and files a suit within forty (40) days thereafter, no other action may be brought unless the action brought by the City Attorney or independent counsel is dismissed without prejudice.

D. In determining the amount of liability, the court may take into account the seriousness of the violation and the degree of culpability of the defendant. If a judgment is entered against the defendant or defendants in an action, the entire amount shall be paid into the campaign reform account of the general fund of the City.

E. No civil action alleging a violation of any provision of this act shall be filed more than four (4) years after the date the violation occurred.
(Ord. C-7283 § 1, 1994; Prop. M, 6-7-1994, eff. 6-24-1994)

2.01.1130 - Injunctive relief.

· Any person residing in the jurisdiction, including the City Attorney, may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this act.
(Ord. C-7283 § 1, 1994; Prop. M, 6-7-1994, eff. 6-24-1994)

2.01.1140 - Cost of litigation.

The court may award to a plaintiff, or a defendant other than an agency, who prevails in any action authorized by this act, his or her costs of litigation, including reasonable attorney fees.
(Ord. C-7283 § 1, 1994; Prop. M, 6-7-1994, eff. 6-24-1994)

Notes

#1. The Long Beach, Ca. public financing program has a higher contribution limit and a lower threshold fundraising amount than the District of Columbia, as follows: Mayor is \$500 and the threshold fundraising is \$20,000, City Council is \$250 and the threshold fundraising is \$10,000, City Attorney, City Prosecutor and City Auditor, is \$350 and the threshold fundraising is \$10,000.

#2. Long Beach, Ca. has a requirement that the candidate shall be opposed by a candidate who has qualified for matching funds, or who has raised at least \$10,000.

#3. In Long Beach, campaign contributions for special elections, may not exceed one thousand dollars (\$1,000.00), no political committee shall make a contribution totaling more than two thousand five hundred dollars (\$2,500.00), expenditure limits do not apply, and candidates shall **not** be eligible for matching funds.

6. Maine, Clean Election Grant Program, Commission on Government & Ethics & Election Practices

Maine has an estimated 2019 population of 1.344 million. Maine has a grant program, pursuant to Title 21-A M.R.S. Chapter 14: Maine Clean Election Act § 1121, known and cited as the “Maine Clean Election Act.” The publicly funded grant program, created in 1996, covers seats for Governor, State Senator or State Representative.

Link to Maine’s Clean Election Act:

[Maine Clean Election Act](#) (21-A M.R.S. §1121 - §1128)

The Maine Clean Election Fund was established to finance the election campaigns of certified Maine Clean Election Act candidates running for Governor, State Senator and State Representative.

The Threshold Qualifications

A “Qualifying contribution” under the Act is a donation of \$5 or more made by a registered voter within the electoral division for the office a candidate is seeking and whose voter registration has been verified; made during the designated qualifying period.

To be eligible for certification, a participating candidate may collect and spend only seed money contributions subsequent to becoming a candidate and prior to certification.

Eligibility Requirements

Gubernatorial candidate- 3,200 verified registered voters of this State,

State Senate candidate- 175 verified registered voters from the candidate’s electoral division, and

State House of Representatives candidate- 60 verified registered voters from the candidate’s electoral division.

A participating candidate:

Must submit qualifying contributions, receipt and acknowledgement forms, proof of verification of voter registration and a seed money report to the commission during the qualifying period:

Not run for the same office as a nonparticipating candidate in a primary election in the same election year:

May not serve as a treasurer or deputy treasurer for that candidate's campaign, except for up to 14 days after declaring an intention to qualify for campaign financing:

After certification, must limit the candidate's campaign expenditures and obligations, including outstanding obligations, to the revenues distributed to the candidate from the fund and may not accept any contributions unless specifically authorized by the commission:

May not use fund revenues to pay or compensate the candidate or the candidate's spouse or domestic partner, in any form; and

May not establish a political action committee for which the candidate is a treasurer or principal officer or for which the candidate is primarily responsible for fund-raising or decision-making.

Seed Money Limitations

A participating candidate may not solicit, accept or collect seed money contributions after certification as a Maine Clean Election Act candidate.

Subsequent to becoming a candidate and prior to certification, a participating candidate may not accept contributions, except for seed money contributions limited to Two hundred thousand dollars for a gubernatorial candidate, Three thousand dollars for a candidate for the State Senate; or, One thousand dollars for a candidate for the State House of Representatives.

All goods and services received prior to certification must be paid for with seed money contributions not fund revenues received after certification. Upon requesting certification, a participating candidate shall file a report of all seed money contributions and expenditures.

If the candidate is certified, any unspent seed money will be deducted from the amount distributed to the candidate. A participating candidate who has accepted contributions or made expenditures that do not comply with the seed money restrictions under this chapter may petition the commission to remain eligible for certification as a Maine Clean Election Act candidate, if the failure to comply was unintentional and does not constitute a significant infraction of these restrictions.

Distributions of Public Funds

Governor

For an uncontested primary election, the total distribution of revenues is \$200,000 per candidate:

For a contested primary election, the amount of revenues distributed is \$400,000 per candidate; For each increment of 800 additional qualifying contributions a candidate collects and submits not to exceed a total of 3,200 additional qualifying contributions, the supplemental distribution of revenues to that candidate is \$150,000; and the total amount of revenues distributed for a contested primary election may not exceed \$1,000,000 per candidate.

For an uncontested general election, the total distribution of revenues is \$600,000 per candidate: and

For a contested general election, the amount of revenues distributed is as follows: the initial distribution of revenues is \$600,000 per candidate; for each increment of 1,200 additional qualifying contributions a candidate collects and submits not to exceed a total of 9,600 additional qualifying contributions, the supplemental distribution of revenues to that candidate is \$175,000; and the total amount of revenues distributed for a contested general election may not exceed \$2,000,000 per candidate.

State Senate

For an uncontested primary election, the total distribution of revenues is \$2,000 per candidate.

For a contested primary election, the total distribution of revenues is \$10,000 per candidate.

For an uncontested general election, the total distribution of revenues is \$6,000 per candidate.

For a contested general election, the amount of revenues distributed is as follows: the initial distribution of revenues is \$20,000 per candidate; for each increment of 45 additional qualifying contributions a candidate collects not to exceed a total of 360 additional qualifying contributions, the supplemental distribution of revenues to that candidate is \$5,000; and the total amount of revenues distributed for a contested general election may not exceed \$60,000 per candidate.

State House of Representatives

For an uncontested primary election, the total distribution of revenues is \$500 per candidate.

For a contested primary election, the total distribution of revenues is \$2,500 per candidate.

For an uncontested general election, the total distribution of revenues is \$1,500 per candidate.

For a contested general election, the amount of revenues distributed is as follows: the initial distribution of revenues is \$5,000 per candidate; for each increment of 15 additional qualifying contributions a candidate collects not to exceed a total of 120 additional qualifying contributions, the supplemental distribution of revenues to that candidate is \$1,250; and the total amount of revenues distributed for a contested general election may not exceed \$15,000 per candidate.

Required records

The candidate or treasurer shall obtain and keep: Bank or other account statements for the campaign account covering the duration of the campaign; A vendor invoice stating the particular goods or services purchased for every expenditure in excess of \$50: A record proving that a vendor received payment for every expenditure in excess of \$50: A contemporaneous document such as an invoice, contract or timesheet that specifies in detail the services provided by a vendor who was paid in excess of \$500 for the election cycle for providing campaign staff or consulting services to a candidate.

Notes

#1. In Maine the threshold minimum number of “qualifying contributions” is defined as a donation of \$5 or more made by a verified registered voter, within the electoral division.

#2. In Maine, a candidate may collect and spend Seed money contributions subsequent to becoming a candidate and prior to certification and prior to certification goods and services must be paid for exclusively with Seed money.

#3. In Maine, after certification, a candidate must limit the candidate’s campaign expenditures and obligations, to the revenues distributed to the candidate and may not accept any contributions unless specifically authorized by the commission.

#4. In Maine, the candidate may not use fund revenues to pay or compensate the candidate or the candidate’s spouse or domestic partner.

#5. Maine limits records for vendor expenditures to those in excess of \$50 for goods and services and detailed contemporaneous documents for services in excess of \$500, for staffing and consultant services.

#6. In Maine, a participating or certified candidate may not serve as a treasurer.

7. Tucson, Arizona, Public Matching Funds Program, City Clerk

Tucson has an estimated 2019 population of 548,073. The City of Tucson's Public Matching Funds program was approved by the voters and went into effect in 1987. The program consists of **open** financing, but candidates are subject to expenditure limits, and cannot use personal funds for more than 3% of expenditure limit. The City Charter Chapter XVI and the Campaign Finance Administration Rules and Regulations govern the program, in conjunction with Arizona Revised Statutes Title 16.

Link to Tucson's Rules and Regulations and Arizona Statute:

[Rules and Regulations](#)

[Arizona Revised Statutes 16-901 et sec](#)

Title 16-Elections and Elections; Chapter 6-Article 2: Citizen's Clean Elections Act.

According to the provisions, any candidate for mayor or city council who desires to participate may sign a contract with the city. When a candidate has signed a contract and met the eligibility requirements, the candidate is entitled to receive one dollar (\$1) for each dollar received during the campaign period from any individual. A candidate's personal monies and contributions from political committees, partnerships, corporations or other groups eligible to make contributions will not be matched by public funds. In exchange for public matching funds, the candidate agrees to abide by limitations on the candidate's use of personal monies, limitations on campaign expenditures, and limitations on the use of all contributions as specified in the City Charter. Public Matching Funds candidates are required to file additional campaign finance reports and to complete two audits.

STEP 1

INDIVIDUAL BECOMES A CANDIDATE WHEN

THE FIRST OF ANY OF THE FOLLOWING EVENTS OCCUR:

-

Individual accepts a contribution or makes an expenditure for a specified election; or

-

Individual publicly or formally declares candidacy; or

-

Individual circulates or files nomination papers

STEP 2

SIGN CAMPAIGN CONTRACT WITHIN THIRTY (30) DAYS:

-

Individual must sign campaign contract within thirty (30) days after becoming a candidate.

STEP 3

ESTABLISH ELIGIBILITY:

-

Candidate files Statement to Establish Eligibility to receive public funding. Mayoral candidates must receive three hundred (300) contributions of ten dollars (\$10) or more and Council candidates must receive two hundred (200) contributions of ten dollars (\$10) or more, from City of Tucson residents.

STEP 4

AUDIT FOR COMPLIANCE AND ELIGIBILITY:

-

Within approximately fourteen (14) days of filing a report to establish eligibility, an audit of the candidate's campaign records will be conducted, and the Campaign Finance Administrator stating whether the candidate is in compliance with provisions will issue an opinion. The Campaign Finance Administrator makes the final determination.

-

Campaign Finance Administrator will notify candidate when eligibility is verified, and the candidate may receive public funds.

STEP 5

REQUEST PUBLIC FUNDS

-

Candidates may request funds as frequently as once each calendar week.

STEP 6

FILE CAMPAIGN FINANCE REPORTS AS REQUIRED

STEP 7

POST ELECTION AUDIT

-

Provide campaign financial records to the Campaign Finance Administrator for post-election audit. The records will be returned when the audit is completed. All financial records must be kept for three (3) years following the last day of the campaign period.

STEP 8

DISBURSE UNEXPENDED FUNDS AND TERMINATE COMMITTEE

-

Disburse all unexpended contributions according to State Law and Campaign Finance Rules and Regulations. Unexpended public matching funds are returned to the City up to the amount that was provided to the candidate.

-

File a Termination Statement and reports dissolving the committee.

STEP 9

FINANCIAL RECORDS - KEEP FOR THREE (3) YEARS

-

CAMPAIGN FINANCE ADMINISTRATION RULES AND REGULATIONS

Link to Tucson's Rules and Regulations: [Rules and Regulations](#)

CAMPAIGN CONTRACT

3.2

The contract remains in effect for the entire campaign period. The contract must be signed by the candidate and notarized.

3.3

Candidate Contract Contribution Limitations:

A candidate who signs a Campaign Contract shall make no contributions to their own campaign or campaign committee which in the aggregate exceeds three percent (3%) of the applicable expenditure limit in any campaign period. This includes all personal monies as described in Section 2.28.

3.5

Expenditure Limitations:

The Campaign Finance Administrator will calculate the expenditure limit pursuant to the Tucson Charter and distribute the limits in July/August of each year.

(A)

The expenditure limitation amount will be based upon the City voter registration figures as of June 30 of the year in which a City Candidate election is held.

(B)

Preliminary expenditure limitations will be based upon the previous year's June 30 voter registration until the current year's June 30 voter registration figures are available.

(C)

No more than seventy-five percent (75%) of the eligible expenditure limitation may be spent through the day of the Primary Election.

(D)

Candidates in the General Election who remain unopposed after the deadline for write-in candidates may spend no further matching funds.

CONTRIBUTIONS AND EXPENDITURES

4.3

A \$10.00 contribution from the candidate toward their own campaign does count as one of the qualifying 200 or 300 contributions needed to establish eligibility. However, contributions from the candidate to their own campaign are not matched with public matching funds.

4.10

Electronic contributions must comply with the following procedures: Campaign Finance Administrator must pre-approve any money transmitter. The transmitter must be licensed to conduct this type of activity.

4.11

Candidates must obtain the original signature of all contributors. No exceptions. This includes contributions made through electronic means. Failure to do so will result in a delay in establishing eligibility for public matching funds and/or a delay in receiving funds.

CONTRIBUTION LIMITS

4.14

There are mandatory state campaign contribution limitations that apply to all candidates. State contribution amounts are adjusted biennially by the Secretary of State pursuant to A.R.S. §16-905(H).

CONTRIBUTIONS v. LOANS

4.15

A candidate may make a loan to his or her own political committee. However, the loan together with any personal monies from the candidate cannot total more than three percent (3%) of the expenditure limitation for the campaign period.

4.16

Candidates may accept loans from individuals. However, the loan together with any other contributions (cash or in-kind) from the individual cannot total more than the individual contribution limit.

4.17

Candidates and treasurers should remember that loans count as contributions to the extent that they remain unpaid. As soon as loans are repaid, they count as expenditures to the campaign.

4.21

Joint expenditures. Candidates participating in joint expenditures with other candidates must document each joint expenditure on the appropriate form (Schedule D-7) of the campaign finance report. Expenditures may be made in

conjunction with other candidates, but each candidate shall pay their proportionate share of the cost.

BANKING

4.24

The committee must use a vendor licensed to conduct electronic fund transfers in order to accept electronic contributions. The Campaign Finance Administrator must pre-approve any vendor. See section 4.10 for further information regarding acceptance of electronic contributions.

4.26

The candidate's campaign committee must make deposits within five (5) business days of receipt. This includes the treasurer or an agent of the candidate or treasurer.

REQUIRED REPORTS

5.4

Post-Election Report: Following each City Candidate election, a candidate shall submit no later than 5 p.m. ten (10) days following the date of the election a Post-Election report covering the period from the closing date of the previous report through the end of the campaign period. The report shall include all expenditures made or expected to be paid.

5.6

Post-election audits and closeout reporting for successful candidates must be completed before the candidate takes office. All other candidates must complete closeout reporting and terminate their committees no later than 120 days following the canvass of the results of the election.

PROVISIONS

5.10

The Campaign Finance Administrator shall not accept late filings without accompanying penalty fees as established by state and local laws.

5.11

The candidate, chairperson, treasurer and the person, who prepared the report, stating that all reports and documentation filed with the Campaign Finance Administrator are true, correct and complete, must sign campaign finance reports under penalty of perjury. All signatures must be notarized. If any signatures are missing by 5:00 pm on the day of the deadline, it is considered a 'failure to file' pursuant to A.R.S. § 16-918(D.2), or any successor provision.

AUDIT REQUIREMENTS

6.1 A Candidate who has signed a campaign contract must maintain financial records which are current, and which conform to guidelines established by the Campaign Finance Administrator.

6.2 Records must be sufficiently detailed to substantiate that contributions were received, and funds expended. All transactions must be supported by original independent documentation. Records include, but are not limited to, Campaign Finance Reports, contributions and expenditures, including bank records, vouchers, receipts, bills and accounts, journals, ledgers, fundraising solicitation material, accounting systems documentation, and any related materials documenting campaign receipts and disbursements.

6.3 A candidate is responsible for maintaining itemized records (by individual contributor and expenditure) and documentation (such as copies of receipts and checks) for all contributions received, including cash and those not eligible for receipt of public matching funds, and all expenditures made.

Reminder: Candidates must have the original signature of each contributor.

6.4 A candidate's financial records must be made available for review upon one day's notice at a site determined by the Campaign Finance Administrator. The auditor and/or the Campaign Finance Administrator shall have access to all financial records, supporting documentation and any other campaign related records deemed necessary.

6.5 The audit to establish initial eligibility to receive public matching funds will take approximately 14 calendar days, provided that the candidate's records are current and conform to guidelines established by the Campaign Finance Administrator. Incomplete or inaccurate reports and/or documentation will result in delay of audit certification –thereby delaying the release of public matching funds.

6.6 The Campaign Finance Administrator may consult with the City Attorney to determine appropriate action upon notice by the auditor that the candidate has failed to provide financial records for audit on the date specified by the auditor.

Audits Performed

6.7 Audit to determine initial eligibility of the candidate to receive public matching funds. Audit will include information regarding whether the candidate is maintaining campaign records in accordance with guidelines established by the Campaign Finance Administrator and whether the candidate is in compliance with the provisions of Subchapters A and B of Chapter XVI of the Tucson Charter and other appropriate laws specified by the Campaign Finance Administrator. Audit will also include a statement as to whether, in the opinion of the auditor, the candidate is eligible to receive public matching funds. Final determination of eligibility to receive public matching funds is made by the Campaign Finance Administrator.

6.8 Post-campaign period audit.

6.9 Other audits may be performed at any time at the discretion of the Campaign Finance Administrator.

6.10 The Campaign Finance Administrator will determine the location of the audit. The candidate and/or treasurer will be notified of the location where the campaign records are to be delivered for each audit.

DISBURSING PUBLIC MATCHING FUND

7.1

The City will disburse public matching funds based upon seventy-five percent (75%) of the preliminary expenditure limits until such time as the final expenditure limitation amount is determined.

7.2

Neither loans nor the transfers of anything of value other than money to the candidate or the candidate's campaign committee shall be matched with public funds.

SALARIES TO CAMPAIGN STAFF

7.16

A candidate who signs a campaign contract may expend public matching funds for the payment of salaries to campaign staff.

(A)

Prior to the employment, the candidate and paid staff must sign a contract. Both signatures must be notarized and filed with the Campaign Finance Administrator within ten (10) days.

POST-ELECTION PROCEDURES

REFUND TO ELECTION CAMPAIGN ACCOUNT

8.1

A candidate who receives public matching funds and later fails to file for public office or withdraws as a candidate after filing shall, no later than ten (10) days following such event, return to the Campaign Finance Administrator for deposit into the election campaign account an amount equal to the public funds disbursed to that candidate.

TERMINATING THE COMMITTEE

8.6

Prior to filing a termination statement, the post-election audit must be completed. Upon completion of the post-election audit, all campaign committees must file a termination statement with the Campaign Finance Administrator:

(A)

For those elected, no later than the first Monday in December following the canvass of the results of the election.

(B)

For all other candidates, no later than 120 days following the canvass of the results of the election.

8.7 The committee must file a Termination Statement certifying under penalty of perjury that it will no longer receive any contributions or make any disbursements, that the committee has no outstanding debts or obligations, and that any surplus monies have been disposed of pursuant to A.R.S. § 16-915.01 and these Rules and Regulations.

PENALTIES

9.1 A candidate or person who knowingly or intentionally refuses or fails to comply with the provisions of either Subchapter A or Subchapter B of Chapter XVI of the Tucson Charter is guilty of a misdemeanor. If the violation is by a candidate, such candidate's name shall not appear upon the ballot. If the ballot is printed before conviction, the candidate shall be denied the right to hold office if elected.

9.2 In addition to other penalties provided for by law, any candidate who fails to comply with the provisions of either Subchapter A or Subchapter B of Chapter XVI of the Tucson Charter or the conditions of a properly executed Campaign Contract shall be ineligible to receive further public matching funds until in compliance.

9.3 Any candidate who exceeds the contract expenditure limitation shall immediately return to the appropriate city account three dollars (\$3.00) for each dollar overspent in that election.

9.4 If the Campaign Finance Administrator has reason to believe by a preponderance of the evidence that a candidate or a person other than the candidate, such as the campaign treasurer, is not in compliance with the provisions of either Subchapter A or Subchapter B of Chapter XVI of the Tucson Charter or these Rules and Regulations, then the Campaign Finance Administrator may notify the City Attorney, unless another penalty is specifically prescribed in this Chapter.

(A)

The City Attorney may serve on the person an order requiring compliance with that provision. The order shall state with reasonable particularity the nature of the violation and shall require compliance within twenty days from the date of issuance of the order. The alleged violator has twenty days from

the date of issuance of the order to request a hearing pursuant to A.R.S., Title 41, and Chapter 6.

(B)

If a person fails to take corrective action (or, due to the nature of the violation, no corrective action is available) within the time specified in the compliance order, the City Attorney shall issue an order assessing a civil penalty of not more than \$1,000.00. The person alleged to have violated the compliance order has thirty days from the date of issuance of the order assessing the civil penalty to request a hearing pursuant to A.R.S., Title 41, and Chapter 6.

9.5 Penalties pursuant to this Chapter shall not be paid for with Public Matching Funds.

9.6 Penalties for failure to file campaign finance reports are pursuant to A.R.S. §16-918.

9.7 Any candidate who executes a contract with paid campaign staff and fails to file a copy with the Campaign Finance Administrator shall be liable for a penalty of up to three (3) times the amount paid to the employee in violation of these rules and regulations.

Application to Special Vacancy Filling Elections

Does not apply in Tucson. If there is a vacancy in office, the remaining Mayor and Council members appoint a qualified individual to fill the seat for the remainder of the term. We happen to be going through that now. One of our Council Members resigned, effective March 1, 2021.

Treatment of Outstanding Penalties

We follow Arizona State law [ARS § 16-311(J)], which states that we cannot accept their nomination papers if the candidate is liable for an aggregation of \$1,000 or more in fines, penalties, late fees or judgments. Secondly, we work diligently with campaigns during the election to try and resolve issues before they become serious. We complete a post-election audit of any candidate that received public matching funds. In the past we discovered violations resulting in fines. We have had to enter into written agreements with candidates who were fined amounts they couldn't pay immediately. We agreed to a payment plan in those cases. It has been several years since we've dealt with anything that egregious. We also require candidates to terminate their committees 120 days after the election.

Last Elections and Participation in Public Campaign Financing Program

Tucson holds elections in odd-numbered years. The last election was held

in November 2019, and a total of nine (9) candidates participated in the Public Matching Funds Program.

Debates

The City does not sponsor debates for candidates, whether they are participating or not.

Notes

#1. Tucson has a requirement that any candidate who has signed a campaign contract and who later formally withdraws from candidacy, or fails to file for public office, shall return all public funds received to the Campaign Finance Administrator for deposit into the election campaign account no later than ten (10) days following such event and upon receipt of funds, the contract shall be deemed voided.

#2. In Tucson, in-kind contributions are permitted.

#3. In Tucson, original signatures must be provided for all contributions.

#4. In Tucson, candidates participating in joint expenditures with other candidates must document each joint expenditure on the appropriate form of the campaign finance report. Expenditures may be made in conjunction with other candidates, but each candidate shall pay their proportionate share of the cost.

#5. In Tucson, the candidate's campaign committee, treasurer or an agent, must make deposits within five (5) business days of receipt.

#6. In Tucson, following each City Candidate election, a candidate shall submit a Post-Election report within ten days.

#6. In Tucson, Post-election audits and closeout reporting for successful candidates must be completed before the candidate takes office. All other candidates must complete closeout reporting and terminate their committees no later than 120 days following the canvass of the results of the election.

#7. In Tucson, the Campaign Finance Administrator shall not accept late filings without accompanying penalty fees as established by state and local laws.

#8. In Tucson, the treasurer or person, who prepares campaign reports, must sign and notarize the reports under penalty of perjury. If any signature is missing on the day of the deadline, it is considered a ‘failure to file.

#9. In Tucson, employment, between the candidate and paid staff require a signed contract, with the terms specified according to law. Both signatures must be notarized and filed with the Campaign Finance Administrator within ten (10) days. Failure to file a copy with the Campaign Finance Administrator shall be liable for a penalty.

8. New Jersey, Gubernatorial Public Matching Fund Program, New Jersey Election Law Enforcement Commission

New Jersey has an estimated 2019 population of 8,882,190. Pursuant to the Campaign Contributions and Expenditures Report Act and Commission Regulations, in 1977, New Jersey established a Matching Funds Program for the seat of Governor and Lt. Governor.

Link to N. J. Code:

[N.J.A.C. 19:25-16.1 et seq. \(Primary Election\)](#)

[N.J.A.C. 19:25-15.1 et seq. \(General Election\)](#)

After raising and spending or committing to spend the required threshold, candidates are qualified to receive two dollars in public matching funds (2:1) for every one dollar raised from private sources. Candidates who qualify for and receive public funds agree to limit campaign expenditures.

Eligibility

Candidates must have raised the required amount of \$490,000 in contributions to be eligible for match. The first \$156,000 of eligible contributions is not matched. Candidate must complete a Certification for Public Financing and Debate Participation. Candidate must complete an Issue Advocacy Participation or Non-Participation in Issue Advocacy Form. Committees must decide whether or not to disclose all detailed contribution information or only currency contributions and those greater than \$300.

Threshold and Expenditure Limits

The 2021 limitations and thresholds of the publicly financed candidates for qualification threshold is \$490,000, for contribution limit is \$4,900; for expenditure limit in the Primary \$7,300,000; and General \$15,600,000. The public funds cap for the Primary is \$4,600,000, and General is \$10,500,000.

Loans

\$25,000 is the maximum for a candidate's own funds and \$50,000 in the aggregate for bank loans. A candidate for Lieutenant Governor participating in the public financing program may give the committee \$25,000 in his or her own funds.

Contributions

A contributor may contribute a maximum of \$4,900 in the aggregate per election to a gubernatorial candidate, regardless of participation in public financing. Cash contributions are acceptable up to \$200 in the aggregate per contributor for each election. Occupation and employer information is required for all cash contributions and all other contributions greater than \$300 in the aggregate. A partnership, limited liability partnership, and a limited liability company are not permitted to make contributions as entities. Contributions by affiliated corporations, associations or labor organizations shall be aggregated and count toward the contribution limit. Two or more corporations shall be deemed to be affiliated if: any individual, corporation, partnership, company, association, or other entity owns, directly or indirectly, more than a 30% interest in each corporation; or one corporation owns, directly or indirectly, more than a 30% interest in another corporation.

A minor who is at least 14 years of age may make a contribution, with certain conditions.

In-kind contributions must be reported and are subject to the contribution limit, but they are **not** eligible for public matching funds.

Contributions from the following are prohibited: Banks, Insurance Companies, Public Utilities, Cable Companies, Casino Interests/ Casino Employees and Foreign Nationals. Regulated industries cannot make direct contributions, but their employees can create PACs under existing state law, allowing them to contribute to candidates. State, County, and Municipal Political Party Committees may not contribute in the general election. Under NJ Pay-to-Play laws, business entities with state contracts worth over \$17,500 are prohibited from giving over \$300 to candidates for Governor or Lieutenant Governor. Public Funds may only be used for the following purposes: Advertising, costs; Printing and Mailing Campaign Literature; Accounting and Legal Costs directly relating to compliance with New Jersey's public financing requirements; and telephone deposits, installation fees, and payments.

Expenditures

Certain expenditures are not subject to the Expenditure Limit, such as, reasonable and necessary costs associated with compliance and reporting requirements of the Campaign Contributions and Expenditures Reporting Act, travel expenses of the candidate or of any campaign staff members incurred while accompanying the candidate, reasonable costs of food and beverage made available at fundraising events and Election night celebration expenses. The amount expended for a coordinated expenditure on behalf of a gubernatorial candidate shall be a contribution by the person or entity to that gubernatorial candidate and shall be reported as such by the candidate.

Independent expenditures do not count towards a publicly funded gubernatorial candidate's expenditure limit.

No State Political Party Committee may make an independent expenditure to aid or oppose a gubernatorial candidate.

Publicly financed candidates must supply to the Commission a certification from the payee for any expenditure with public funds in excess of \$5,000 for media consultant services or related media advertising purchases and a description of the purchase or services provided; and a statement that the expenditure is a permissible use of public funds. Any expenditure made from public funds which results in the purchase of time on television or radio must be documented by supplying the Commission with an invoice.

Debates

All participating candidates must submit a Statement of Agreement to Participate in Two Debates by: April 5, 2021 (Primary), September 1, 2021 (General). Non-participating candidates who have raised and spent the threshold amount may elect to participate in the debates and file a statement of qualification containing evidence that the applicable threshold has been deposited and expended for the gubernatorial primary and/or general elections.

Administrative Requirements

All candidates must maintain separate bank accounts for the primary and general elections. No moneys deposited in the candidate's primary campaign bank accounts may be expended for any general election expense.

Campaign Finance Reports are filed Quarterly, and Election-cycle reports are filed 29-day pre-election, 11-day pre-election; and 20-day postelection. All Subsequent Submissions must include at least \$12,500 in contributions received.

All gubernatorial candidates in the general election are entitled to supply the Commission with a statement that will be posted at numerous locations on the web.

After the date of the election, all remaining funds must be returned to the State after outstanding obligations are paid 6 months after the date of the election.

Record-Keeping Requirement - All committees shall retain records for a period of not less than four years and shall maintain a record of any public funds expended for the purchase of time on radio and television containing the exact amount of the total.

Postelection Audit - After the election, an independent auditing firm will review the activity for each publicly financed campaign.

Notes

#1. In New Jersey, late filings must be accompanied by penalty fees, which are established by state and local laws

#2. In New Jersey, \$25,000 is the maximum of candidate's own funds and \$50,000 is the aggregate bank loan total.

#3. New Jersey permits in-kind Contributions, which must be reported and are subject to the contribution limit; however, they are not eligible for public matching funds.

#4. In New Jersey, a nonparticipating candidate must file a statement agreeing to participate in debates, conditioned upon raising the qualifying threshold for participation in the program.

#5. In New Jersey, an Issue Advocacy Participation or Non-Participation in Issue Advocacy form is required.

#6. In New Jersey, all subsequent submissions must include at least \$12,500 in contributions.

#7. In New Jersey, public funds are deposited by the Commission in an account established by the Commission for the sole use of the recipient committee.

#8. In New Jersey, public funds may only be used for the following purposes: Advertising costs; Printing and Mailing Campaign Literature; Accounting and

Legal Costs directly relating to compliance with New Jersey's public financing requirements; and Telephone deposits, installation fees, and payments.

#9. In New Jersey, Coordinated Expenditures (The amount expended for a coordinated expenditure on behalf of a gubernatorial candidate shall be a contribution by the person or entity to that gubernatorial candidate and shall be reported as such by the candidate) and Independent Expenditures (Independent expenditures do not count towards a publicly funded gubernatorial candidate's expenditure limit.), are allowable in the State of New Jersey.

#10. In New Jersey, expenditure documentation for publicly financed candidates must be supplied to the Commission with a certification from the payee for any expenditure with public funds in excess of \$5,000 for media consultant services or related media advertising purchases along with a statement that the expenditure is a permissible use of public funds.

#11. In New Jersey, all gubernatorial candidates in the general election are entitled to supply the Commission with a statement that will be posted at numerous locations on the web, not to exceed 500 words, translated into Spanish, and other languages as determined by the demographics.

9. New Mexico, Grants, Secretary of State

New Mexico has an estimated 2019 population of 8,882,190. The New Mexico Voter Action Act (VAA) of 2003 provides individuals seeking candidacy for covered offices for the Public Regulation Commission (PRC) and statewide judicial offices (New Mexico Supreme Court Justice and Court of Appeals Judge) are eligible to apply for public financing under the VAA. The VAA specifically excludes judicial retention elections from public financing.

Link to N.M. Administrative Code:

[New Mexico Administrative Code - VOTER ACTION ACT](#)

Qualifying Contributions

The applicant candidate shall obtain qualifying contributions from that number of registered voters that is equal to at least one-quarter percent of the

total vote; or who becomes registered within the statutory time frame that would enable that person to vote in the primary election.

Seed Money

An applicant candidate may collect seed money from individual donors and political action committees of no more than one hundred dollars (\$100) per donor or committee. An applicant candidate may contribute an amount of seed money from his own funds up to the limits. An applicant candidate shall limit seed money contributions and expenditures to five thousand dollars (\$5,000).

An applicant candidate may collect and spend seed money during the sixty days immediately preceding the qualifying period and throughout the qualifying period. An applicant candidate may not collect seed money from a corporation, association or partnership formed under state law or from labor organizations.

An applicant candidate may not collect or spend seed money for any purpose after certification and before the end of the election cycle for which the candidate was certified, but after the election cycle may carry forward to the next election cycle any unspent seed money to be used as seed money.

If a certified candidate is defeated or is elected and decides not to run again as an applicant candidate, any unspent seed money shall be forfeited to the fund.

After becoming an applicant candidate and prior to certification, an applicant candidate shall not accept contributions, except for seed money or qualifying contributions.

An incumbent elected prior to 2006 who was not an applicant candidate when elected but declares his intent to become an applicant candidate in accordance with the Voter Action Act may transfer from his campaign fund for use as seed money up to the limits for contributions and expenditures of five thousand dollars (\$5,000).

Certification Process

The secretary shall determine whether the applicant candidate has:

Filed a declaration of intent to obtain financing with the appropriate number of qualifying contributions and complied with seed money contribution and expenditure restrictions.

The secretary shall certify applicant candidates no later than ten days after final submittal of qualifying contributions and certification as a candidate. A certified candidate shall comply with all requirements of the Voter Action Act after certification and throughout the primary election and general election cycles. A certified candidate who accepts public campaign finance funds for

the primary election shall comply with all the requirements of the Voter Action Act for the remainder of the election cycle in question, even if he decides not to accept such funds for the general election.

Restrictions for Contributions and Expenditures

A certified candidate shall limit total campaign expenditures and debts to the amount of money distributed to that candidate from the fund.

A certified candidate shall not accept contributions or loans from any other source except his political party.

A certified candidate may accept monetary or in-kind contributions from a political party, provided that the aggregate amount of such contributions from all political party committees combined does not exceed the equivalent of ten percent of the value of that candidate's aggregate public financing per election cycle.

A certified candidate shall return unspent or unencumbered money to the secretary, within two weeks after the primary election, and within two weeks after the general election, for direct deposit into the fund.

Reporting Requirements

Applicant candidates shall file a report listing seed money contributions and expenditures with their application for certification.

For contested primary elections, the amount of money to be distributed is equal to the average amount of campaign expenditures made by all candidates receiving **ten** percent or greater of votes cast in all contested primary election races for the immediately preceding four primary elections for public regulation commissioner.

For uncontested primary elections, the amount of money to be distributed is equal to fifty percent of the average amount of campaign expenditures made by all candidates during all uncontested primary election races, or for contested races if the amount is lower, for the immediately preceding four primary elections for public regulation commissioner.

For contested general elections, the amount of money to be distributed is equal to the average amount of campaign expenditures made by all candidates receiving thirty percent or greater of votes cast in all contested general election races for the immediately preceding four general elections for public regulation commissioner.

For uncontested general elections, the amount of money to be distributed is equal to fifty percent of the average amount of campaign expenditures made by all candidates receiving thirty percent or greater of votes cast in all

uncontested general election races for the immediately preceding four general elections for public regulation commissioner.

If a general election race that is initially uncontested later becomes contested because of the qualification of an independent or minor party candidate to appear on the ballot for that race, an additional amount of money will be distributed to the certified candidate.

Distribution of Funds

Once the certification for candidates for the primary election has been completed, the secretary shall calculate the total amount of money to be distributed in the primary election cycle, based on the number of certified candidates and the allocations specified in this section.

The secretary shall increase the total amount by twenty percent to provide funds for additional matching funds in the primary election.

The secretary shall also prepare an estimate of the total amount of money that might be distributed in the general election cycle.

This estimate shall be increased by twenty percent to provide funds for additional matching funds in the general election.

If the total amount to be distributed in the primary election cycle, plus the added twenty percent and the estimated total amount to be distributed in the general election cycle, plus the added twenty percent, all taken together, exceed the amount expected to be available in the fund, the secretary shall allocate the amount available between the primary and general election cycles. This allocation shall be based on the ratio of the two total amounts.

Matching Funds

When a noncertified candidate has one or more opponents who are certified candidates and his campaign finance report or group of reports shows that the sum of the noncertified candidate's expenditures and obligations made, or funds raised or borrowed, whichever is greater, alone or in conjunction with expenditures made independently of the candidate to influence the election on behalf of the candidate, exceeds the amount distributed to the certified candidate, the secretary shall issue immediately to any opposing certified candidate an additional amount equivalent to the excess amount reported by the non-participating opposing candidate.

Total matching funds to a certified candidate in an election are limited to twice the amount originally distributed to that candidate.

Notes

#1. In New Mexico, qualifying Contributions come from the number of registered voters that equal to at least one-quarter percent of the total vote, or who become registered within the statutory time frame.

#2. In New Mexico, an applicant candidate may collect seed money from individual donors and political action committees of no more than one hundred dollars (\$100) per donor or committee. Applicant candidates shall file a report listing seed money contributions and expenditures with their application for certification. An applicant candidate may contribute an amount of seed money from his own funds up to the limits of \$5,000.

#3. In New Mexico, a certified candidate shall not accept contributions or loans from any other source except his political party.

#4. In New Mexico, a certified candidate may accept monetary or in-kind contributions from a political party; provided that the aggregate amount of such contributions from all political party committees combined does not exceed the equivalent of ten percent of the value of that candidate's aggregate public financing per election cycle.

#5. In New Mexico, a certified candidate shall return unspent or unencumbered money to the secretary, within two weeks after the primary and general elections.

10. San Francisco, California, Matching Funds, City and County of SF Ethics Commission

San Francisco has an estimated 2019 population of 881,549. In adopting Proposition O on the November 2000 ballot, San Francisco voters created a voluntary system of limited public financing for candidates to the Board of Supervisors. The program was extended in 2006 to include Mayoral candidates. San Francisco's program consists of **open** financing, but candidates are subject to expenditure limits, and cannot spend more than \$5,000 in personal funds.

Link to additional information:

[Introduction to the San Francisco Public Financing Program](#)

Program Overview for Payments of Matching Funds

Once certified as eligible to receive public funds, a candidate for the Board of Supervisors will receive an initial public funds grant of \$60,000 and a candidate for Mayor will receive \$300,000. Candidates may be eligible to receive additional public funds, based on the private contributions they raise, through the submission of a Matching Request. Once a candidate has met all other requirements of the Program, they may apply for public financing by submitting a Qualifying Request and Contribution List. This filing must demonstrate the candidate has raised the required number and amount of Qualified Contributions. Once eligible, candidates may submit claims for additional public funds using the Matching Request and Contribution List. Matching Requests must include the same information and supporting Documents used for the Qualifying Request. Submissions are reviewed on a continuous first come, first served basis and additional public funds will be matched at a ratio of 6:1.

Eligibility

To establish eligibility to receive public financing, candidates must demonstrate a base of community support by raising a minimum number and total amount of contributions from City residents.

Supervisory Candidate

Non-incumbent - \$10,000 from 100 City residents,

Incumbent candidate - \$15,000 from 150 residents.

Mayoral Candidate

Non-incumbent - \$50,000 from 500 residents,

Incumbent - \$75,000 from 750 residents.

Only contributions of \$10 to \$100 counted as qualifying contributions. These qualifying contributions had to be received by the candidate no earlier than eighteen months before the date of the election. Candidates had to abide by a campaign-spending limit, could not accept loans from others, could contribute only a limited amount, not to exceed \$5,000, of their own funds to their campaigns, and had to agree to debate their opponents. Finally, in order to

qualify, a candidate had to be opposed by another candidate who had received contributions or made expenditures over a certain amount.

Candidates who meet established criteria could qualify to receive limited amounts of public funds for their campaigns, once they are certified as eligible to receive public financing, for mayor and supervisor, respectively, up to \$1,200,000 (Non-Incumbent Mayoral Candidates), \$1,185,500 (Incumbent Mayoral Candidates), \$255,000 (Non-Incumbent Supervisorial Candidates) or \$252,000 (Incumbent Supervisorial Candidates).

To qualify for participation in the Program and to receive public funds, a candidate must, inter alia, agree to: have paid all outstanding fines or penalties owed to the City; have no prior findings of campaign finance violations in the last 5 years.

Special Filing Requirements

Candidates for the Board of Supervisors must electronically file the Threshold Form within 24 hours of receiving, spending or having \$10,000 or more and candidates for Mayor must electronically file within 24 hours of receiving, spending or having \$50,000 or more. This form must be filed regardless of whether any other candidate in the race has been certified to receive public financing. In a race where at least one candidate has been certified to receive public funds, all candidates for that race must electronically file the Threshold Form within 24 hours of reaching the \$100,000 threshold (Board of Supervisors races) or \$1,000,000 threshold (Mayoral races). Thereafter, candidates must electronically file the Threshold Form within 24 hours of each time they spend or receive an additional \$10,000 (Supervisor candidates) or an additional \$50,000 (Mayoral candidates)

Individual Expenditure Ceiling

Candidates who seek public funds must agree to limit their spending to the amount of their Individual Expenditure Ceiling (IEC). The IEC for candidates for Board of Supervisor start at \$350,000, and the IEC for candidates for Mayor starts at \$1,700,000. As necessary, the Ethics Commission may raise a candidate's IEC in response to in increments of \$50,000 for candidates for Board of Supervisors, and in increments of \$250,000 for candidates for Mayor. Adjustments to a candidate's IEC will be made based on the funds raised by that candidate's opponents and independent expenditures made to support or oppose candidates in that race.

Any person (including committees other than candidate committees) who makes independent expenditures, member communications or electioneering communications in support or opposition of a candidate at a cost of \$1,000 or more per candidate during the 90 days preceding an election must file a report with the Ethics Commission within 24 hours of each time the \$1,000 threshold is reached.

Any candidate for Mayor or the Board of Supervisors seeking the same office as a candidate identified in a communication may object to the Executive Director's determination of whether a communication reported on filings actually supports or opposes a candidate or is neutral. Such requests must be filed within one business day from the date the Executive Director makes his or her determination.

Post Election Additional Claims for Matching Funds

Candidates may continue to submit claims for Matching Funds up to the 30th day after the election. Candidates may continue to raise private funds after the date of the election. However, only funds raised more than 30 days after the election date would not be subject to the forfeiture below.

Post Election

Any surplus funds remaining in your account on the 30th day after the election will be considered "unexpended public funds" and forfeited to the City at the conclusion of an audit.

Third-Party Spending / Independent Expenditures

During the 90 days immediately preceding an election, third parties (i.e. individuals or groups that are not candidate committees) are required to file a report any time they make independent expenditures totaling \$1,000 or more or spend \$1,000 or more to distribute member communications or electioneering communications.

Matching Funds Payments

Once certified as eligible to receive public funds, a candidate for the Board of Supervisors will receive an initial public funds grant of \$60,000 and a candidate for Mayor will receive \$300,000. Candidates may be eligible to receive additional public funds, based on the private contributions they raise, through the submission of a Matching Request.

The tables below summarize the maximum amount of funds candidates for the Board of Supervisors and Mayor can receive under the public financing program.

Supervisors

	Private Raised Incumbents	Funds Matching by Non- Public Funds	Private Raised Incumbents	Funds Matching by Public Funds
Initial	\$10,000	\$60,000	\$15,000	\$60,000
1:6	\$32,500	\$195,000	\$32,000	\$192,000
Total	\$42,500	\$255,000	\$47,000	\$252,000
Total Public and Private Funds		\$297,500		\$297,000

Mayor

	Private Funds Raised by Non- Matching Incumbents	Funds	Public Private Incumbents
Initial	\$50,000	\$300,000	\$75,000
1:6	\$150,000	\$900,000	\$150,000
Total	\$200,000	\$1,200,000	\$222,500
Total Public and Private Funds		\$1,400,000	

Post Election Report

Report on San Francisco's Public Campaign Financing Program November 5, 2019 Election, from the Executive Director, LeeAnn Pelham, [Report on San Francisco's Public Campaign Financing Program November 5, 2019 Election](#).

Link to additional information:

[Report on San Francisco's Public Campaign Financing Program November 5, 2019 Election](#);

2020 Post Election Report: <https://sfethics.org/ethics/2020/08/campaign-finance-dashboards-november-3-2020-election.html>

Audits

Links For Audit; Repayment:

https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_campaign/0-0-0-413

https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_campaign/0-0-0-13

The San Francisco Municipal Code, Article I: Election Campaigns: Chapter 1: Campaign Finance, Section: 1.150. AUDIT; REPAYMENT.

(a) AUDIT. The Ethics Commission shall audit all candidate committees whose candidates have received public financing under this Chapter. Audits of candidate committees conducted under this Subsection shall begin within 60 days after the date the candidate committees' first post-election campaign disclosure report is required to be filed pursuant to Section [1.106](#) of this Chapter. In his or her discretion, the Executive Director may initiate additional targeted or randomly selected audits of any committee, irrespective of whether the committee received any public funds. At the request of the Executive Director, the Controller shall assist in conducting these audits.

(b) REPAYMENT.

(1) If the Ethics Commission determines that any portion of the payments made to a candidate from the Election Campaign Fund exceeded the aggregate amount of payments to which the candidate was entitled under this Chapter, the Commission shall notify the Controller and the candidate. In addition to any other penalties, the candidate shall pay to the City and County of San Francisco and deliver to the Ethics Commission an amount equal to the amount of the excess payments, and if the Commission determines that any amount of any payment made to a candidate from the Election Campaign Fund was used for something other than qualified campaign expenditures, the candidate shall pay to the Ethics Commission an amount equal to the improper expenditure.

(2) Any candidate who receives public funds under this Chapter and exceeds his or her Individual Expenditure Ceiling by ten percent or more shall, in addition to any other penalties, pay to the Ethics Commission an amount equal to the amount of public funds the candidate received under this Chapter.

(3) All payments delivered to the Ethics Commission under this Section shall be deposited in the Election Campaign Fund.

(Added by Proposition O, 11/7/2000; amended by Ord. 141-03, File No. 030034, App. 6/27/2003; Ord. 31-06, File No. 051773, App. 2/23/2006; Ord. 228-06, File No. 060501, App. 9/14/2006; Ord. 268-07, File No. 071003, App. 11/26/2007; Ord. 234-09, File. No. 090989, App. 11/20/2009)

Link for additional information on audits:

Audit Program Information

The Ethics Commission's auditing standards are in part based on the standards of the American Institute of Certified Public Accountants (AICPA). Auditing standards are used to measure the work done by the auditor to determine the acceptability of the audit. To the extent possible, each audit must conform to established AICPA auditing standards including standards of fieldwork and standards of reporting.

- [Audit Process](#)
- [Audit Selection](#)

Campaign Audits

Adopted by San Francisco voters, [San Francisco Charter Section C3.699-11\(4\)](#) authorizes the Ethics Commission to conduct campaign audits of City candidates and committees. In addition, as part of the City's voter-approved limited public financing program, all candidate committees that have received public financing for their campaigns must be audited by the Ethics Commission after the election. Commission audits determine the committees' degree of compliance with applicable state and local laws, and produce written audit reports for the committee and public to detail any material audit findings.

- [Required Records for Campaign Committee Audit](#)

Audit Reports

After all audit work has been completed and the auditee has had the opportunity to respond to any audit findings, Commission staff release a written audit report to the auditee and post it publicly. These reports provide an overview of the activity of the auditee during the period covered by the audit and identify any instances in which they failed to materially comply with the provisions of applicable laws.

All public audit reports issued by the Commission are also reviewed by Ethics Commission staff to determine if any administrative enforcement action is warranted and are also forwarded, as appropriate, to other enforcement agencies.

- [Audit Reports](#)

Penalties

Links: For Penalties

https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_campaign/0-0-0-600

https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_campaign/0-0-0-13

The San Francisco Municipal Code, Article I: Election Campaigns: Chapter 1: Campaign Finance, Section: 1.170. PENALTIES.

(a) CRIMINAL. Any person who knowingly or willfully violates any provision of this [Chapter 1](#) shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$5,000 for each violation or by imprisonment in the County jail for a period of not more than six months or by both such fine and imprisonment; provided, however, that any willful or knowing failure to report contributions or expenditures done with intent to mislead or deceive or any willful or knowing violation of the provisions of Sections [1.114](#), [1.126](#), or [1.127](#) of this [Chapter 1](#) shall be punishable by a fine of not less than \$5,000 for each violation or three times the amount not reported or the amount received in excess of the amount allowable pursuant to Sections [1.114](#), [1.126](#), or [1.127](#) of this [Chapter 1](#), or three times the amount expended in excess of the amount allowable pursuant to Section [1.130](#) or [1.140](#), whichever is greater.

(b) CIVIL. Any person who intentionally or negligently violates any of the provisions of this [Chapter 1](#) shall be liable in a civil action brought by the City Attorney for an amount up to \$5,000 for each violation or three times the amount not reported or the amount received in excess of the amount allowable pursuant to Sections [1.114](#), [1.126](#), or [1.127](#) or three times the amount expended in excess of the amount allowable pursuant to Section [1.130](#) or [1.140](#), whichever is greater. In determining the amount of liability, the court may take into account the seriousness of the violation, the degree of culpability of the defendant, and the ability of the defendant to pay.

(c) ADMINISTRATIVE. Any person who violates any of the provisions of this [Chapter 1](#) shall be liable in an administrative proceeding before the Ethics Commission held pursuant to the Charter for any penalties authorized therein.

(d) LATE FILING FEES

(1) Fees for Late Paper Filings. In addition to any other penalty, any person who files a paper copy of any statement or report after the deadline imposed by this Chapter shall be liable in the amount of ten dollars (\$10) per day after the deadline until the statement is filed.

(2) In addition to any other penalty, any person who files an electronic copy of a statement or report after the deadline imposed by this Chapter shall be liable in the amount of twenty-five dollars (\$25) per day after the deadline until the electronic copy or report is filed.

(3) Limitation on Liability. Liability imposed by Subsection (d)(1) shall not exceed the cumulative amount stated in the late statement or report, or one hundred dollars (\$100), whichever is greater. Liability imposed by Subsection (d)(2) shall not exceed the cumulative amount stated in the late statement or report, or two hundred fifty dollars (\$250), whichever is greater.

(4) Reduction or Waiver. The Ethics Commission may reduce or waive a fee imposed by this subsection if the Commission determines that the late filing was not willful and that enforcement will not further the purposes of this Chapter.

(e) MISUSE OF PUBLIC FUNDS. Any person who willfully or knowingly uses public funds, paid pursuant to this Chapter, for any purpose other than the purposes authorized by this Chapter shall be subject to the penalties provided in this Section.

(f) PROVISION OF FALSE OR MISLEADING INFORMATION TO THE ETHICS COMMISSION; WITHHOLDING OF INFORMATION. Any person who knowingly or willfully furnishes false or fraudulent evidence, documents, or information to the Ethics Commission under this Chapter, or misrepresents any material fact, or conceals any evidence, documents, or information, or fails to furnish to the Ethics Commission any records, documents, or other information required to be provided under this Chapter shall be subject to the penalties provided in this Section.

(g) PERSONAL LIABILITY. Candidates and treasurers are responsible for complying with this Chapter and may be held personally liable for violations by their committees. Nothing in this Chapter shall operate to limit the candidate's liability for, nor the candidate's ability to pay, any fines or other payments imposed pursuant to administrative or judicial proceedings.

(h) JOINT AND SEVERAL LIABILITY. If two or more persons are responsible for any violation of this Chapter, they shall be jointly and severally liable.

(i) EFFECT OF VIOLATION ON CANDIDACY.

(1) If a candidate is convicted, in a court of law, of a violation of this Chapter at any time prior to his or her election, his or her candidacy shall be terminated immediately and he or she shall be no longer eligible for election, unless the court at the time of sentencing specifically determines that this provision shall not be applicable. No person convicted of a misdemeanor under this Chapter after his or her election shall be a candidate for any other City elective office for a period of five years following the date of the conviction unless the court shall at the time of sentencing specifically determine that this provision shall not be applicable.

(2) If a candidate for the Board of Supervisors certified as eligible for public financing is found by a court to have exceeded the Individual Expenditure Ceiling in this Chapter by ten percent or more at any time prior to his or her election, such violation shall constitute official misconduct. The Mayor may suspend any member of the Board of Supervisors for such a violation, and seek removal of the candidate from office following the procedures set forth in Charter Section [15.105\(a\)](#).

(3) A plea of *nolo contendere*, in a court of law, shall be deemed a conviction for purposes of this Section.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; renumbered and amended by Proposition O, 11/7/2000; amended by Ord. 141-03, File No. 030034, App. 6/27/2003; Ord. 3-06, File No. 051439, App. 1/20/2006; Ord. 31-06, File No. 051773, App. 2/23/2006; Ord. 228-06, File No. 060501, App. 9/14/2006; Ord. 268-07, File No. 071003, App. 11/26/2007; Ord. 234-09, File No. 090989, App. 11/20/2009; Ord. [64-12](#), File No. 111082, App. 4/20/2012, Eff. 5/20/2012; Ord. [129-18](#), File No. 180280, App. 5/30/2018, Eff. 6/30/2018, Oper. 6/30/2018; Proposition F, 11/5/2019, Eff. 12/20/2019)

Fixed Penalty Policy

Introduction

At its July 22, 2013 meeting, the Ethics Commission approved the following policies to establish fixed penalties for violations of certain provisions of the Campaign Finance Reform Ordinance (“CFRO”), San Francisco Campaign and Governmental Conduct Code (“C&GC Code”) section 1.100, et seq. Violations of the sections identified below are generally discovered during a review of campaign finance statements or other disclosure statements and, in general require little, if any, additional investigation or other evidence to show that the violation occurred. While the policies will generally require a Respondent to enter into a stipulated order with the Commission, each Respondent remains free to exercise his or her rights under the Enforcement Regulations to move through the hearing process for any alleged violation of law.

These policies will be effective for activities related to the November 2013 election and will remain effective until modified or rescinded by majority vote of the Commission. Staff is bound by the adopted policies regarding these violations until changed by the Commission. The Commission retains the authority to approve or disapprove the stipulation and settlement amounts.

If there is more than one violation, either multiple instances of the same code section and/or different code sections, Respondent will be liable for the penalty amount of each violation. If a violation pertains to a law that requires a campaign or other disclosure statement to be amended, the amended statement must be filed prior to the stipulation’s approval.

Violations of CFRO Section 1.114 by Candidates

CFRO section 1.114(a)(1) prohibits a candidate committee from soliciting or accepting a contribution from any person that will cause the contribution received from that person to exceed \$500. Section 1.114(b) prohibits any corporation from making a contribution to a candidate committee. Section

1.114(e) states that if the cumulative amount of contributions received from a contributor is \$100 or more, the committee may not deposit the contribution unless the committee has the following information: the contributor's full name; the contributor's street address; the contributor's occupation; and the name of the contributor's employer or, if the contributor is self-employed, the name of the contributor's business.¹

Under section 1.114(f), each committee that receives a contribution that exceeds the contribution limit or that does not comply with the other requirements of section 1.114 "shall pay promptly" the excess amount to the Ethics Commission, for deposit into the City's General Fund.

The Commission approved the following schedule of settlement and penalties to govern Respondent candidates/candidate committees that violate section 1.114.

1. If, during a preliminary review, there is a reason to believe that a candidate committee may have committed a violation of section 1.114(a)(1), (b) or (e), Enforcement staff will notify the candidate committee of the violation(s) and advise that the matter is in preliminary review. The notice will provide the following information:
 - a. The committee has fourteen (14) days to forfeit the excess contribution or provide evidence as to why there is not a violation; and
 - b. If no such evidence is presented, in addition to forfeiting the excess contribution, an enforcement action will be initiated immediately after the fourteenth (14th) day; and
 - c. A Probable Cause Report will be issued 21 business days after the enforcement action is initiated.
2. If evidence is presented prior to the 14-day deadline demonstrating that there is no violation, the matter will be dismissed by the Executive Director.
3. If evidence is presented after the 14-day deadline demonstrating that there is no violation, the Commission will review the evidence and determine whether the matter should be dismissed in closed session.
4. If no exonerating evidence is presented prior to the 14-day deadline, Respondent must forfeit the amount of each excess contribution. In addition, a formal enforcement action will be initiated with the following schedule for stipulated orders:
 - a. Stipulation prior to issuance of Probable Cause Report – Respondent must sign stipulation stating that a violation(s) occurred and pay a settlement amount equal to two times the

- amount of the total excess contribution(s) but not to exceed \$5,000 per violation (mitigation/aggravation factors may apply).
- b. Stipulation after issuance of Probable Cause Report – Respondent must sign stipulation stating that a violation(s) occurred and pay a settlement amount equal to three times the amount of the total excess contribution(s) but not to exceed \$5,000 per violation (mitigation/aggravation factors may apply).
 - c. Stipulation after the Commission makes a finding of probable cause – Respondent must sign stipulation stating that a violation(s) occurred and pay a settlement amount of four times the amount of the total excess contribution(s) but not to exceed \$5,000 per violation (mitigation/aggravation factors may apply).

Violations of CFRO Section 1.114(e) by Committees

Section 1.114(e) provides that no committee – not just candidate committees – may deposit any contribution that causes the total amount of contributions received from a contributor to total \$100 or more unless the committee has information regarding the contributor’s full name, street address and occupation. The same procedures set forth above regarding violations of section 1.114(e) by candidate committees apply also to other committees that file reports with the Ethics Commission.

Violations of CFRO Section 1.114(a) by Contributors

Section 1.114(a)(1) prohibits any person other than a candidate from making a contribution that exceeds \$500 to a candidate committee; section 1.114(a)(2) prohibits any person from making a contribution that will cause the total amount contributed by such person to all candidate committees in an election to exceed \$500 multiplied by the number of City elective offices to be voted on in that election.² On June 24, 2013, the Commission approved the issuance of a Contributor Guide. Now that this guide is available to the public, contributors are on notice that they are personally subject to the provisions set forth in section 1.114. The following schedule of settlement and penalties will govern Respondent contributors who violate section 1.114.

1. If, during a preliminary review, there is a reason to believe that a contributor may have committed a violation of section 1.114(a)(1) or (a)(2), Enforcement staff will notify the contributor of the violation(s) and advise that the matter is in preliminary review. The notice will provide the following information:
 - a. The contributor has fourteen (14) days to provide evidence as to why there is not a violation;

- b. If no such evidence is provided, an enforcement action will be initiated immediately after the fourteenth (14th) business day; and
 - c. A Probable Cause Report will be issued 21 business days after the enforcement action is initiated.
- 2. If evidence is presented prior to the 14-day deadline demonstrating that there is no violation, the matter will be dismissed by the Executive Director.
- 3. If evidence is presented after the 14-day deadline demonstrating that there is no violation, the Commission will review the evidence and determine whether the matter should be dismissed in closed session.
- 4. If no exonerating evidence is presented prior to the 14-day deadline, a formal enforcement action will be initiated with the following schedule for stipulated orders:
 - a. First Offense – Respondent contributor must sign a stipulation agreeing that he or she violated the law. No fine/penalty amount will be assessed. If Respondent contributor refuses to sign a stipulation, staff will issue a Probable Cause Report and follow the schedule in sections b.ii and b.iii below.
 - b. Two or More Offenses:
 - i. Stipulation prior to issuance of Probable Cause Report – Respondent must sign stipulation stating that a violation(s) occurred and pay a settlement amount equal to two times the amount of the total excess contribution(s) but not to exceed \$5,000 per violation (mitigation/aggravation factors may apply).
 - ii. Stipulation after issuance of Probable Cause Report – Respondent must sign stipulation stating that a violation(s) occurred and pay a settlement amount equal to three times the amount of the total excess contribution(s) but not to exceed \$5,000 per violation (mitigation/aggravation factors may apply).
 - iii. Stipulation after the Commission makes a finding of probable cause – Respondent must sign stipulation stating that a violation(s) occurred and pay a settlement amount of four times the amount of the total excess contribution(s) but not to exceed \$5,000 per violation (mitigation/aggravation factors may apply).

Violations of CFRO Section 1.116

CFRO section 1.116 sets limits on the amount of money a candidate may loan to his or her candidate committee. The limits are \$15,000 for a candidate for the Board of Supervisors, the Board of Education or the Community College District, \$120,000 for a candidate for Mayor, or \$35,000 for a candidate for Assessor, Public Defender, City Attorney, Treasurer, District Attorney, or Sheriff.³ Under section 1.116, in addition to any other penalty, a loan made by a candidate to his or her campaign in excess of the allowable amounts is deemed a contribution to the campaign and may not be repaid to the candidate. The following schedule of settlement and penalties will govern Respondent candidates who violate section 1.116.

1. If, during a preliminary review, there is a reason to believe that a candidate may have committed a violation of section 1.116, Enforcement staff will notify the candidate of the violation(s) and advise that the matter is in preliminary review. The notice will provide the following information:
 - a. The candidate has fourteen (14) days to provide evidence as to why there is not a violation; and
 - b. An enforcement action will be initiated immediately after the fourteenth (14th) day; and
 - c. A Probable Cause Report will be issued 21 business days after the enforcement action is initiated.
2. If evidence is presented prior to the 14-day deadline demonstrating that there is no violation, the matter will be dismissed by the Executive Director.
3. If evidence is presented after the 14-day deadline demonstrating that there is no violation, the Commission will review the evidence and determine whether the matter should be dismissed in closed session.
4. If no exonerating evidence is presented prior to the 14-day deadline, a formal enforcement action will be initiated with the following schedule for stipulated orders:
 - a. Stipulation prior to issuance of Probable Cause Report – Respondent must sign stipulation stating that a violation(s) occurred and pay a settlement amount equal to 20 percent of the maximum fine per violation, or \$1,000 (mitigation/aggravation factors may apply).
 - b. Stipulation after issuance of Probable Cause Report – Respondent must sign stipulation stating that a violation(s) occurred and pay a settlement amount of 50 percent of the maximum fine per violation, or \$2,500 (mitigation/aggravation factors may apply).

- c. Stipulation after the Commission makes a finding of probable cause – Respondent must sign stipulation stating that a violation(s) occurred and pay a settlement amount equal to 80 percent of the maximum fine per violation per violation, or \$4,000 (mitigation/aggravation factors may apply).

Violations of CFRO Sections 1.161, 1.161.5, or 1.162

Several sections of the CFRO require written disclaimer statements that, among other things, identify who paid for the mass mailing (section 1.161), electioneering communication (section 1.161.5), and campaign advertisement (section 1.162). These printed disclosures must be in at least 14 point type and in a color or print that contrasts with the background so as to be easily legible to the intended public. The following schedule of settlement and penalties will govern committees that violate the disclaimer and disclosure sections of the CFRO.

1. If, during a preliminary review, there is a reason to believe that a committee may have committed a violation of any part of section 1.161, 1.161.5, or 1.162, Enforcement staff will notify the committee and advise that the matter is in preliminary review. The notice will provide the following information:
 - a. The committee has fourteen (14) days to provide evidence as to why there is not a violation; and
 - b. An enforcement action will be initiated immediately after the fourteenth (14th) day; and
 - c. A Probable Cause Report will be issued 21 business days after the enforcement action is initiated.
2. If evidence is presented prior to the 14-day deadline demonstrating that there is no violation, the matter will be dismissed by the Executive Director.
3. If evidence is presented after the 14-day deadline demonstrating that there is no violation, the Commission will review the evidence and determine whether the matter should be dismissed in closed session.
4. If no exonerating evidence is presented prior to the 14-day deadline, a formal enforcement action will be initiated with the following schedule for stipulated orders:
 - a. Stipulation prior to issuance of Probable Cause Report – Respondent must sign stipulation stating that a violation(s) occurred and pay a settlement amount equal to 20 percent of the maximum fine per violation, or \$1,000 (mitigation/aggravation factors may apply).

- b. Stipulation after issuance of Probable Cause Report – Respondent must sign stipulation stating that a violation(s) occurred and pay a settlement amount equal to 50 percent of the maximum fine per violation, or \$2,500 (mitigation/aggravation factors may apply).
- c. Stipulation after the Commission makes a finding of probable cause – Respondent must sign stipulation stating that a violation(s) occurred and pay a settlement amount equal to 80 percent of the maximum fine per violation, or \$4,000 (mitigation/aggravation factors may apply).

Factors in Mitigation and Aggravation

The Commission will consider each mitigating or aggravating factor to determine how much weight should be given to each factor. For example, an intent to conceal, deceive or mislead will be considered much more egregious and weigh more heavily against a Respondent, so much so that the existence of mitigating factors may not offset it. The following lists of mitigation and aggravation factors are not exhaustive.

1. Mitigation Factors:

- Absence of any intention to conceal, deceive, or mislead
- Violation was negligent or inadvertent
- Violation was isolated and not part of a pattern
- No prior record of violations of law with the Commission
- The degree to which the Respondent cooperated with the investigation
- The degree to which the Respondent demonstrated a willingness to remedy any violations (only applicable if agrees to a stipulation prior to issuance of Probable Cause Report)
- Respondent filed all required disclosure statements and/or amendments within 14 days of initial contact by Enforcement staff
- A disclosure containing the required information appeared on a mass mailing, electioneering communication, or campaign advertisement, but the disclosure was in font size that was not 14 point

1. Aggravation Factors:

- Evidence shows an intent to conceal, deceive, or mislead
- Violation was deliberate
- Violation was part of a pattern

- Prior record of violations of law with the Commission
- The degree to which the Respondent was uncooperative with the investigation
- The degree to which the Respondent failed to demonstrate a willingness to remedy any violations
- Respondent failed to file required disclosure statements and/or amendments within 14 days of initial contact by Enforcement staff

<https://sfethics.org/enforcement/fixed-penalty-policy> - [_ftnref1](#)

¹ Section 1.114(d) states that for purposes of the contribution limits, the contributions of an entity whose contributions are controlled by any individual must be aggregated with contributions made by that individual and any other entity whose contributions are directed and controlled by the same individual. Because violations of section 1.114(d) are not easily discovered during a review of campaign disclosure statements, they are not included in this settlement and penalties scheme. Instead, such violations will be handled via the normal course of handling violations pursuant to the Commission's Regulations for Investigations and Enforcement Proceedings.

In addition, section 1.114(c), adopted by the voters as part of Proposition O in 2000, sets limits on the amount of contributions a person may make to non-candidate committees that make expenditures to support or oppose candidates. On September 20, 2007, a federal district court issued a preliminary injunction enjoining enforcement of section 1.114(c); since then, the Commission has not enforced the section. The court has since issued a permanent injunction prohibiting the City from enforcing section 1.114(c).

<https://sfethics.org/enforcement/fixed-penalty-policy> - [_ftnref2](#)² Please note that the Ethics Commission will no longer enforce the limit in Section 1.114(a)(2) in light of recent United States Supreme Court jurisprudence. *See* Ethics Commission Resolution adopted May 28, 2014; *McCutcheon v. Federal Election Commission*, 752 U.S. ___, No. 12-536 (S.Ct. Apr. 2, 2014).

<https://sfethics.org/enforcement/fixed-penalty-policy> - [_ftnref3](#)³ Publicly-financed candidates must agree not to loan or donate to their campaigns, in total, more than \$5,000 of their own money; nor may they accept any loan from anyone else. CFRO § 1.140(a)(1)(D). The settlement and penalties structure discussed here do not apply to violations of section 1.140(a)(1)(D).

Last Elections and Participation in Public Campaign Financing program 2020:

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Campaign Finance – Public Funds – November 3, 2020

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The chart below lists 16 candidates for the November 3, 2020 election who have been certified by the Ethics Commission as eligible to receive public funds, and total approved public funds to those candidates, to date. For this election, the first date on which the Ethics Commission can disburse public funds to eligible candidates is June 15, 2020. The last date on which candidates in the November election may submit their request to be certified as eligible to receive public funds is August 25, 2020.

More information about San Francisco's public financing program for qualified City candidates, visit the Ethics Commission's [Public Financing Program page](#).

Candidate	Funds Approved
Shinzato, Veronica	\$68,466.00
Sauter, Danny	\$234,381.06
Safai, Ahsha	\$137,329.56
Preston, Dean	\$252,000.00
Philhour, Marjan	\$255,000.00
Peskin, Aaron	\$203,598.00
Nguyen, Vilaska	\$255,000.00
Murase, Emily	\$236,064.00
Melgar, Myrna	\$255,000.00
Matranga, Benjamin	\$178,710.00
Martin-Pinto, Stephen	\$101,478.00
Lee, David	\$255,000.00
Engardio, Joel	\$255,000.00
Chan, Connie	\$255,000.00
Brown, Vallie	\$255,000.00
Avalos, John	\$254,430.00

Debates

Candidates must “agree” to engage in a debate. They agree to do so when they submit their statement of intent to participate in the program.

Treatment of Outstanding Penalties

Candidates are ineligible if they have outstanding fines or penalties owed to the City.

Special Elections

Public financing is available in those elections the same as in regular elections. There is a special program funding mechanism to ensure that there is sufficient money available to cover that expense.

Notes

#1. In San Francisco to be certified for public campaign funding, a non-incumbent supervisorial candidate is required to raise contributions of at least \$10,000 from at least 100 City residents, while an incumbent candidate is required to raise at least \$15,000 in qualifying contributions from at least 150 residents. A non-incumbent mayoral candidate was required to raise contributions totaling \$50,000 from at least 500 residents, and an incumbent was required to raise \$75,000 from at least 750 residents.

#2. In San Francisco, contributions of \$10 to \$100, received by the candidate no earlier than eighteen months before the date of the election are considered qualifying contributions, eligible for matching funds: any amount in excess is not eligible for match.

#3. In San Francisco, in order to qualify, a candidate has to be opposed by another candidate, who had received contributions or made expenditures over a certain threshold amount.

#4. In San Francisco, Candidates who meet established criteria could qualify to receive limited amounts of public funds for their campaigns; once they are certified as eligible to receive public financing, for up to \$1,200,000 (Non-Incumbent Mayoral Candidates), \$1,185,500 (Incumbent Mayoral Candidates), \$255,000 (Non-Incumbent Supervisorial Candidates) or \$252,000 (Incumbent Supervisorial Candidates).

#5. In San Francisco, in order to qualify to receive public funds, a candidate must agree to have paid all outstanding fines or penalties owed to the City and have no prior findings of campaign finance violations in the last 5 years.

#6. In San Francisco, candidates for the Board of Supervisors must electronically file a Threshold Form within 24 hours of receiving, spending or having \$10,000 or more and candidates for Mayor having \$50,000 or more. This form must be filed regardless of whether any other candidate in the race has been certified to receive public financing. In a race where at least one candidate has been certified to receive public funds, all candidates for that race must electronically file the Threshold Form within 24 hours of reaching the \$100,000 threshold (Board of Supervisors races) or \$1,000,000 threshold (Mayoral races). Thereafter, candidates must electronically file the Threshold Form within 24 hours of each time they spend or receive an additional \$10,000 (Supervisor candidates) or an additional \$50,000 (Mayoral candidates).

#7. In San Francisco, there is an Individual Expenditure Ceiling for Candidates who seek public funds. Candidates must agree to limit their spending to the amount of their Individual Expenditure Ceiling (IEC). The IEC for candidates for Board of Supervisor start at \$350,000, and for Mayor starts at \$1,700,000. As necessary, the Ethics Commission may raise a candidate's IEC in increments of \$50,000 for candidates for Board of Supervisors, and in increments of \$250,000 for candidates for Mayor. Adjustments to a candidate's IEC will be made based on the funds raised by that candidate's opponents and independent expenditures made to support or oppose candidates in that race.

#8. In San Francisco, any person including committees other than candidate committees, who makes independent expenditures, member communications or electioneering communications in support or opposition of a candidate at a cost of \$1,000 or more per candidate during the 90 days preceding an election must file a report with the Ethics Commission within 24 hours of each time the \$1,000 threshold is reached. Any candidate for Mayor or the Board of Supervisors seeking the same office as a candidate identified in a communication may object to the Executive Director's determination of whether a communication reported on filings required actually supports or opposes a candidate or is neutral. Such requests must be filed within one business day from the date the Executive Director makes his or her determination.

#9. In San Francisco, upon certification a candidate for the Board of Supervisors receives an initial public funds grant of \$60,000 and a mayor receives \$300,000. Once a candidate has met all other requirements of the Program, they may apply for public financing by submitting a Qualifying Request and Contribution List. This filing must demonstrate the candidate has raised the required number and amount of Qualified Contributions. Once eligible, candidates may submit claims for additional public funds using the Matching Request and Contribution List. Matching Requests must include the same information and supporting Documents used for the Qualifying Request. Submissions are reviewed on a continuous first come, first served basis and additional public funds will be matched at a ratio of 6:1.

#10. In San Francisco, Candidates may continue to submit claims for Matching Funds up to the 30th day after the election. Any surplus funds remaining in the account on the 30th day after the election will be considered “unexpended public funds” and forfeited to the City at the conclusion of an audit. Candidates may continue to raise private funds after the date of the election. However, only funds raised more than 30 days after the election date would not be subject to the forfeiture above.

11. West Virginia, Matching Funds, Office of Campaign Finance of WV Secretary of State

West Virginia has an estimated 2019 population of 1,792,147. In 2013, pursuant to West Virginia Code, Chapter 3. Elections. Article 12, the provision to institute the West Virginia Supreme Court of Appeals Public Campaign Financing Program was enacted.

Link to West Virginia Code:

[Chapter 3. elections. - West Virginia Code](#)

West Virginia Code, Chapter 3. Elections. Article 12, West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program established a publicly funded program, as an alternative public campaign financing option for candidates running for a seat on the Supreme Court of Appeals. The objective of the pilot program was to ensure fairness of democratic elections in the state, protect the Constitutional rights of voters and candidates from the detrimental effects of increasingly large amounts of money being raised and spent to influence the outcome of elections, protect the impartiality and integrity of the judiciary, and strengthen public confidence in the judiciary. A candidate desiring to receive campaign financing from the fund shall first file

a declaration of intent before the end of the qualifying period and prior to collecting any qualifying contributions.

Exploratory Period, Contributions, Expenditures

A participating candidate or his or her committee may not accept, spend or obligate exploratory contributions exceeding \$20,000 in the aggregate, during the exploratory period. At the time the participating candidate formally declares his or her intent to qualify for public campaign financing, any unexpended or undedicated contributions received during any pre-candidacy period, which preceded the exploratory period, shall be deemed to be exploratory contributions for that candidate. The maximum individual exploratory contribution that may be accepted from any person including immediate family members is \$1,000. A participating candidate may loan, contribute or obligate up to \$1,000 of his or her own money for exploratory purposes. Any exploratory contributions received by the participating candidate in excess of \$20,000 in the aggregate shall be sent to the Election Commission for deposit in the fund.

Qualifying Contribution

During the qualifying period, a participating candidate or his or her candidate's committee must obtain at least five hundred qualifying contributions from registered West Virginia voters. A minimum of ten percent of the total number of qualifying contributions received by the candidate must be from each of the state's congressional districts.

A participating candidate or their committee may not accept more than one qualifying contribution from a single individual. A qualifying contribution may not be less than \$1 or more than \$100. To be considered as a proper qualifying contribution, the qualifying contribution must be made by a registered West Virginia voter. A participating candidate shall collect qualifying contributions, which in the aggregate are not less than \$35,000 or more than \$50,000. Qualifying contributions in excess of \$50,000 shall be sent to the State Election Commission for deposit in the fund.

All qualifying contributions collected and all expenditures by a participating candidate or his or her committee shall be reported to the Secretary of State no later than two business days after the close of the qualifying period.

(1) Individuals are limited to not more than one \$100 contribution during the qualifying period (2) An individual may not contribute more than \$1,000 in the aggregate in exploratory and qualifying contributions.

Schedule and Amount of Payments

The State Election Commission, acting in concert with the State Auditor's office and the State Treasurer's office, shall have a check issued within two business days after the date on which the candidate is certified, to make payments from the fund for the nonpartisan judicial election campaign period available to a certified candidate. In a contested nonpartisan judicial election, a certified candidate shall receive \$525,000 in campaign financing from the fund, minus the certified candidate's qualifying contributions.

Restrictions

A certified candidate or his or her committee may not accept loans or contributions from any private source, including the personal funds of the candidate and the candidate's immediate family, during the nonpartisan judicial election campaign period except during the exploratory period.

After filing the declaration of intent and during the qualifying period, a participating candidate may not spend or obligate more than he or she has collected in exploratory and qualifying contributions. After the qualifying period and through the nonpartisan judicial election campaign period, a certified candidate may spend or obligate any unspent exploratory or qualifying contributions and the moneys he or she receives from the fund under the provisions of section eleven of this article.

A certified candidate or his or her committee shall return to the fund any unspent and unobligated exploratory contributions, qualifying contributions or moneys received from the fund within forty-eight hours after the date on which the candidate ceases to be certified. A certified candidate or his or her committee shall return to the fund any unspent or unobligated public campaign financing funds no later than five business days after the nonpartisan judicial election.

Duties of the Commission

The Commission must prepare a voters' guide for the general public listing the names of each candidate seeking election to the Supreme Court of Appeals. Both certified and nonparticipating candidates shall be invited by the State Election Commission to submit a statement, not to exceed five hundred words in length, for inclusion in the guide. The guide shall identify the candidates that are certified candidates and the candidates that are nonparticipating candidates. Copies of the guide shall be posted on the website of the Secretary of State, as soon as may be practical.

Notes

#1. In West Virginia, during the qualifying period, a participating candidate must obtain at least five hundred qualifying contributions from registered West Virginia voters. A minimum of ten percent of the total number of qualifying contributions received by the candidate must be from each of the state's congressional districts.

#2. In West Virginia, a participating candidate may not accept more than one qualifying contribution from a single individual in an amount of \$1 to \$100. To be considered as a proper qualifying contribution, the qualifying contribution must be made by a registered West Virginia voter.

#3. In West Virginia, in a contested nonpartisan judicial election, a certified candidate shall receive \$525,000 in campaign financing from the fund, minus the certified candidate's qualifying contributions.

#4. In West Virginia, a certified candidate is required to return to the fund any unspent and unobligated exploratory contributions, qualifying contributions or moneys received from the fund within forty-eight hours after the date on which the candidate ceases to be certified. A certified candidate must return to the fund any unspent or unobligated public campaign financing funds no later than five business days after the nonpartisan judicial election.

#5. In West Virginia, the Commission must prepare a voters' guide for the general public listing the names of each candidate seeking election to the Supreme Court of Appeals. Both certified and nonparticipating candidates shall be invited by the State Election Commission to submit a statement, not to exceed five hundred words in length, for inclusion in the guide. The guide shall identify the candidates that are certified candidates and the candidates that are nonparticipating candidates. Copies of the guide shall be posted on the website of the Secretary of State, as soon as may be practical.

12. Florida, Matching Funds, Division of Elections of the Florida Department of State

Florida has an estimated 2019 population of 21,477,737. Florida's Public Campaign Financing Program established in 1986, pursuant to Chapter 106 of the Florida Statutes, provides matching funds for candidates seeking a seat for

Governor, Attorney General, Chief Financial Officer, and Commissioner of Agriculture, at a match rate of 2:1 and 1:1.

Link to Florida Statute and additional information:

[Chapter 106](#), Florida Statutes,

[2018 Public Campaign Financing Handbook - PDF](#) (Rev. 1/30/2018)

Eligibility Requirements

To be eligible to receive public campaign financing a candidate must:

1. Not be an unopposed candidate,
2. Agree to abide by the expenditure limits provided in Section 106.34, Florida Statutes,
3. Raise contributions as follows:
 - a. \$150,000 for Governor candidates; or
 - b. \$100,000 for Cabinet candidates;

Contributions from individuals who are not state residents may not be used to meet the threshold amount.

4. Limit loans or contributions from the candidate's personal funds to \$25,000 and contributions from national, state, and county executive committees of a political party to \$250,000 in the aggregate, which loans or contributions shall not qualify for meeting the threshold amounts as shown above;
5. Submit to the Division at each reporting period, documentation for matching contributions.
6. Submit to a post-election audit of the campaign account and financial records by the Division. (Section 106.33, Fla. Stat., and Rule 1S-2.047, F.A.C.)

For qualifying matching contributions making up all or any portion of the threshold amounts and received after September 1, 2017, distribution is a two-to-one basis. For all other qualifying matching contributions after the threshold, distribution is a one-to-one basis. There is no match for contributions received on or before September 1, 2017. Qualifying matching contributions are contributions of \$250 or less made after September 1, 2017.

Expenditure Limits

The expenditure limits for the 2018 election cycle are as follows:

- Governor and Lieutenant Governor:
\$27,091,462.00 (\$2.00 for each Florida-registered voter); or
- Cabinet Officer:
\$13,545,731.00 (\$1.00 for each Florida-registered voter).

Determination of the expenditure limits is based on the number of Florida registered voters as of June 30 of each odd-numbered year.

Candidates who only face primary election opposition must limit total expenditures to 60 percent of the total limit. Expenditure limits do not include the payment of compensation for legal and accounting services rendered on behalf of a candidate. (Section 106.34, Fla. Stat., and Rule 1S-2.047, F.A.C.)

Voluntarily Abiding by Public Campaign Financing Limits

Each candidate who has not made a request to receive public campaign financing, but wishes to voluntarily abide by the expenditure limits in Section 106.34, Florida Statutes, and the contribution limits in Section 106.33, Florida Statutes, must file a statement to this effect with the Division, at the time of qualifying for office.

If a candidate files such statement and subsequently exceeds the limits, they must pay an amount equal to the amount of the excess contributions or expenditures to the state. This penalty is not an allowable campaign expense and must be paid from personal funds of the candidate. However, if a nonparticipating candidate exceeds the expenditure limit, a candidate who signs the voluntary statement may exceed the applicable expenditure limit to the extent the nonparticipating candidate exceeded the limit without being subject to a penalty. (Section 106.353, Fla. Stat., and Rule 1S-2.047, F.A.C.)

Nonparticipating Candidate Exceeding Limits

When a candidate who has chosen not to participate in public financing exceeds the expenditure limit in Section 106.34, Florida Statutes, all opposing participating candidates are (notwithstanding the provisions of Section 106.33, Florida Statutes, or any other provision requiring adherence to such limit):

1. Released from such expenditure limit to the extent the nonparticipating Candidate exceeded the limit,
2. Still eligible for matching contributions up to such limit; and
3. Not required to reimburse any matching funds provided pursuant thereto.

Distribution of Funds

Distribution of funds is made beginning on the 32nd day prior to the primary and every seven days thereafter.

Distributions are based on verified matching contributions as shown on campaign finance reports, required to be filed by Section 106.07(1)(a), F.S., listing the contributions received after September 1 of the calendar year prior to the election.

Once certified, the candidate is entitled to receive the distribution of funds as follows:

1. For qualifying matching contributions making up all or any portion of the threshold amounts specified in Section 106.33(2), Florida Statutes, and received after September 1, 2017, distribution is made on a two-to-one basis.
2. For all other qualifying matching contributions (after the threshold is reached), distribution is made on a one-to-one basis.
3. No match exists for contributions received on or before September 1, 2017. Qualifying matching contributions are contributions of \$250 or less made after September 1, 2017, from an individual who is a state resident at the time of making the contribution. In determining the amount of the match, the following are applicable:
 1. Aggregate contributions from an individual in excess of \$250 made after September 1, 2017, will be matched only up to \$250.
 2. Only contributions by Florida residents will be considered for the match. For this purpose, a registered voter in Florida is considered a Florida resident.
 3. A contribution from an individual, if made by check, must be drawn on the personal bank account of the individual making the contribution, as opposed to any form of business account, regardless of whether the business account is for a corporation, partnership, sole proprietorship, trust, or other form of business arrangement.
4. For contributions made by check from a personal joint account, the match can only be for the individual who actually signs the check.

Notwithstanding the provisions of Section 106.11, Florida Statutes, a candidate who is eligible for a distribution of funds based upon qualifying matching contributions received and certified to the Division on the report due on the 4th day prior to the election may obligate funds (not to exceed the amount which the campaign treasurer's report shows the candidate is eligible to receive) without the funds actually being on deposit in the campaign account. (Section 106.35, Fla. Stat., and Rule 1S-2.047, F.A.C.)

First Distribution

The first distribution of funds will be based on campaign finance reports required to be filed on or before the 60th day before the primary election.

Second Distribution

The second distribution of funds will be based on campaign finance reports required to be filed after the 60th day but no later than the 32nd day prior to the primary election.

Subsequent Distributions

Each subsequent distribution of funds will be based on the prior week's timely filed report or reports. Distribution of funds based on untimely documentation or reports, amended Reports, or supplemental documentation will be distributed no later than the weekly cycle occurring three weeks after receipt of such documentation or report, subject to final report and documentation deadlines. (Section 106.35, Fla Stat., and Rule 1S-2.047, F.A.C.)

Campaign Reports and Supporting Documentation/Timely Filing of Reports and Documentation

For eligible matching funds candidates, a report and supporting documentation is timely if the Division by 12:00 noon, Eastern Time, on the date it is due, receives it.

A report or documentation received after 12:00 noon, Eastern Time, on the due date is deemed late for matching fund purposes and any eligible matching funds will be distributed no later than the weekly cycle occurring three weeks after receipt of such report or documentation. However, no distribution will occur based upon the applicable campaign finance contribution report and its supporting documentation if the following deadlines are not met:

1. Campaign finance reports and documentation due on the 25th, 18th, and 11th day before the primary or general election must be received no later than noon on the day the report and documentation are due.
2. Campaign finance reports and documentation due on or before the 32nd day prior to the primary election must be received no later than noon on the 25th day prior to the primary election.
3. The campaign finance report and documentation due on the 4th day prior to the primary election must be received no later than noon on the 3rd day following the primary election.
4. Campaign finance reports and documentation due between the 60th day and the 32nd day prior to the general election must be received no later than noon on the 25th day prior to the general election.

5. The campaign finance report and documentation due on the 4th day prior to the general election must be received no later than noon on the 3rd day following the general election.

Distributions shall not be made to any person after the person withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office, even if the person submitted nonconforming documentation while the person was a candidate and then corrects the deficiencies in the documentation after withdrawing, becoming unopposed, being eliminated, or being elected. The only exception is that a distribution can be made to a candidate based upon qualifying matching contributions received and certified to the Division on the campaign finance report due on the 4th day prior to the election, as long as the documentation conforms to the requirements of this rule. (Rule 1S-2.047, F.A.C.)

Documentation Submission Requirements

Submitted documents:

- Maybe submitted in paper or electronic format.
- Must be arranged by report
- Must be provided in sequence order beginning with the smallest sequence.
- Must be on 8½” by 11” paper. Information may be submitted in portrait or landscape format; however, all pages within the documentation submission must be in the same format.
- Must include in the top, right portion of each page, the candidate’s last name, candidate identification number, the report name, and the contribution sequence number or numbers to which the documentation pertains.

Example:

The following additional requirements apply for electronic submission:

- The documentation must be done via a separate file for each corresponding contribution report.
- The filename for the electronic submission must contain the candidate’s last name followed by the type of report (e.g., JonesF1, SmithG2, etc.), unless the candidate had previously requested and the Division had specifically exempted the candidate from the file name requirement because of character limitations in the file name.
- The documentation must clearly identify the contribution sequence number or numbers to which the image pertains.
- All electronic documents within the file must be submitted in a horizontal format, readable from left to right, so that the Division can read the document on a computer screen without having to rotate any image.

Contribution Documentation

In-kind documentation (a written statement signed by the contributor that includes the date the contribution was made, a description of the contribution, and the fair market value of the contribution).

Notes

#1. In Florida, in order to be eligible to receive public campaign financing a candidate must not run in an unopposed race.

#2. In Florida, Candidates are subject to expenditure limits. The expenditure limits for the 2018 election cycle for Governor and Lieutenant Governor is \$27,091,462.00 (\$2.00 for each Florida-registered voter); or for Cabinet Officer, \$13,545,731.00 (\$1.00 for each Florida-registered voter). Determination of the expenditure limits is based on the number of Florida registered voters as of June 30 of each odd-numbered year. Candidates who only face primary election opposition must limit total expenditures to 60 percent of the total limit, not subject to the payment of compensation for legal and accounting services rendered on behalf of a candidate.

#3. In Florida, contributions limits are set in the amount of \$150,000 for Governor candidates; or \$100,000 for Cabinet candidates.

#4. In Florida, the limit on loans or contributions from the candidate's personal funds are set at an amount of \$25,000, which shall not qualify for meeting the threshold amounts.

#5. In Florida, contributions may be accepted from national, state, and county executive committees of a political party up to an amount of \$250,000 in the aggregate, which shall not qualify for meeting the threshold.

#6. In Florida, each candidate who has not made a request to receive public campaign financing, but wishes to voluntarily abide by the expenditure limits and the contribution limits must file a statement to this effect with the Division, at the time of qualifying for office. If a candidate files such statement and subsequently exceeds the limits they must pay an amount equal to the amount of the excess contributions or expenditures to the state, from their personal funds. If a nonparticipating candidate exceeds the expenditure

limit, a candidate who signs the voluntary statement may exceed the applicable expenditure limit to the extent the nonparticipating candidate exceeded the limit without being subject to a penalty. Nonparticipating Candidate Exceeding Limits: When a candidate who has chosen not to participate in public financing exceeds the expenditure limit, all opposing participating candidates are released from such expenditure limit to the extent the nonparticipating candidate exceeded the limit; and are still eligible for matching contributions up to such limit; and are not required to reimburse any matching funds.

#7. Distribution of Funds: In Florida, distribution of funds is made beginning on the 32nd day prior to the primary and every seven days thereafter, based on verified matching contributions as shown on campaign finance reports listing the contributions received after September 1 of the calendar year prior to the election. Once certified, the candidate is entitled to receive the distribution of funds as follows: For qualifying matching contributions making up all or any portion of the threshold and received after September 1, 2017, distribution is made on a two-to-one basis. For all other qualifying matching contributions, after the threshold is reached, distribution is made on a one-to-one basis. No match exists for contributions received on or before September 1, 2017.

#8. In Florida, qualifying matching contributions are contributions of \$250 or less made after September 1, 2017, from an individual state resident. In determining the amount of the match, aggregate contributions from an individual in excess of \$250 made after September 1, 2017, will be matched only up to \$250.

#9. In Florida, for purposes of determining whether a qualifying matching contribution, for eligibility, is from an individual Florida state resident, a registered voter in Florida is considered a Florida resident.

#10. Timely Filing of Reports and Documentation: In Florida, a report or documentation received after the due date is deemed late for matching fund purposes and any eligible matching funds will be distributed no later than the weekly cycle occurring three weeks after receipt of such report or documentation. However, there are strict requirements wherein, **no distribution** will occur based upon the applicable campaign finance contribution report and its supporting documentation if the following deadlines are not met:

1. Campaign finance reports and documentation due on the 25th, 18th, and 11th day before the primary or general election must be received no later than noon on the day the report and documentation are due.
2. Campaign finance reports and documentation due on or before the 32nd day prior to the primary election must be received no later than noon on the 25th day prior to the primary election.
3. The campaign finance report and documentation due on the 4th day prior to the primary election must be received no later than noon on the 3rd day following the primary election.
4. Campaign finance reports and documentation due between the 60th day and the 32nd day prior to the general election must be received no later than noon on the 25th day prior to the general election.
5. The campaign finance report and documentation due on the 4th day prior to the general election must be received no later than noon on the 3rd day following the general election.

#11. In Florida, supporting documents for contributions eligible for the threshold requirements or matching contributions may be submitted in paper or electronic format, and must be arranged by report and must be provided in sequence order beginning with the smallest sequence. Documentation for more than one sequence may appear on a page, however, it must appear in sequence order and must be on 8½" by 11" paper, in portrait or landscape format and all pages within the documentation submission must be in the same format. The format must include in the top, right portion of each page, the candidate's last name, candidate identification number, the report name, and the contribution sequence number or numbers to which the documentation pertains. The following additional requirements apply for electronic submission: the documentation must be done via a separate file for each corresponding contribution report. The file name for the electronic submission must contain the candidate's last name followed by the type of report (e.g., JonesF1, SmithG2, etc.), unless the candidate had previously requested and the Division had specifically exempted the candidate from the file name requirement because of character limitations in the file name. The documentation must clearly identify the contribution sequence number or numbers to which the image pertains. All electronic documents within the file must be submitted in a horizontal format, readable from left to right, so that the Division can read the document on a computer screen without having to rotate any image. The Division will not process documents that do not meet the requirements and will notify the candidate accordingly.

#12. In Florida, in-kind contributions with supporting documentation in the form of a written statement signed by the contributor that includes the date the contribution was made, a description of the contribution, and the fair market value of the contribution are permitted.

13. Los Angeles, California, Municipal, Matching Funds, City of Los Angeles Ethics Commission

Los Angeles has an estimated 2019 population of 3,979,576. Los Angeles has a Public Matching Funds Program that consists of open financing but candidates are subject to overall expenditure limits and limits on use of personal funds depending on the office sought.

In order to qualify for matching funds in the Public Matching Funds Program, each candidate must file a Declaration of Intent and a Statement of Acceptance of Matching Funds. A candidate who qualifies for matching funds in the primary election automatically qualifies to receive matching funds in the general election. A participating candidate, who does not qualify to receive matching funds in the primary election, may qualify to receive matching funds through the candidate's controlled committee for the general election.

In order to qualify, a candidate and their committee must meet the following requirements:

1. the contributions meet or exceed the initial threshold amounts (\$20,000 for City Council, \$75,000 for City Attorney/Controller, \$150,000 for Mayor),
2. the candidate is opposed by a candidate running for the same office who has qualified to appear on the ballot for that election and is not a write-in candidate
3. The candidate receives qualified contributions of at least five dollars each from 100 individuals residing within the City or, for City Council.
4. The candidate does not contribute or lend more than the following aggregate amounts in personal funds per election: \$31,100 for City Council candidates, \$124,500 for citywide candidates.
5. The candidate has either participated in a debate with one or more opponents or conducted a town hall meeting with the public.
6. The candidate agrees in writing not to exceed the applicable expenditure ceilings.

7. The candidate or the candidate's controlled committee has filed all previously due campaign statements required by the Political Reform Act, the Charter, this Code, or the Administrative Code.
8. The candidate and the candidate's treasurer have attended the training required under Section 49.7.12.
9. The candidate is certified to appear on the ballot for the election and is not a write-in candidate.
10. The candidate does not use matching funds in violation of federal, state or City law.
11. The candidate does not use matching funds to pay fines, penalties, or inauguration expenses.

Loans, pledges, and non-monetary contributions do not count toward the thresholds.

A participating candidate who does not abide by the terms of the Matching Funds Program is disqualified from receiving matching funds for the remainder of the election cycle and may be required to return all matching funds received for that election cycle.

Candidates and their committees are limited in that they may not make or incur campaign expenditures above the following limits:

1. \$480,000 for a City Council candidate.
2. \$1,119,000 for a Controller candidate.
3. \$1,259,000 for a City Attorney candidate.
4. \$2,789,000 for a Mayoral candidate.

Candidates and their committees are limited in that they may not make or incur campaign expenditures above the following limits:

1. \$400,000 for a City Council candidate.
2. \$840,000 for a Controller candidate.
3. \$979,000 for a City Attorney candidate.
4. \$2,237,000 for a Mayoral candidate.

The applicable expenditure ceiling is no longer binding on a participating candidate in either of the following scenarios:

1. A non-participating candidate in the same race makes or incurs campaign expenditures in excess of the expenditure ceiling; or

2. Independent expenditure communications in support of or opposition to any candidate in the same race exceed, in the aggregate, the following amounts:
 1. \$77,000 in a City Council election;
 2. \$155,000 in a City Attorney or Controller election;
 3. \$309,000 in a Mayoral election.

If an independent expenditure communication supports or opposes a City candidate, the Ethics Commission staff will notify all candidates in the affected race within one business day after receiving the required notice.

Six dollars in matching funds will be paid for each dollar of a qualified contribution, up to the following maximum per contributor: one- seventh of the per-person City campaign contribution limit to the elected City office that the candidate seeks, rounded to the nearest dollar.

The following maximum amounts may be paid to a qualified participating candidate in a primary election:

1. \$135,000 for a City Council candidate;
2. \$360,000 for a Controller candidate;
3. \$405,000 for a City Attorney candidate; and
4. \$900,000 for a Mayoral candidate.

The following maximum amounts may be paid to a qualified participating candidate in a general election:

1. \$169,000 for a City Council candidate;
2. \$405,000 for a Controller candidate;
3. \$472,000 for a City Attorney candidate; and
4. \$1,079,000 for a Mayoral candidate.

Candidates may be required to return matching funds if they are disqualified from or violate the terms of the program or for other reasons specified in the Municipal Code or this Chapter.

Matching funds must be returned within the following time periods:

- (1) Surplus matching funds must be returned within 90 calendar days after the election or, if the candidate withdraws from the election, within ten calendar days after the withdrawal.

(2) If Ethics Commission staff notifies a candidate in writing that matching funds must be returned, the matching funds must be returned with[in] 15 calendar days of the date on the written notice.

Matching funds must be returned through a cashier's check payable to the Ethics Commission for deposit into the Fund.

Candidates who do not return matching funds as required are subject to legal action for collection of the funds.

Violations

Matching funds may be spent only for purposes reasonably related to influencing or attempting to influence the actions of the voters for or against the election of a City candidate in the race for which the matching funds were distributed. Using matching funds in other ways is a misappropriation of the funds and violates this Chapter.

The failure of a candidate, controlled committee, or treasurer to comply with any provision of this chapter is a violation of this chapter and is subject to the penalties and remedies in Charter Section 706 and Municipal Code Section 49.7.38.

In addition to any penalty, a candidate who violates a term or requirement of the program may be required to return all matching funds that the candidate received for the election during which the violation occurred.

Penalties

Penalties may be imposed only by a quorum of the Commission, based on its determination under Subsection (g) regarding whether a violation occurred and on the arguments and evidence submitted by the parties regarding penalties.

(A) The votes of at least three members are required to impose a penalty.

(B) The parties may submit arguments and evidence regarding penalties.

(i) Each party may file a brief that is no more than ten pages in length. The brief shall be filed with the Executive Director and all opposing parties at least 15 calendar days prior to the date the Commission will

consider penalties. The Executive Director shall provide copies of any brief to the members of the Commission.

(ii) The members of the Commission may permit the parties to provide oral argument of no more than ten minutes each.

In framing a penalty, the Commission shall consider the relevant circumstances surrounding the case, including but not limited to the following:

(A) The severity of the violation;

(B) Whether the violation was deliberate and whether the violator intended to conceal or deceive;

(C) Whether the violator demonstrated good faith by consulting the Commission staff in a manner not constituting a complete defense under Charter Section 705;

(D) Whether the violation was an isolated incident or part of a pattern, and whether the violator has a prior record of violations of the laws within the Commission's jurisdiction;

(E) The degree to which the violator cooperated with Commission staff in order to provide full disclosure, remedy a violation, or cooperate voluntarily with an investigation; and

(F) The overall interests of justice.

If a quorum of the Commission imposes monetary penalties, the penalties must be paid in full within 21 calendar days after the date the order imposing the penalties is issued under Subsection (i).

(A) If a party who is ordered to pay the penalties can demonstrate through documentary evidence that paying the total amount of penalties within 21 calendar days poses a significant financial hardship, staff may recommend that a payment schedule be established by a quorum of the Commission. Any payment schedule must require payment in full within 12 calendar months after the date the order imposing the penalties is issued.

(B) If a party fails to pay penalties within 21 calendar days or, if a payment plan is established, fails to make a scheduled payment, the entire amount outstanding on the penalty shall become immediately due and payable in full.

(C) The Commission may pursue all available remedies to collect a penalty.

Following the finding of a violation, the Commission shall issue a final verbal order that includes a summary of facts and the conclusions of law and, after considering the relevant circumstances in Subsection (h)(2), may impose penalties consistent with Charter Section 706(c). Staff shall prepare a written statement that is consistent with the order and signed by the president of the Commission or, if the president is required to be recused from the matter, by the vice president or another member in order of seniority.

Link to the Los Angeles Municipal Code: <https://ethics.lacity.org/wp-content/uploads/2019/01/CFO-20181219-Effective-20190128-Final.pdf#page=25>

<https://ethics.lacity.org/wp-content/uploads/Laws-Campaigns-Matching-Funds-Regulations.pdf>

<https://ethics.lacity.org/wp-content/uploads/Laws-Campaigns-Matching-Funds-Charter-471.pdf>

Additional Information: <https://www.latimes.com/california/story/2019-12-06/taxpayer-money-campaign-donation-council>

Notes

#1 Los Angeles' Program allows for anonymous contributions (limited to \$200) and for independent expenditures communications. The independent expenditures even allow for the overall expenditure threshold to be changed if they exceed a certain amount.

#2 Los Angeles matches the public contribution at a rate of \$6:1. However, Los Angeles has a lower maximum funds payout depending on which office it is (see above for the numbers).

#3 Los Angeles has a section for Social Media accounts and how candidates should operate them should they chose to create one.

14. Maryland, Matching Funds, Maryland State Board of Elections State Election Enforcement Commission

Maryland has an estimated population of 6,045, 680. A candidate who wants to participate in Maryland's program and receive public funds must file a Certificate of Candidacy and Notice of Intent with the State Board of Elections. In order to qualify for the Gubernatorial ticket, a candidate must raise the required seed money, file the Notice of Intent and submit certification that the seed money was raised after a certain date. The seed money comes from only private contributions from individuals that do not exceed \$250. Money from business entities, political action committees, and other organizations or associations may not be counted as seed money. An in-kind contribution from an individual may be counted as seed money.

A candidate who receives public funds may not exceed the expenditure limit. The expenditure limit is calculated as follows: $30\text{¢} \times \text{State Population} = \text{Expenditure Limit}$. Expenditures made on behalf of a candidate by a State or local party central committees are not subject to the expenditure limit. However, the following expenditures do count towards the candidate's expenditure limit:

1. An expenditure by a political committee that is coordinated with the candidate, an agent of the candidate, or an authorized committee of the candidate;
2. An expenditure by a slate of which the candidate is a member (the amount attributed to the candidate is the amount of the expenditure divided by the number of members of the slate); and
3. An in-kind contribution of \$51.00 or more made to the candidate's campaign.

SBE disburses the funds as follows:

Candidates with opposition:	\$1 in public funds for every \$1 in eligible private contributions
Candidate without opposition:	\$1 in public funds for every \$3 in eligible private contributions

General Election

Candidates with opposition:	Equal shares of the remainder of the fund (including unspent money from the primary)
Candidate without opposition:	No funds will be provided.

However, the actual amount disbursed is dependent on the amount of money in the fund and the number of eligible candidates. If SBE determines that there is not enough money in the Fund to provide a full disbursement to all eligible candidates, SBE is required to allocate the available money so that each eligible candidate will receive a pro rata share of the full disbursement to which the candidate would otherwise be entitled.

A candidate may not spend public funds for:

1. Any purpose that violates any law or regulation of the State;
2. Any expense incurred later than 30 days after the election; or
3. Any real or personal property that will be retained more than 30 days after the election.

Link to Maryland Code: <https://codes.findlaw.com/md/election-law/md-code-elec-law-sect-15-103.html>

Additional information:

<https://www.marylandmatters.org/2017/10/22/md-campaign-finance-fund-is-almost-broke/>

Notes

#1 Maryland refers to the amount of money needed to qualify as a candidate as “seed money” and does not put a specific, numerical limit on the amount. They do, however, limit the seed money to private contributions from individuals no greater than \$250. Their seed money amount in 2018 was \$279,836.78. But the Program has a lower public matching rate at \$1:1, \$1:3, and then equal shares of the remainder of the fund (for the general election).

15. Rhode Island, Matching Funds, Campaign Finance Division of Rhode Island Board of Elections

Rhode Island has an estimated 2019 population of 1,059,361. The Rhode Island Campaign Contributions & Expenditures Reporting Act allows candidates running for Attorney General, Secretary of State, Governor, and Lieutenant Governor to receive matching public funds once they are deemed “qualified.”

To receive the matching funds, a qualifying candidate must:

1. must sign a statement under oath, pledging to comply with the limitations on contributions and expenditures for election purposes;
2. not receive or expend for election purposes more than a total of public and private funds in the sum of one million five hundred thousand dollars (\$1,500,000) in an election cycle;
3. other than for governor, not receive or expend for election purposes more than a total of public and private funds in the sum of three hundred seventy-five thousand dollars (\$375,000) in an election cycle.

The program allows for only the first \$2,000 of the total private monetary contributions from a single private source to be matched with public funds for Governor. The entire of amount of the contribution will count towards the dollar limits. Also, the program allows for the first \$1,000 of the total private monetary contributions from a single private source to be matched with public funds for Lieutenant Governor, Secretary of State, Attorney General, and General Treasurer. Again, the entire of amount of the contribution will count towards the dollar limits.

The direct costs incurred in connection with raising campaign funds on behalf of a candidate shall **not** be deemed expenditures for the purposes of the limitations on expenditures. Direct costs include costs of printing and mailing invitations to fundraising events, solicitations for contributions, costs of hosting fundraising events, and travel to those events, but shall not include any portion of the salary or wages of campaign employees, nor the cost of any radio, television, or printed advertisement.

Candidates who are eligible to receive public funds and who elect to receive them may also raise additional private contributions and make additional election expenditures if their opponent does not elect to receive public funds. The amount is in excess of the candidate's maximum allowable expenditure limit equal to the amount by which the expenditures of the opponent exceed the maximum allowable expenditure limit that would have applied to the opponent's expenditures had the opponent elected to receive public funds.

Further, if the candidate has not received the total amount of public funds provided for the office sought, he or she can use private contributions received during that election cycle to request matching funds and make additional expenditures. The amount is in excess of the candidate's maximum allowable limit equal to the amount by which the expenditures of his or her opponent exceed the maximum allowable expenditure limit that would have applied to the opponent's expenditures had the opponent elected to receive public funds.

Link to the Act: https://risos-apa-production-public.s3.amazonaws.com/ELE/REG_9748_20180806201824.pdf

Link to Rhode Island's 2018 Matching Public Funds Report: https://elections.ri.gov/publications/Campaign_Finance/2018_MPF_Report_072219.pdf

Additional information:

<http://webserver.rilin.state.ri.us/Statutes/TITLE17/17-25/17-25-20.HTM>

Notes

#1 Rhode Island only allows for the first \$1,000 or \$2,000 (depending on the office) of the total private monetary contribution to be matched with public funds. The candidates can receive or expend up to \$375,000 or \$1,500,000.

#2 Rhode Island does not consider direct costs incurred as a result of the raising campaign funds as an expenditure.

16. Arizona, Grants, Arizona Citizens Clean Elections Commission

Arizona has an estimated 2019 population of 7,278,717. The Clean Elections Act provides a clean funding program for statewide and legislative candidates who agree to forgo special interest and high dollar contributions. This allows participating candidates to directly connect with the voters in their district so they may raise a minimum number of qualifying contributions to receive clean campaign funding.

Candidates who opt into the Clean Funding program are known as participating candidates. Candidates who wish to participate in the Clean Funding program must file an Application for Certification before the end of the qualifying period.

Candidates can collect \$5 Qualifying Contributions during the qualifying period. Only a qualified elector, who is properly registered to vote in the district of the office a candidate is seeking, may give a \$5 Qualifying Contribution. A candidate can receive a \$5 Qualifying Contribution from a qualified elector regardless of the contributor's party affiliation. Candidates must collect a minimum number of qualifying contributions, depending on the office they are seeking. The Commission recommends you collect 20% more than the required amount. Qualifying Contributions can be disqualified.

The table below identifies the minimum number of \$5 qualifying contributions required to receive clean funding, caps on early contributions, and funding amounts. Candidates will receive primary election funding as soon as they qualify and general election funding will be disbursed at the start of the general election period.

Office	\$5 Qualif.	Early Contrib.	Primary Funding	General Funding	Independents
Corporation Commission	\$1500	\$29,004	\$116,016	\$174,024	\$203,028
Legislature	\$200	\$4,530	\$18,121	\$27,182	\$31,712

Early contributions are raised and spent through July 28, 2020:

- Individuals may contribute up to a maximum of \$170.

- Contributions from political action committees (PACs), businesses, corporations, political parties, and labor unions are prohibited.
- Candidates may contribute his or her personal funds up to a maximum amount of \$770 for candidates for the legislature and \$1,520 for candidates running for a statewide office.

The personal contribution limit includes contributions received from certain family members. A traditional candidate who later chooses to run, as a participating candidate may not have spent contributions exceeding the individual early contribution limit of \$170 or exceeding the aggregate early contribution limit for the specified office.

Additional information: <https://www.vox.com/2014/8/13/5996291/arizona-campaign-finance-system-explained>

Notes

#1 Arizona requires its candidates to raise a minimum of \$5 qualifying contributions and then they provide grant money to the participating candidates. Candidates are allowed to raise early contributions before the qualifying period as long as they follow the guidelines.

17. Albuquerque, New Mexico, Ethical Elections Fund

Albuquerque has an estimated 2019 population of 560,513. In 2005, the City of Albuquerque created an Open and Ethical Elections fund, initiated by the City of Albuquerque, Treasury Division, for public matching funds. The Fund has **closed** financing.

On June 27, 2011, the United States Supreme Court in Arizona Free Enterprise v Bennett, issued an opinion, which effectively declared that matching funds in public financing laws is unconstitutional. Specifically, the opinion provides "additional funds to a publicly funded candidate when expenditures by a privately financed candidate and independent groups exceed the funding initially allotted to the publicly financed candidate, substantially burdens political speech and is not sufficiently justified by a compelling interest to survive First Amendment scrutiny."

View <https://www.cabq.gov/about/offsite.html>

In 2011, the United States District Court, District of New Mexico, enjoined the matching funds provision of the Charter Code and the corresponding rules and regulations.

As of 2018, participating candidates in Regular Municipal Elections will now receive only the initial distribution of funds based upon \$5 per registered voter the Elected Official will represent.

Qualifying Contributions

Applicant Candidates must receive Qualifying Contributions from 1 percent of the registered voters in the district the candidate wishes to represent.

Petition Signatures

In addition to qualifying for public financing, Applicant Candidates must also gather petition signatures pursuant to the City Charter and Ordinances.

- Candidates for Mayor must gather more than 3000 signatures from registered voters within the City from February 16 to April 28, 2021.
- Candidates for City Council must gather more than 500 signatures from registered voters within the district the candidate wishes to represent from May 1 to June 28, 2021. See: 2011 Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code.

Participating Candidates may no longer receive Seed Money but may continue to receive In-Kind contributions, pursuant to the Rules and Regulations, through Election Day.

The City Clerk will notify Participating Candidates that are unopposed following the deadlines for candidates and declared Write-in Candidates to file their Declarations of Candidacy. Any Participating Candidate that is declared unopposed must return unspent or unencumbered public funds to the City Clerk for deposit into the Fund.

Open & Ethical Elections Code

The Office of the City Clerk has enacted Rules and Regulations for administering the public financing process.

Link to Albuquerque Code:

[Download: Open & Ethical Elections Code](https://www.cabq.gov/about/pdf.html)
<https://www.cabq.gov/about/pdf.html>

Participating candidates shall not have, within one year prior to the declaration of intent to seek public financing, raised or expended any monies in excess of the pre- and post- Exploratory Period contribution limits with the intent or effect of campaigning for elected office.

Post Election Audit Requirement

See Section 4 J Mandatory Meeting Concerning Campaign Financial Records (Pre-Election Meeting with the Board and the auditor) under Penalties below.

Penalties

Publicly Financed Candidates - General Information

General Information for candidates of elected office seeking public financing.
General Information

Participating Candidates receive their financing via a transfer of funds from the Open and Ethical Elections fund initiated by the City of Albuquerque Treasury Division once the City Clerk qualifies the Applicant Candidates as Participating Candidate.

Participating Candidates also must file Campaign Financing Reports as required by the Election Code disclosing their expenditures and In-Kind Contributions. Those reports are filed electronically and due pursuant to the deadlines in the City Charter Elections Code.

Unopposed Candidates

The City Clerk will notify Participating Candidates that are unopposed following the deadlines for candidates and declared Write-in Candidates to file their Declarations of Candidacy. Any Participating Candidate that is declared unopposed must return unspent or unencumbered public funds to the City Clerk for deposit into the Fund.

Open & Ethical Elections Code

The Office of the City Clerk has enacted Rules and Regulations for administering the public financing process.

[Download: Open & Ethical Elections Code](#)

RULES AND REGULATIONS OF THE BOARD OF ETHICS AND CAMPAIGN PRACTICES RELATING TO THE ELECTION CODE, THE OPEN AND ETHICAL ELECTION CODE, AND THE CODE OF ETHICS OF THE CITY CHARTER

Section 4 Enforcement

G Fines

1 Pursuant to the Codes, the Board may, after due hearing, impose on a Candidate or chair of a Measure Finance Committee a fine not to exceed the

maximum set by state law, \$500, for each violation of the Codes or these Rules and Regulations or issue a public reprimand or do both.

2 Fines are automatically imposed and public reprimands are issued for failure to file, late filing or incomplete filing of any report, statement or other document required by the Codes or these Rules and Regulations. When a campaign finance report is incomplete, the candidate or the chair of the Measure Finance Committee shall be notified of the failure and shall have 5 calendar days from the date of notice to correct the failure. If the incomplete filing is not corrected within 5 calendar days, there shall be a fine and public reprimand. If the failure is corrected within 5 calendar days and the Board determines from the face of the filings that any failure appears to have been the result of excusable neglect, the Board shall find that there has been no violation.

3 For each of the required Disclosure Statements of Campaign Financing, failure to file a required statement by its deadline for filing, the filing of an incomplete statement, and failure to provide copies and information regarding advertising and signs as required each are considered to be a separate violation of the Codes and these Rules and Regulations. The automatic fine for each violation is \$100. The total of the automatic fines for violations of the Codes or these Rules and Regulations shall not exceed \$500 for any required filing date.

4 The automatic fine for failure to appear before the Board at the mandatory meeting concerning campaign financial records scheduled between noon on the Friday immediately preceding the election and the day of the election is \$500.

5 A supplemental fine of \$300 per filing date may be levied for failure or refusal to file any required document after action, in the form of fine, reprimand or otherwise has been taken by the Board pursuant to any provisions of the Codes or these Rules and Regulations.

6 Written notice of all fines shall be given to the Candidate or chair of a Measure Finance Committee by the Office of the City Clerk.

7 All fines are due when levied and shall be paid to the City of Albuquerque by delivering the amount of any such fine in the Office of the City Clerk. Interest will be assessed at the maximum rate allowed by state law on any fine that is not paid by the thirty-first day following the date that the fine is imposed. For the purposes of this Section, the date of imposition of an automatic fine is the date of the violation.

8 The Board may alter an automatic fine for reasons it considers compelling.

9 Any automatic fine imposed pursuant to these Rules and Regulations without a hearing may be appealed to the Board by filing a written appeal in the Office of the City Clerk but not later than ten days after receipt of the notice of the imposition of the fine.

10 Limitation on Source of Funds to Pay Fines. A candidate, the chair of the Measure Finance Committee or any other obligated person subject to a fine pursuant to the Codes and these Rules and Regulations shall not use contributions received by such candidate or the Measure Finance Committee to make payment of any fine assessed under the Codes or these Rules and Regulations.

H Communications. After a complaint has been filed, none of the parties or their representatives may communicate on an ex parte basis with the Board or any Board member on any matter pertaining to the complaint. All communications pertaining to the complaint shall be sent to the office of the City Clerk.

I Board Initiated Charges. Notwithstanding any other provision in this Section, the Board may, on its own initiative, initiate a charge or charges that a Candidate or the chair of a Measure Finance Committee or any other group has committed a violation of the Codes or of these Rules and Regulations.

J Mandatory Meeting Concerning Campaign Financial Records

During the period between noon on the Friday immediately preceding the election and the day of the election, each Candidate or the Candidate's treasurer, and the chair or treasurer of each Measure Finance Committee, shall appear before the Board at a time and place designated by the Board (hereafter, the "Pre-Election Meeting"). At the designated time and place, the campaign financial records of each Candidate and each Measure Finance Committee shall be submitted to the Board for inspection and/or audit. Any charge of violation of the Codes or these Rules and Regulations arising out of or pertaining to any financial disclosure statements or any other document required to be filed on or before the Friday immediately preceding the election shall be reviewed by the Board at the Pre-Election Meeting as though it were a hearing. The three day notice required by the City Charter for the Pre-Election Meeting shall constitute notice for any preliminary hearing on

complaints based on such financial disclosure statements or other document required to be filed.

At the Pre-Election Meeting, the Board and its auditor shall be entitled to ask each Candidate and Candidate's treasurer and the chairperson and treasurer of each Measure Finance Committee for clarification and additional documentation concerning all campaign financial disclosure statements or other documents required to be submitted to the Board. Each Candidate, treasurer and chair shall be prepared to discuss the contents, or omissions of any campaign information, material, report, statement or other document required to be filed prior to the Pre-Election Meeting. Such inquiry and the responses thereto shall not be considered a hearing on a complaint or as an answer or response to a complaint, provided however that the Board shall be entitled to bring charges based on the information or lack of information received at the Pre-Election Meeting.

3 In the event that any charge is brought by the Board against a Candidate or a Measure Finance Committee as a result of the Pre-Election Meeting such action shall be deemed to be acceptance of a complaint. Written charges shall be mailed to the Candidate or chair of the Measure Finance Committee and the procedural rules of these Rules and Regulations shall apply thereafter.

Effective Date and Filing These Rules and Regulations, having been approved by the Board of Ethics and Campaign Practices on February 28, 2020 shall be effective on the date entered below and shall be filed in the Office of the City Clerk.

ADOPTED THIS 28th DAY OF FEBRUARY. 2020.

Andrew G. Schultz Chair, Board of Ethics Campaign Practices

Ethan Watson, Acting City Clerk

Last elections and participation in public campaign financing program

In 2019, thirteen (13) candidates applied for public financing and ten (10) qualified.

2009-2019 Publicly Financed Candidates

Historic information about publicly financed candidates for elected office with the City of Albuquerque.

2019 Candidates

Candidates receiving public financing in 2019 included:

City Council

- **District 2:** Isaac Benton, Joseph Griego, Robert Raymond Blanquera Nelson, Zackary Quintero
- **District 4:** Brook Bassan, Ane C. Romero, Hailey Josselyn Roy
- **District 6:** Pat Davis, Gina Naomi Dennis
- **District 8:** Maurreen Skowran

2017 Candidates

Candidates receiving public financing in 2017 included:

Mayor

- Timothy Keller

City Council

- **District 1:** Javier R. Benavidez, Johnny F. Juevano Jr., and Ken Sanchez.
- **District 3:** No candidate qualified in District 3 to receive public financing from the City of Albuquerque.
- **District 5:** Cynthia Borrego
- **District 7:** Diane Gibson
- **District 9:** Don Harris

2015 Candidates

Candidates receiving public financing in 2015 included:

City Council

- **District 2:** Isaac Benton
- **District 4:** Israel Chavez
- **District 6:** Patrick Davis
- **District 8:** No candidate qualified in District 8 to receive public financing from the City of Albuquerque.

2013 Candidates

Candidates receiving public financing in 2013 included:

Mayor

- Pete Dinelli
- Paul Heh

City Council

- **District 1:** Ken Sanchez (qualified, but returned unspent funds because no opposing candidate was certified)
- **District 2:** Isaac Benton and Roxanna Meyers
- **District 3:** Tania Silva
- **District 5:** Eloise Gift and Dan Lewis
- **District 7:** Diane Gibson
- **District 9:** Lovie McGee and Don Harris

2011 Candidates

Candidates receiving public financing in 2011 included:

- **District 2:** M. Debbie O'Malley
- **District 4:** Bill Tallman and Brad Winter
- **District 6:** Rey Garduno

2009 Candidates

Candidates receiving public financing in 2009 included:

Mayor

- Richard Romero
- Martin J. Chavez
- Richard J. Berry

City Council

- **District 1:** Ken Sanchez (qualified, but returned unspent funds because no opposing candidate was certified)
- **District 3:** Isaac Benton
- **District 5:** Dan Lewis
- **District 7:** Michael Cook
- **District 9:** Don Harris

Updated Link:

[\[PDF\] 1 2019 REGULATIONS OF THE ALBUQUERQUE CITY CLERK FOR ...](#)

[www.cabq.gov › vote › documents › final-oeec-regulations-2019](http://www.cabq.gov/vote/documents/final-oeec-regulations-2019)

2019 REGULATIONS OF THE ALBUQUERQUE CITY CLERK FOR THE OPEN AND ETHICAL ELECTIONS CODE PURPOSE:

In 2018, following the implementation of the State Local Election Act, the City Council passed Election Code Reform. In addition to bringing the City in line with the Local Election Act, the Election Reforms seek to update and modernize the City's public financing program, and to reflect changes in policy that have emerged since the 2011 Regulation for the Open and Ethical Elections Code was implemented. The purpose

of these Regulations is to establish procedures that candidates shall follow under the Open and Ethical Elections Code, Albuquerque City Charter Article XVI (hereinafter referred to as the "OEEC," with all citations referring to the OEEC unless otherwise noted). The City Clerk shall create forms, election calendars, timelines and all other documents necessary to implement these Regulations. In conformance with the OEEC and these Regulations, the documents and forms created by the City Clerk are not part of these

Regulations. These Regulations should be read in concert with the 2019 Election Code Regulations, which apply to all candidates unless the Regulation specifies otherwise....

7. An Unopposed Participating Candidate is a Participating Candidate who has been certified as a candidate by the City Clerk pursuant to §3-8-27 NMSA 1978 and who has no opponent who has been certified as a candidate on the ballot pursuant to § 3-8-27(H) NMSA 1978 and who has no write-in opponent who has been certified as a write-in candidate pursuant § 3-8-27 (L) NMSA 1978; or a certified candidate whose certified opponents and certified write-in opponents withdraw their candidacy pursuant to § 3-8-27 NMSA 1978.

a. Notice and Payment:

At the time a Participating Candidate becomes an Unopposed Participating Candidate, the City Clerk shall give such candidate written notice that he or she is unopposed. Within three (3) working of days of the date of the notice, the Unopposed Participating Candidate shall return all funds he or she has received from the Fund, minus any legitimate Expenditures made prior to notice that the candidate is unopposed. These Expenditures include any encumbrances that were incurred prior to notice.

b. Accounting:

The Unopposed Participating Candidate shall submit a detailed accounting of all Expenditures made or Expenditures for which the candidate is contractually obligated through the day the Participating Candidate becomes unopposed, specifying outstanding obligations. The accounting is due concurrent with the second campaign finance disclosure report required pursuant to the Election Code. Unopposed Candidates shall provide supplemental accountings at the time each subsequent campaign finance disclosure report is due, with a final accounting due no later than the date the final campaign financing disclosure report is due. Such accounting shall include any credits or refunds to which the Participating Candidate may be entitled. The refund shall include all funds not yet spent by the Participating Candidate less amounts that the Participating Candidate is contractually obligated to pay. Unopposed Participating Candidates shall pay the received credits and refunds for cancelled orders or contracts for goods and services within three (3) working days of receipt.

c. Fundraising After Return of Funds:

Once all unencumbered funds have been returned to the Fund, and Unopposed Candidate ceases to be a Participating Candidate, and is not subject to the contribution and Expenditure limits applicable to Participating Candidates.

City Clerk's Office Announces New Website for Publicly Financed Candidates

\$5 Contributions to Publicly Financed Candidates Can Now Be Made Online.
April 24, 2019

As the 2019 campaign season gets underway this coming May, publicly financed candidates will have a new tool for reaching voters. The City Clerk's office has announced the release of a pilot project that will allow candidates to collect their five-dollar qualifying contributions electronically.

The Clean Campaign Portal is a website created this year as a joint project between the City Clerk's office and the Department of Technology and Innovation. Envisioned by Mayor Keller and built by local company, HoldMyTicket, the website allows voters to select a candidate running in the district they live in, verifies their voter registration, and processes their five-dollar electronic contribution.

The Clean Campaign Portal will make public financing more accessible to both voters and candidates. By providing automatic voter verification, candidates will have the tools to reach their voters. And by allowing for electronic contributions, voters have one more avenue to donate to their candidate.

"This website is one more step in making our elections more accessible and transparent. I ran a publicly financed campaign to become Mayor and am excited to see how this tool enhances the process," stated Mayor Keller.

The City Clerk's office has taken other steps in creating a more accessible and transparent election season. Prior to the exploratory period, the City Clerk held a public hearing and issued regulations for the Election Code and the Open and Ethical Election Code to assist candidates running for office. The City Clerk's Office also released a 2019 Candidate Guide, created a video on how to use the campaign reporting site, and published an FAQ. All of these documents are available on the Clerk's website and are meant to increase transparency and accessibility of the 2019 local election.

2021 Guidelines for Publicly Financed Candidates

Information about running for office as a publicly financed candidate.

Exploratory Period

Applicants may test the waters before filing for candidacy.

- Mayoral Candidates: March 1 to April 16, 2021
- City Council Candidates: April 25 to May 30, 2021

Participating candidates shall not have, within one year prior to the declaration of intent to seek public financing, raised or expended any monies in excess of

the pre- and post- Exploratory Period contribution limits with the intent or effect of campaigning for elected office.

Qualifying Period

- Mayoral Candidates: April 17 to June 19, 2021
- City Council Candidates: May 31 to July 5, 2021

Spending Limit

- **Mayor: \$661,309.25**
- **District 1: \$41,027.00**
- **District 3: \$40,000.00**
- **District 5: \$50,489.00**
- **District 7: \$44,194.00**
- **District 9: \$41,791.00**

Qualifying Contributions

Applicant Candidates must receive Qualifying Contributions from 1 percent of the registered voters in the district the candidate wishes to represent.

- **Mayor: 3,779**
- **District 1: 411**
- **District 3: 315**
- **District 5: 505**
- **District 7: 442**
- **District 9: 418**

Districts 2, 4, 6, and 8 are not elected in the 2021 Regular Local Election.

In-Kind Contribution Limits

Office	Individual Aggregate	
	In-Kind	In-Kind
Council District 1	\$2,500.00	\$4,102.70
Council District 3	\$2,500.00	\$4,000.00
Council District 5	\$2,500.00	\$5,048.90
Council District 7	\$2,500.00	\$4,419.40
Council District 9	\$2,500.00	\$4,179.10
Mayor	\$2,500.00	\$66,130.93

Seed Money Contribution Limits

Office	Individual Seed Money	Aggregate Seed Money
Council District 1	\$250	\$8,205.40
Council District 3	\$250	\$8,000.00
Council District 5	\$250	\$10,097.80
Council District 7	\$250	\$8,838.80
Council District 9	\$250	\$8,358.20
Mayor	\$250	\$132,261.85

Petition Signatures

In addition to qualifying for public financing, Applicant Candidates must also gather petition signatures pursuant to the City Charter and Ordinances.

- Candidates for Mayor must gather more than **3000** signatures from registered voters within the City from April 17 to June 19, 2021.
- Candidates for City Council must gather more than **500** signatures from registered voters within the district the candidate wishes to represent from May 31 to July 5, 2021.

Treatment of Outstanding Penalties: A candidate isn't able to participate in the program if they have any outstanding fines by the Board of Ethics.

Special Elections: Generally vacancies in municipal offices are filled until the next regular election, so our program doesn't have any special application for vacancies.

Last Elections and Participation in Public Campaign Financing Program

In 2019 we had 13 candidates apply for public financing and 10 candidates qualify.

Debates The program doesn't engage candidates in debates.

Election Day

The 2021 Regular Local Election will be held on November 2, 2021.

More Information:

- [2021 Candidate Guide](https://www.cabq.gov/about/pdf.html)<https://www.cabq.gov/about/pdf.html>
- [General Information](#)
- [Election Matching Funds](#)
- [2009-2019 Publicly Financed Candidates](#)

Notes

#1. In Albuquerque, candidates are permitted to accept in-kind contributions, pursuant to the Rules and Regulations, through Election Day.

#2. In Albuquerque, the City Clerk will notify Participating Candidates that they are unopposed following the deadlines for candidates to file their Declarations of Candidacy. Any Participating Candidate that is declared unopposed must return unspent or unencumbered public funds to the City Clerk for deposit into the Fund.

18. Michigan, Matching Funds, Secretary of State

Michigan has an estimated population of 9,986,857. Michigan's Public Funding program provides funds from the State Campaign Fund to gubernatorial candidates. Gubernatorial candidates must obtain the appropriate number of signatures to run for office. Gubernatorial candidates must indicate their intent to seek public funding on the Statement of Organization prior to applying for public funds. *Any contributions received prior to filing a Statement of Organization indicating the intent to seek public funds are not matchable.*

A contributor is not limited to a \$100.00 contribution per year and may contribute the maximum \$6,800.00; however only \$100 per year is matchable.

Primary Election Public Funds: A gubernatorial candidate seeking public funds will receive \$2 in public funds for each \$1 of qualifying contribution and may receive up to \$990,000.00 in public funds for the primary.

- If insufficient funds exist for full funding to eligible primary election public funding candidates, the campaign funds shall be

distributed to public funding candidates on a pro rata basis (i.e. proportional) and *not* on a first come first serve basis.

General Election Public Funds: The *major* party gubernatorial primary election winners seeking public funds may receive a flat grant of \$1,125,000.00 each for the general election.

- The major party nominees who have indicated their intent to seek public funds will automatically receive \$56,250.00 in public funds no later than 10 days after the primary elections. The remaining balance may be paid after the board of state canvassers' certification of the primary election results, but not later than 30 days after the primary election.
- The Campaign Finance Act provides criteria and formulas by which minor party candidates and candidates with no party affiliation may also qualify to receive public funds in the general election.

Gubernatorial candidates seeking public funds must limit immediate family contributions to \$50,000.00 for the entire election cycle.

- Immediate Family for public funding candidates is defined as the candidate's spouse, parents, brothers, sisters, sons and daughters. These totals are aggregate for both the gubernatorial and lieutenant governor candidates.

Gubernatorial candidates seeking public funds must limit their expenditures to \$2 million for each election in which they receive public funds.

- Note: the 2 million primary election expenditure limit for a gubernatorial candidate receiving public funding is suspended when a candidate seeking the same nomination in the primary or general election, but not seeking public funds, contributes to his/her own committee, or receives from his/her immediate family, \$340,000.00 or more during the election cycle.

Funds received from the State Campaign Fund may only be used to make qualified expenditures and must be used during the election it was received.

- Qualified expenditures are defined as expenditures for services, materials, facilities, or other things of value by the candidate

committee to further the candidate's nomination or election to office during the year in which the primary or general election in which candidates seeks nomination or election is held.

Gubernatorial candidates seeking public funds are required to have two separate bank accounts – one for private funds and one for public funds.

Additional Information:

https://www.michigan.gov/documents/sos/Quick_Facts_Revised_04012009_with_MCL_references_274421_7.pdf?20130806143139

Notes

#1 Michigan matches the public funds at a rate of 2:1 in the primary election and then they simply give a grant of 1.125 million to the major party primary winner for the general election.

#2 Michigan requires candidates to have two bank accounts: one for public funds and one for private funds.

#3 Michigan has each gubernational candidate that receives public funding audited by his or her Department of State at the end of the election.

19. Oakland, California, Matching Funds, City of Oakland Public Ethics Commission

Oakland has an estimated 2019 population of 433, 031. The Limited Public Financing Act provides District City Council candidates with some public funds by reimbursement for eligible campaign expenses. The program consists of **open** financing but candidates are subject to overall expenditure limits, and cannot use personal funds for more than 10% of the expenditure limits. The program goal is helping ensure that all individuals have a fair and equal opportunity to participate in the elective and governmental process.

The city council shall appropriate to the Election Campaign Fund, under the city's current two-year budget cycle, an amount sufficient to fund all candidates eligible to receive public financing for the office of district city councilmember. The election campaign fund shall be established as an interest bearing account. Unspent funds in the Election Campaign Fund at the end of a two-year budget cycle shall remain in the fund and accrue for disbursement to candidates eligible for public financing in future elections and for administrative costs.

A candidate shall be approved to receive public financing if the candidate meets all of the following requirements:

- i. The candidate has filed a timely statement of acceptance of the voluntary spending ceilings and acceptance of public financing.
- ii. The candidate is certified to appear on the ballot for the election for which public financing is sought.
- iii. The candidate has:
 - a. received contributions in an aggregate amount of at least five percent of the expenditure ceiling for the office being sought from contributors whose principal residence or whose primary place of doing business is located within the city and which residence or business address appears on the written instrument used to make the contribution, and
 - b. made qualified campaign expenditures in an aggregate amount of at least five percent of the expenditure ceiling for the office being sought. Contributions from the candidate's own funds shall not be counted towards meeting this five percent requirement. The candidate shall provide copies of the contribution checks received and records of payments made to meet the five percent eligibility requirements
- iv. The candidate is opposed by another candidate for the same office.
- v. The candidate agrees to all conditions and requirements of this Act and to submit to any reasonable audit deemed appropriate by the public ethics commission or other civil authorities.
- vi. The candidate or his or her campaign treasurer or designee attends a training program conducted or sponsored by the public ethics commission.
- vii. The candidate has filed, and completely and accurately executed, all pre-election campaign statements that are due at the time public financing is payable. All candidates receiving public financing shall timely file, and completely and accurately execute, all post-election

campaign statements for each election in which they received public financing.

A candidate or candidate's controlled committee, certified as eligible to receive public financing, shall submit requests for reimbursement to the public ethics commission in minimum increments of \$1,000.00 or more.

A candidate or candidate's controlled committee, certified as eligible to receive public financing, shall submit requests for reimbursement in minimum increments of \$500.00 or more ten calendar days before the election.

The public ethics commission or its designee shall have ten calendar days to cause the review and approval or denial of the request for reimbursement and disburse funds from the election campaign fund to the candidate or candidate's controlled committee.

All funds disbursed from the election campaign fund shall be made payable to the candidate's controlled committee and shall be deposited directly into the candidate's campaign checking account within three business days of receipt.

While not a condition for receiving public financing, candidates receiving public financing are strongly encouraged to participate in one or more nonpartisan candidate debates for each election.

The Limited Public Financing Act does not address Special Elections or Vacancy Filling Elections. The program would be administered in the same manner as General Elections.

The last amendments made to the LPFA were in 2010. The amendments changed the program from a matching to reimbursement program and limited program eligibility to District City Council races only.

Link to the Act:

https://library.municode.com/ca/oakland/codes/code_of_ordinances?nodeId=TIT3MUEL_CH3.13LIPUFIAC

Additional information:

<https://cao-94612.s3.amazonaws.com/documents/Report-Draft-Race-for-Power-9-2-20-FINAL.pdf>

Notes

#1 Oakland's program provides qualified candidates reimbursements in increments of \$500 or \$1000. Typically, programs provide upfront payouts once eligibility is confirmed.

#2 Oakland requires that the candidate be opposed by someone else running for that same position.

20. Hawaii, Hawaii Election Campaign Fund

Hawaii has an estimated 2019 population of 1,415,872. As long as the funds in the Hawaii Election Campaign Fund are not nearing depletion, the Commission will match dollar for dollar up to a maximum amount, the qualifying contributions raised by a candidate who has first collected the minimum amount of these contributions for his/her office during a prescribed period called a matching payment period. Partial public funding is an alternative source of campaign funding; consequently, candidates who volunteer to participate are not prohibited from receiving other sources of funding such as contributions and campaign loans.

Your expenditure limit depends on the office you seek election. It is determined by multiplying a statutory amount by the number of voters registered to vote in each respective voting district in the last preceding general election.

If you agree to the expenditure limit for the office you seek election, you must file the Affidavit with the Commission or the County Clerk's Office. This document must also be notarized. Notaries are available at the Commission's Office.

The deadline to file the Affidavit is the time of filing nomination papers with the Office of Elections or County Clerk's Office. Candidates who file the Affidavit will receive a discounted fee when filing their nomination papers with the Office of Elections or the County Clerks' Office (e.g., \$25 vs. \$250). Candidates not interested in public funding can still file the Affidavit to take advantage of the discounted fee, but they must adhere to the expenditure limit.

Once the Affidavit is filed with the Commission or County Clerk's Office, it shall remain effective until the termination of the candidate committee or the opening of filing of nomination papers for the next succeeding election, whichever occurs first. The Affidavit cannot be rescinded or withdrawn.

Campaign expenditures start counting towards your expenditure limits during the following periods:

1. For the primary election, from January 1 of the year of a general election through the day of the primary election;
2. For the general election, from the day after the primary election through the day of the general election; and
3. For candidates running only in the general election, from January 1 of the year of a general election through the day of the general election.

The following must also occur for you to be eligible to receive public funds:

1. Your name must be on the ballot;
2. You must have a qualified opponent on the ballot in the same election for which funds are sought (the primary and/or general elections). The death, withdrawal, or disqualification of an opponent in an election does not disqualify the remaining candidate from receiving public funds;
3. You must agree to obtain and furnish any evidence relating to expenditures that the Commission may request;
4. You must agree to keep and furnish records, books, and other information that the Commission may request; and
5. You must agree to an audit and examination pursuant to HRS §11-434, and to pay any amounts required to be paid.

The next step to qualify for public funds is to raise the minimum amount of qualifying contributions required by law from individual Hawaii residents during a specified period of time or matching payment period. Before you can begin collecting your minimum qualifying campaign contributions, you must file the “Statement of Intent to Seek Public Funds” (“Statement”) form with the Commission or County Clerk’s Office.

A qualifying contribution is an aggregate monetary contribution of \$100 or less by an individual Hawaii resident during a matching payment period that is received after the candidate files the Statement. Qualifying contributions do not include loans, non-monetary contributions, the candidate’s own funds, and contributions from individuals who are not residents of Hawaii.

The minimum amount of qualifying contributions is the amount you need to raise for the office you seek election with aggregate monetary contributions of \$100 or less from individual Hawaii residents to receive public funding.

The minimum qualifying contribution amounts for the respective offices are as follows:

Governor		—		\$100,000
Lieutenant Governor				— \$50,000
Mayor				
County	of	Honolulu	—	\$50,000
County	of	Hawaii	—	\$15,000
County	of	Maui	—	\$10,000
County of Kauai				— \$ 5,000
Prosecuting				Attorney
County	of	Honolulu	—	\$30,000
County	of	Hawaii	—	\$10,000
County of Kauai				— \$5,000
County				Council
County	of	Honolulu	—	\$5,000
County	of	Hawaii	—	\$1,500
County	of	Maui	—	\$5,000
County of Kauai				— \$3,000
State Senate				— \$2,500

State House of Representatives — \$1,500

Office of Hawaiian Affairs — \$1,500

The maximum amount of public funds is:

1. For the primary and general election for Governor, Lieutenant Governor, and Mayor → 10% of the Expenditure Limit for each respective office.
2. For the primary and general election for Prosecuting Attorney, County Council, State Senate, and State House of Representatives → 15% of the Expenditure Limit for each respective office.
3. For the election year for an OHA candidate → \$1,500.

Public funds received for the primary election may not be carried over and used for the general election or transferred to another candidate for any election. Public funds shall only be used for:

- Filing fees;
- Television or radio broadcast costs;
- Newspaper advertising, other print, and internet advertising;
- Mail-outs;
- Bumper stickers;
- Sundry items such as pens, pencils, magnets, and stickers;
- Banners and signs
- Printing;
- Postage;
- T-shirts;
- Loan repayment if the proceeds of the loan were used to pay for authorized campaign expenses listed in #1 - #10 above; and
- Airfare and ground transportation costs for candidates with multi-island constituencies.

The Commission will examine and audit the public funds received by all candidates, qualifying contributions, and the expenditures made by all candidates within **sixty (60) days** after the general election.

Additional Information:

<https://ags.hawaii.gov/campaign/files/2020/02/PPF-Guidebook.pdf>

<https://ags.hawaii.gov/campaign/cc/public-funding-programs/partial-public-funding/public-funding-amounts/2022-maximum-public-fund-amounts/>

Notes

#1 Hawaii refers to its program as the Partial Funding Program as they allow you to receive loans and other contributions that may not be matched.

#2 Hawaii requires candidates to file an Affidavit when applying to be in the program. Candidates who file the Affidavit will receive a discounted fee when filing their nomination papers with the Office of Elections or the County Clerks' Office (e.g., \$25 vs. \$250).

#3 Hawaii specifically states what the public funds can be used for once they are received. They have a definitive list and they even state that the expenditures of public funds are very scrutinized and restricted.

#4 Hawaii audits each candidate that receives public funding within 60 days of the end of the election. This could be something that FEP can implement within their program for public financing recipients.

21. Massachusetts, Matching Funds, Office of Campaign and Political Finance

Massachusetts has an estimated 2019 population of 6,892,503. The State Election Campaign Fund (SECF), established by Chapter 774 of the Acts of 1975 was created to provide limited public financing for candidates seeking statewide offices. Candidates may use public financing for six offices: Governor, Lieutenant Governor, Attorney General, Secretary of the Commonwealth, Treasurer and Receiver General, and Auditor. For the 2018 statewide election, \$1,093,739.76 was distributed from the SECF to qualifying candidates seeking the office of Governor, as detailed later in this section.

The SECF's principal source of revenue is voluntary contributions by individuals filing state income tax returns. It is an optional \$1 tax check off. The fund amount is divided evenly with half allocated for the primary election and half allocated for the general election. The actual amount disbursed is dependent on how much is actually in the fund. Candidates for the governor race are funded fully first; other offices receive the remaining funds in proportionate, equal amounts.

Although the enabling legislation did not specify principal oversight and maintenance responsibilities for the fund, four agencies share responsibility for the SECF: the Department of Revenue, Office of Campaign and Political Finance, CTR, and Office of the State Treasurer. For the 2018 statewide election, \$1,093,739.76 was distributed from the SECF to qualifying candidates seeking the office of Governor.

The spending limits apply to both the primary and the general elections. The limits are according to the office sought:

Office	Primary	General	Total Limit
Governor	\$1,500,000	\$1,500,000	\$3,000,000
Lt. Governor	\$625,000	*	\$625,000
Attorney General	\$625,000	\$625,000	\$1,250,000
Secretary	\$375,000	\$375,000	\$750,000
Treasurer	\$375,000	\$375,000	\$750,000
Auditor	\$375,000	\$375,000	\$750,000

In return for agreeing to limits, candidates who have opposition and who have submitted the minimum amount of qualified contribution are able to receive money for the primary election, and if successful in the primary, general election. The amounts they can receive are half the amount of the spending limits:

Office	Primary	General	Total Limit
Governor	\$750,000	\$750,000	\$1,500,000
Lt. Governor	\$312,500	*	\$312,500
Attorney General	\$312,500	\$312,500	\$625,000
Secretary	\$187,500	\$187,500	\$375,000
Treasurer	\$187,500	\$187,500	\$375,000
Auditor	\$187,500	\$187,500	\$375,000

*The nominees for governor and lieutenant governor run as a team after the primary so their limits are both included in the governor candidate's general election spending limit and maximum matching amounts.

If there is only one candidate in a race and that candidate has agreed to spending limits, the candidate is not eligible for matching funds, but is still subject to the spending limit for that race. If there is more than one candidate and all have agreed to limits, they are all bound by the statutory ceiling and all are eligible for matching funds.

Additional Information:

https://ocpf2.blob.core.windows.net/pdf/guides/public_financing_3.pdf

<https://www.wbur.org/news/2018/06/09/public-financing-mass-governor>

Notes

#1 Massachusetts' program consists of a voluntary \$1 tax write off contributions.

#2 Massachusetts has four agencies that share oversight of the Program.

22. Vermont, Grants, Secretary of State

Vermont has an estimated 2019 population of 623,989. Public financing is available to candidates for Governor or Lieutenant Governor only. To qualify for public financing, a candidate for governor or lieutenant governor must collect qualifying contributions during the period between February 15 and the fourth Thursday after the first Monday in May (the date on which primary petitions are due) of the general election year in which the candidate seeks public financing.

Qualifying contributions must be from a qualified individual contributor – a person registered to vote in Vermont. Only one qualifying contribution is allowed from the same contributor in the qualification period and no more than 25 percent of the total number of qualified contributors may be residents of the same county.

Amount of Qualifying Contributions Required:

- For Governor – a total amount of no less than \$35,000 collected from no fewer than 1,500 qualified individual contributors making a contribution of no more than \$50 each.
- For Lieutenant Governor – a total amount of no less than \$17,500 collected from no fewer than 750 qualified individual contributors making a contribution of no more than \$50 each.

A candidate may expend the qualifying contributions for the purpose of obtaining additional qualifying contributions, and may expend the remaining qualifying contributions during the primary and general election periods.

A candidate is not eligible for public financing if he or she is running in an uncontested general election. A candidate who accepts public financing shall not solicit, accept, or spend any contributions except qualifying contributions

and Vermont campaign finance grants, unless there is a shortfall in the Vermont campaign fund.

Political parties may also support publicly financed candidates by conducting activities entirely independently from the candidate. However, when a publicly financed candidate intentionally facilitates, solicits, or approves a political party's expenditure, then the expenditure is considered a contribution to the candidate and is prohibited.

Public Finance Grant Amounts:

- Candidates for governor - \$150,000 for the primary election period. \$450,000 for the general election period
- Candidates for lieutenant governor - \$50,000 for the primary election period \$150,000 for the general election period

Additional Information: <https://sos.vermont.gov/media/de1k0q23/2020-campaign-finance-guide.pdf>

Notes

#1 Vermont does not allow candidates to accept or spend any contributions other than qualifying contributions. This means that they can only accept contributions from registered Vermont voters and their families cannot contribute to their campaign.

24. New Haven, Connecticut, Municipal, Matching Funds, and Democracy Fund Board

New Haven has an estimated 2019 population of 130,250. The New Haven Democracy Fund, utilizing appropriations from the Board of Aldermen and citizens' contributions, provides public matching funds and public financing grants to Mayoral candidates who voluntarily agree to abide by certain restrictions and limitations on how campaign funds are raised and spent. The Democracy Fund is a pilot program approved in 2007 by the State Elections Enforcement Commission of the State of Connecticut. The Fund is partially **closed** financing, as candidates may contribute up to \$19,000 in personal funds.

The Democracy Fund is overseen by a seven-member volunteer board. A Democracy Fund Administrator is responsible for the day-to-day operation of the Democracy Fund. A Democracy Fund Investigator is responsible for investigating alleged violations of the Democracy Fund ordinance and complaints made against participating candidates.

A Mayoral candidate becomes a participating candidate by agreeing to abide by the contribution and expenditure limitations and ceilings established by the Democracy Fund ordinance. Contributions are limited to no more than \$390.00 from individuals or a town committee. A participating candidate must not accept contributions from political committees or business entities. Qualified campaign expenditures are limited to no more than \$368,000.00 in a primary election and \$368,000.00 in a general election.

The Democracy Fund provides public matching funds up to \$125,000.00 and a public financing grant of \$20,000.00 for both the primary elections and the general election. A candidate's contribution of his or her own personal funds is limited to no more than \$20,000.00 per primary or general election.

In order to qualify for public matching funds for a primary election or a general election, a participating candidate must raise two hundred (200) contributions, from separate individuals who are electors (that is, registered voters) of the City of New Haven, of no less than \$10.00 and no more than \$390.00. Matching funds consist of \$60.00 per distinct individual contributor of \$30.00 or more; contributions under \$30.00 are matched two-to-one.

The Democracy Fund Board has the authority to levy fines for violation of the Democracy Fund Ordinance by participating candidates.

Link to Summary of the Democracy Fund:

https://www.newhavenct.gov/gov/democracy_fund/summary_of_fund.htm

Notes

#1 A seven-member board oversees New Haven's Fund.

#2 New Haven's Fund consists of citizens' contributions, which is similar to the Massachusetts' Program.

24. Austin, Texas, Municipal, Matching Funds, City Clerk

Austin has an estimated 2019 population of 978,908. The Fair Campaign Finance Fund provides partial public support for qualifying candidates in **runoff elections**. The fund shall also be used to offset the cost of administering the City's lobbying ordinance, the costs of handling disclosure filings, and the costs of administering the Austin Fair Campaign Chapter. Funding is subject to availability, and is not provided to candidates in uncontested elections, recall elections, or elections to fill vacancies created by a recall election. The fund itself is comprised from monies garnered from lobbyist fees, donations, liquidated damages and criminal fines collected for violations of campaign laws, and filing fees from candidates. The fund features **open** financing, but candidates are subject to additional contribution limits, overall expenditure limits, and cannot use personal funds for more than 5% of the expenditure limit

A qualifying candidate in a runoff election shall receive an equal distribution of the available funds in the Austin Fair Campaign Finance Fund. If no candidate in a runoff election is eligible, the funds will be reserved for future elections.

Funding from the Austin Fair Campaign Finance Fund shall be distributed to qualifying candidates in a runoff election under the following procedure and formula:

- (1) on request, the city clerk shall state the available balance in the Austin Fair Campaign Finance Fund,
- (2) funds for a city runoff election shall be made available as soon as practicable after the results of the city general election are certified, and
- (3) the city clerk shall review the "30-day" and "8-day" before election contribution and expenditure reports and any supporting materials filed by qualifying candidates seeking public funds to verify compliance with the expenditure limits of the candidate's campaign contract.

A candidate who signs a campaign contract must participate in a series of candidate forums, whether or not the candidate qualifies for funds. The Ethics Review Commission shall produce not fewer than three forums for each contested race.

Link to the Austin Code:

https://library.municode.com/tx/austin/codes/code_of_ordinances?nodeId=IT2AD_CH2-2CAFI_ART7AUFACAFIFU

Additional information: <https://www.commoncause.org/texas/our-work/reduce-moneys-influence/fair-elections-austin/>

Notes

#1 Austin's program only applies to runoff elections.

#2 Austin's program gives each candidate an equal distribution of the funds once they are deemed to be eligible.

25. Boulder, Colorado, Municipal, Matching Funds, City Clerk

Boulder has an estimated 2019 population of 105,673. The Campaign Finance Reform Initiative was adopted by City of Boulder electors in 1999 and was implemented for the first time in the 2001 Municipal election. The program consists of **open** financing, but candidates are subject to expenditure limits, and cannot use personal funds for more than 20% of expenditure limit.

The city will allocate and provide matching funds, up to fifty (50) percent of the expenditure limit to any city council candidate who meets the eligibility requirements. The expenditure limit shall be set at fifteen (15) cents, per registered city voter as of the day after the date set by state law for the purging of registration records of the election year. Only actual currency or its equivalent shall be matched with public funds. Neither loans nor in-kind contributions nor amounts exceeding one hundred dollars from the candidate's personal wealth shall be eligible for matching funds.

After meeting the eligibility requirements, any candidate may request matching funds from the city no more frequently than once per week in amounts no less than five hundred (500) dollars. The final request for

matching funds must be submitted to the city no later than fourteen days before the election, but may be for less than five (500) hundred dollars.

A candidate who meets the following requirements shall be eligible to receive matching funds:

- The candidate raises at least ten percent of the expenditure limit from individual contributors. No more than twenty-five (25) dollars of each contribution may be counted toward the ten percent, and
- The candidate signs a contract with the city committing to the following:
 - Agrees to limit his or her expenditures to fifteen (15) cents per registered voter of the city as of the day after the date set by state law for the purging of registration records of the election year.
 - Agrees to contribute to his or her campaign no more than twenty percent of the expenditure limit from his or her own personal wealth;
 - Agrees to return at least fifty (50) percent of any unexpended funds to the city, but not more than the matching funds received, and
 - Agrees to treat any carryover funds from a previous campaign as funds from the candidate's personal wealth, subject to the limits of such funds.

Any person making an independent expenditure in excess of two hundred dollars (200) shall deliver notice in writing of such independent expenditure, as well as the amount of such expenditure, and a detailed description of the use of such independent expenditure, within twenty-four hours after obligating funds for such expenditure. Such notice shall be delivered to all candidates in the affected race and to the city clerk.

Link to Boulder's Code:

https://www-static.bouldercolorado.gov/docs/New_Election_Code_2019-1-201904041127.pdf

Additional information: <https://www.dailycamera.com/2019/03/06/boulder-city-council-approves-revamp-of-election-campaign-finance-laws/>

<http://bouldercolorado.gov/elections/campaign-finance-reform-initiative>

Notes

#1 Boulder program's expenditure limit is fifteen cents per each registered voter after the voting records have been checked and purged successfully.

26. Montgomery County, Maryland, Matching Funds

Montgomery County has an estimated 2019 population of 1,050,688. 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.

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.

A candidate need only qualify once (i.e., receive a certain number of qualifying contributions that total a certain amount) to become a certified candidate during an election cycle, which is defined as the primary and the general election for the same term of a covered office.

Candidates are not required to participate in debates in order to receive public funds through the Public Election Fund.

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.

Office	Qualifying Contributions Amount	Aggregate Total
County Executive	500	\$40,000
At-Large Councilmember	250	\$20,000
District Councilmember	125	\$10,000

Upon certification, the matching amounts of public funds from the PEF are listed in the table below:

Office	Qualifying Contribution	Matching Public Funds	Qualified Contribution Threshold	Maximum Public Contribution
County Executive	\$1/\$1/\$1	\$6/\$4/\$2	First \$50/\$51-100/\$101-\$150	\$750,000 per election cycle
At-Large Councilmember	\$1/\$1/\$1	\$4/\$3/\$2	First \$50/\$51-100/\$101-\$150	\$250,000 per election cycle

Post-general election audits are now required, following amendments to the Public Campaign Financing program in fall 2020. The exact scope and process for the audit program has not yet been established, as regulations are currently under development by the County's Department of Finance. The drafted regulations should be finalized and adopted sometime this spring or summer.

Penalties

Outstanding penalties are deemed a Class A civil violation, resulting in a fine of \$500 each day a violation (e.g., non-repayment of funds deemed by the state Board of Elections, based on County regulations, to have been used for an ineligible use or activity). There are no outstanding penalties or violations from the 2018 elections (the first election with the public election funding program in place).

Link to the Montgomery County Code:

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

Additional Information:

https://www.montgomerycountymd.gov/bonds/campaign_financing.html

Notes

#1 Montgomery County's program matches public funds on a sliding scale. For example, the county executive position shows that for the first \$50, every qualifying \$1 is matched by \$6 dollars, for the next \$51-100, every qualifying \$1 is matched by \$4 public dollars and then for the next \$101-\$150, every qualifying \$1 is matched by \$2 public dollars.

27. Seattle, Washington, Democracy Vouchers

Seattle has an estimated 2019 population of 753,675. In November 2015, Seattle voters passed a citizen-led initiative known as "Honest Elections Seattle" (I-122). I-122 enacted several campaign finance reforms that changed the way campaigns are typically financed for Seattle candidates. One major reform allows the Seattle Ethics and Elections Commission (SEEC) to distribute "Democracy Vouchers" to eligible Seattle residents. Other campaign reforms include campaign contribution limits for lobbyists and contractors. Seattle is the first city in the nation to try this type of public campaign financing. The SEEC is committed to increasing transparency, accountability, and accessibility for how Seattle elections are financed.

Seattle voters approved a property tax of \$3 million per year in 2015 to fund the Democracy Voucher Program for 10 years. Properties affected include commercial, businesses, and residential properties. The Democracy Voucher Program costs the average homeowner about \$8.00 per year. Four Democracy Vouchers in the amount of \$25 are distributed to Seattle residents.

Assigning your Democracy Voucher to a candidate is the same as donating to a candidate's campaign. Candidates may use Democracy Vouchers to finance campaign activities and are held to the same City of Seattle campaign spending laws under the City's election code. Candidates participating in the Democracy Voucher Program must follow strict reporting guidelines to qualify for the program. Candidates must collect a certain number of qualifying contributions and qualifying signatures from Seattle residents to receive funding.

Campaign limits are as follows:

- Mayor in Primary Election: \$400,000
- Mayor in General Election: \$800,000
- City Council (citywide) in Primary Election: \$187,500

- City Council (citywide) in General Election: \$375,000
- City Attorney in Primary Election: \$187,500
- City Attorney in General Election: \$375,000

In early 2021, the SEEC will distribute new Democracy Vouchers to Seattle residents. Seattle residents may use their Democracy Vouchers to support participating candidates running for mayor, city council, or city attorney.

Additional information about the program:

<https://www.seattle.gov/democracyvoucher/about-the-program>

Link to the Honest Elections Seattle Initiative:

https://library.municode.com/wa/seattle/codes/municipal_code?nodeId=TIT2EL_CH2.04ELCACO_SUBCHAPTER_VIIIHOELSE

Notes

#1 Seattle’s program is the first and only public financing program that uses vouchers. The Fund is comprised on money that comes from property taxes that Seattle citizens pay.” In Seattle the tax is \$8 per citizen.

28. Richmond, California, Matching Funds

Richmond has an estimated 2019 population of 110,567. The City of Richmond has established matching public funding for Mayoral and Council campaigns, under the City of Richmond Fair Elections Ordinance, in order to protect candidates and the integrity of our local election process from the adverse effects of huge unlimited independent expenditure campaigns. Richmond’s program consists of **partially closed** financing as candidates may raise up to \$20,000 in outside contributions. The City encourages candidates to seek City office without relying on large campaign contributions.

Candidates are required to file a public funding request with the City Clerk in order to be considered a “qualified candidate.” A candidate is certified to appear on the ballot for which matching funds are sought and the candidate is opposed by at least one other certified candidate for the same office. The total amount of contributions received by the candidate for the matching funds are sought shall not exceed \$75,000. If a candidate receives over \$75,000, they shall no longer be considered as “qualified” and will have to return all matching funds previously received.

Matchable contributions must be disclosed on the candidate's State and City campaign disclosure statements. Loans and in kind contributions are not considered to be matchable contributions.

Once the City Council has appropriated and allocated campaign-matching funds as part of the City's annual budget and a candidate becomes qualified, the City Clerk will disburse the funds to qualified candidates as follows:

- When \$10,000 in total matchable contributions are disclosed—disburse \$2,500.00
- When \$15,000 in total matchable contributions are disclosed—disburse \$2,500.00
- When \$20,000 in total matchable contributions are disclosed—disburse \$2,500.00
- When \$25,000 in total matchable contributions are disclosed—disburse \$2,500.00
- When \$30,000 in total matchable contributions are disclosed—disburse \$2,500.00

The limit per candidate is \$12,500.00 in matching funds per election. The City Clerk shall make every reasonable effort to have the check available for the candidate to pick up at the City Clerk's office at noon three business days after the filing deadline. If campaign disclosure statements are filed late, the candidate has to wait for the next filing statement to receive matching funds.

Special Elections or Vacancy Filling Elections:

(1) Once a vacancy has occurred, the City Council shall announce that a vacancy has arisen; specify the date that the City Council shall hold a public meeting to fill the vacancy; and specify the date on which persons interested in filling the vacancy shall be required to file a statement of interest;

(2) Every person who is interested in filling the vacancy shall be required to file a candidate's statement as set forth in Section 2.16.080(a), but without payment of any fee;

(3) The City Clerk shall distribute the candidates' statements to the City Council and shall make the statements available to the public;

(4) At the meeting designated by the City Council for filling the vacancy, the City Council shall call forward, by last name alphabetical order, each

candidate to make a public statement not exceeding eight (8) minutes in length concerning their interest in the position and the qualification for the position that said candidate possesses;

(5) After the candidate has made his or her public statement of interest in, and qualifications for, the position, each City Councilmember shall be allowed to publicly interview and question the candidate as to said candidate's interest and qualifications;

(6) After all the candidates have been allowed to make their statements, and after each of the candidates has been interviewed by the City Council, the City Council shall allow the public to make public comments pursuant to the procedure set forth in the Council Rules and Procedures for commenting upon a City Council agenda item;

(7) After the public has been given an opportunity to make comments, each Councilmember shall be allowed an opportunity to comment upon the candidate's statements and qualifications. Each candidate shall be allowed a two (2) minute rebuttal;

(8) After each Councilmember has been afforded an opportunity to speak concerning the candidates' qualifications, the Mayor shall entertain motions for the appointment of individual candidates for the vacancy;

(9) After a motion has been made and seconded, the motion shall be voted on by the City Council;

(10) The City Council will continue to entertain and vote on motions for appointments until a candidate obtains a majority vote in favor of his or her appointment;

(11) Once a candidate has obtained a majority vote, the appointment voting process comes to an end and the Mayor shall announce the date when the new Councilmember will be sworn in, but in no event shall the swearing in occur later than the next regularly scheduled City Council meeting;

(12) If no candidate obtains a majority vote, the City Council may reopen the appointment process to all interested electors provided that the process does not go beyond the time limit set forth in Article III, Section 10 of the City Charter.

Richmond's program does not require candidates to participate in debates and also does not have post-election audits. While Richmond's code addresses penalties for other areas of campaign finance, it is unclear whether those same penalties apply to the Matching Funds Program.

Link to Richmond's Code:

https://library.municode.com/ca/richmond/codes/code_of_ordinances?nodeId=ARTIIADGO_CH2.43MAPUFURIELCA

Notes

#1 Richmond disburses their matching contributions in increments of \$2,500. Also, they limit the total amount of matching funds to \$12,500 per candidate.

29. Sacramento, California, Matching Funds

Sacramento has an estimated 2019 population of 513,624. The City of Sacramento has adopted local campaign finance regulations for public campaign financing (also referred to as matching funds). These regulations are found in the Political Reform Act of 1974 and provide guidelines for financial support for a candidate for elective office through payment of public matching dollars, restricting spending, and placing limits on contributions. The public matching dollars come from the City's Campaign Reform Fund. The Fund consists of **open** financing, but candidates are subject to overall contribution limits.

The City Code limits contributions to City Council candidates: a.) for a person, not to exceed \$1,750 in any of the following periods: a primary election period; a general election period; or a special election period; b.) for a large political committee, not to exceed \$5,850 in any of the following periods: a primary election period; a general election period; or a special election period.

The Code limits contributions to Mayor candidates: a.) for a person, not to exceed \$3,500 in any of the following periods: a primary election period; a general election period; or a special election period; b.) for a large political committee, not to exceed \$11,650 in any of the following periods: a primary election period; a general election period; or a special election period.

Note: There is no limit to how much a candidate can contribute to his or her own campaign.

The Fund has not been funded since Fiscal Year 2010/2011, making public financing unavailable in the City of Sacramento at this time.

Additional information:

<https://www.cityofsacramento.org/Clerk/Elections/9-Campaign-Finance>

Notes

#1 Sacramento's program is not currently in use, it may be beneficial to look into why the Fund is not funded. What did the Fund consist of? Why has Sacramento allowed the Fund to be defunct for 10 years? How has this impacted their elections throughout the years? Additional research is needed to determine what happened and perhaps what to avoid.

30. Denver, Colorado, Matching Funds

Denver has an estimated 2019 population of 727, 211. Denver voters in the 2018 November general election passed the Fair Elections Fund Act, pursuant to Denver, Colorado- Code of Ordinances/ Chapter 15- Elections/ Article III.

The fund will provide public matching funds to candidates for municipal offices beginning in the next municipal election cycle on Jan. 1, 2020; with a Contribution limit \$50, and a 9:1 Match Rate.

The fund will match donations of \$50 or less at a ratio of 9 to 1 to candidates who voluntarily agree to raise money in lower amounts and only to take contributions from individuals and from small donor committees. All other campaign finance rules still apply.

The first round of funds for the **2023 General Municipal Election** will be dispersed to candidates in August of 2022. Candidates may begin to collect qualifying contributions **on or after January 1, 2020**.

[Candidates seeking certification for the Fair Elections Fund:](#)

Quick Step-by-Step Guide for Candidates seeking Public Financing through the Fund:

1. Familiarize yourself with [campaign finance ordinances](#), [rules](#) and our [Municipal Candidate Quick Guide](#)
2. On or after January 1, 2020, create a candidate committee on the [campaign forms page](#) for the 2023 General Municipal Election. If you already

have a candidate committee, then you do not need to create another one – it will automatically roll over on January 1st.

3. Complete the [Intent to Seek Certification](#) form indicating that you will begin collecting qualifying contributions. Note: You must fill out this form before soliciting or collecting qualifying contributions.

4. Begin collecting qualifying contributions. The law requires you to provide each contributor with a receipt, which must contain the following information:

- i. Contributor's printed name
- ii. Contributor's home address
- iii. Contributor's telephone number
- iv. Name of candidate being contributed to
- v. The statement: "I understand that my contribution, up to \$50.00, will be matched by the Fund at 900 percent and that this contribution is made without any coercion or reimbursement."

a. After our office receives your Intent to Seek Certification form in Step 3, we will automatically create an electronic receipt template that you may use. We should provide the template to you within one business day. Alternatively, if you want to use your own receipts, we strongly encourage you to send them to the Clerk's office for review and approval before you issue them.

b. Be sure to keep your receipts because you will need to submit them to the Clerk and Recorder's office as evidence that you received the minimum number of qualifying contributions.

5. You will continue to file your candidate reports as scheduled:

- i. The report due on July 31, 2020 will cover from January 1 – June 30, 2020

- ii. The report due on January 31, 2021 will cover from July 1 – December 31, 2020

6. Once you believe that you have the minimum number of required qualifying contributions from unique contributors, submit an [Application for Certification as a Participating Candidate](#) in the Fair Elections Fund. The Clerk's office will review your application and either approve or deny it within 10 business days. If you are approved, you will be a "participating candidate" and may continue to receive qualifying contributions. The first payment to participating candidates will occur in August of 2022.

**** Interested individuals are advised that legal provisions are subject to amendment from time to time. Therefore, it is incumbent on a person to determine if any new legislation or rules have been enacted. Information contained in this guide may not be either exclusive or all-inclusive of other**

information required to run for municipal office in Denver. It is the sole responsibility of a candidate committee to determine and comply with applicable state or local laws, statutes, ordinances, rules, regulations, and policies in order to run for municipal office. If you require advice or an interpretation concerning legal requirements, we suggest that you contact a private attorney. The Office of the Clerk and Recorder cannot and will not provide legal advice.

Eligibility for fair elections campaign funding.

Section 15-53(a)(2) a and b. To be eligible to be certified as a participating candidate, a candidate must collect the following number of qualifying contributions from unique contributors in the amount of: 250 for Mayor and 100 for City Council at-large, Auditor, Judge, clerk and Recorder.

Section 15-53(a)(4). After ballot certification, be in a race with at least one other candidate for that race.

Use of campaign funds restricted.

Section 15-38(b) Unexpended campaign contributions may be:

- (1) Contributed to a candidate committee established by the same candidate for a different elected office, if the candidate committee making such a contribution is affirmatively closed by the candidate no later than 10 days after the contribution is made;
- (2) Contributed to a candidate committee for any other candidate for elected office in the city;
- (3) Contributions to any political committee or issue committee organized to support or oppose any city or state ballot question or issue or any ballot issue or question proposed by any other local government that includes territory within the city.

Limitations on contributions and contributions in-kind.

Section 15-37 (a)(1). For any particular election cycle, no person shall make contributions or contributions in-kind to a candidate and his or her candidate committees that, in the aggregate, exceed the following amounts:

Mayor, \$1,000,000.00; Auditor, councilmember at-large, Judge, Clerk and Recorder, \$700.00; District Councilmember, \$400.00.

Reporting Requirements for independent expenditures and electioneering communications.

Section 15-35.5. Independent expenditures exceeding \$1,000 for electioneering communications require the filing of a report and, thereafter, a report must be filed for each expenditure of any amount, within 48 hours.

Fines For late reports; waiver; appeal.

Section 15-40.5. There is an imposition of \$50 per day for late-filed reports, not to exceed \$500 for a single violation, which is subject to a waiver and appeal.

Requirements for participation in the fair elections program.

Section 15-54(a). Participating candidates seeking certification may not accept contributions above the following limits, from a natural person: Mayor \$500; City Council at-large, Judge, Clerk, Recorder and Auditor \$350, District City Council \$200.

Section 15-54(b). Participating candidates and candidates seeking certification may accept contributions only from natural persons or a small donor committee and may not accept contributions from any local, state, or federal issue, candidate or political committee and, may not accept contributions from a small donor committee, as defined in Section 15-32(p)(political committee that has accepted contributions from natural persons contributing no more than \$50 in the aggregate per year, not including political parties, issue committees or candidate committees) in the aggregate in excess of **ten times the contribution limit** for participating candidates for the office that candidate seeks.

Section 15-54(e). Participating candidates must agree to participate in at least two public debates.

Section 15-54(g). Participating candidates may not donate to their own campaign in an aggregate amount greater than the limits in Section 15-54(a), however, may personally loan seed money up to \$5,000. Any money loaned must be repaid from nonpublic funds and, any portion not repaid is deemed a contribution and must comply with limits and reporting requirements.

Notes

#1. Denver, Colorado has a match rate ratio of 9:1, with a \$50 contribution limit.

#2. Denver, Colorado, imposes a fine in the amount of \$50 per day, not to exceed \$500, for the late filing of reports, subject to a waiver and appeal.

#3. Denver, Colorado, candidates entitled to receive public funds shall not run unopposed.

#4. Denver, Colorado permits in-kind contribution, subject to limitations, to be determined.

#5. Denver, Colorado has exceptions for the use of unexpended campaign contributions to:

- A candidate committee established by the same candidate for a different elected office, if the candidate committee making such a contribution is affirmatively closed by the candidate no later than 10 days after the contribution is made;
- A candidate committee for any other candidate for elected office in the city;
- Any political committee or issue committees organized to support or oppose any city or state ballot question or issue or any ballot issue or question proposed by any other local government that includes territory within the city. This practice enhances participation in the electoral process and is consistent with the mission of public campaign financing.

31. Baltimore, Maryland, Matching Funds

Baltimore has an estimated 2019 population of 593,490. The Baltimore Fair Elections Fund established in 2020 is a public matching funds program for campaigns for Mayor, Comptroller, and City Council. The fund will not be available for next year's elections; it will launch in 2024.

19-0403	Version: 0	Name:	Fair Election Fund - Establishment and Administration
Type:	Ordinance	Status:	Enacted
File created:	6/24/2019	In control:	City Council
On agenda:		Final action:	1/23/2020
		Enactment #:	20-338

Title: **Fair Election Fund** - Establishment and Administration FOR the purpose of establishing the **Fair Election Fund** authorized by City Charter Article I, § 15 to provide public campaign financing for candidates for City elective office; regulating certain campaign finance activity of a candidate for City elective office who voluntarily accepts public campaign financing; providing for the powers and duties of the City **Fair Election Fund** Commission; requiring that the Commission educate the citizens of Baltimore on regarding the **Fund** and how to participate; requiring that the Commission perform certain periodic reviews; establishing certain qualifications for applicants to receive public campaign financing; establishing an application process; authorizing the Maryland State Board of **Elections** to assist in the administration and enforcement of the public campaign financing system; establishing certain **Fund** distribution requirements; providing for certain penalties for violations of the public ca...

Contribution limit \$150, Match Rate: 9:1 first \$25, 5:1 second \$50, and 2:1 third \$75.

Additional Information:

<https://www.wypr.org/post/baltimore-city-council-passes-bill-create-fair-election-fund-match-small-donor-contributions>

Notes

#1. Baltimore, Maryland is 9:1 for the first \$25, 5:1 for the second \$50, and 2:1 for the third \$75 contribution: with a maximum limit in the amount of \$150.

32. Portland, Oregon, Matching Funds

Portland has an estimated 2019 population of 654,741. In 2018, Portland, Oregon established the Open and Accountable Election Program; a public matching funds program for campaigns for Mayor, Commissioner and Auditor.

Link to Portland City Code: · [City Code](#) · / [Title 2 Legislation & Elections](#)

Contribution \$50, Match Rate 6:1

Mayor must raise \$5,000 from 500 contributors

Commissioner must raise \$2,500 from 250 contributors

Auditor must raise \$2,500 from 250 contributors

Background on the Program

Open and Accountable Elections is a matching program that multiplies small donations from Portland residents to ensure that all Portlanders matter in City elections. Similar powerful and proven programs have worked in 32 cities, states, and counties across the country, including San Francisco, New York City, Albuquerque, Los Angeles, Maine, and Maryland.

Here is how it works:

- Candidates who want to participate agree to comply with program rules, such as not accepting large contributions, agreeing to a fundraising and spending limit.
- Candidates prove they have broad community support and are willing to do the work to win a campaign by collecting lots of small qualifying contributions from Portlanders and filing for the ballot by collecting signatures.
- Candidates who follow the rules and collect enough small contributions get the contributions they collect matched six-to-one from the City's Open and Accountable Elections Fund, up to \$50 per donor. This turns 500 contributions averaging \$25 from \$12,500 into \$75,000, for example.
- Contributions continue to get matched as candidates continue to raise small contributions and follow program rules, up to the overall spending cap set by the program.

This is the step-by-step guide for how a candidate can participate in Open and Accountable Elections, and have their donations matched six-to-one by the City of Portland. For more information, please refer to the Candidate Guide.
How to run under Open and Accountable Elections

Step 1: Comply with the rules

the rules for the next cycle will be in effect as of December 18th, 2020. So if candidates are interested in running in the 2022 election, they must ensure that they are in compliance *by December 18th, 2020*. Potential candidates must:

- Have only one campaign bank account
- Have paid back all pre-existing campaign debt
- Have accepted a maximum of \$5000 total between Dec 1st 2020 and when they file their Notice of Intent
- Paid back any funds not in compliance

Other rules can be found in the [Candidate Guide](#), and in the [Administrative Rules](#). And you can read the OAE law itself by [clicking here](#).

Step 2: File the Notice of Intent and take the mandatory training

In order to officially register for the Open and Accountable Elections program, candidates must submit their [Notice of Intent](#) to our office. They must also include their [ACH Authorization](#), a [W-9 form](#), and a voided check from the campaign bank account. Once candidates file this form, their participation in the program will be noted publicly on the Open and Accountable Elections website.

Candidates and their treasurers are required to take training with OAE staff. The training can be given either remotely or in-person, are confidential, and the candidate can invite other members of their campaign team. Please contact Deputy Director Daniel Lewkow at Daniel.lewkow@portlandoregon.gov to schedule training.

Only once they complete Step 2 can candidates begin to raise money for their campaign. The only exception is Seed Funding, in which candidates can raise up to \$5,000 total from any source before filing their Notice of Intent.

Step 3: Raise the qualifying contributions

Candidates for office must raise a certain number of contributions to qualify for public matching under Open and Accountable Elections

- Candidates for mayor must raise at least \$5,000 from at least 500 donors

- Candidates for commissioner or auditor must raise at least \$2,500 from at least 250 donors

Candidates must raise the required number of contributions from individuals living in the City of Portland. They can raise funds from donors living outside of Portland, but only donations from Portland residents count towards the qualifying requirement. Our office recommends raising more than the required number, so as to ensure that they have cleared the threshold. Please refer to the [Candidate Guide](#) for information about the rules on how candidates can raise qualifying contributions.

Step 4: Report all contributions and expenditures

Transparency is a crucial value for the Open and Accountable Elections program. In order to participate, candidates must report their contributions and expenditures to our office every 14 days. This is a separate reporting process from the Oregon Secretary of State's process. Staff will provide each campaign with a login to two websites to allow for fast and simple reporting. Here is our office's [guidance](#) on what is required for reporting contributions and expenditures. Check here for the 2022 reporting timeline once it has been established

Step 5: Apply for certification

Once candidates have collected the required number of qualifying contributions, they can then [apply for certification](#). If approved, our office will match both future donations from Portland residents six-to-one as well as the qualifying contributions that the candidate has already collected. To be certified, candidates must have:

- Collected the required qualifying donations
- Filed for office by collecting signatures on the [nominating petition](#). Please connect with the [Portland Elections Office](#) for information about how to file by nominating petition
- Reported all contributions and expenditures to the Office of Open and Accountable Elections
- Followed the program rules

Candidates may only file for certification *one time*. Our office encourages candidates to ask for an informal assessment before applying for certification, so that our staff can update the campaign on how many qualifying contributions we have verified.

Step 6: Continue raising money and getting matched

If a candidate has been certified, then our office will match donations six-to-one. This can allow candidates without networks of wealthy donors to raise enough funding to be competitive. To be matched, donations must be:

- From a Portland resident, verified to be living at their address
- From an individual
- From a person at least 18 years old
- Accompanied by an attestation document (either [online](#) or [in person](#))
- From a donor who's donation did not already get matched to a candidate in the same race

Our office will direct deposit the funds into the candidate's account every two weeks. It is a fast and responsive process that allows candidates to access their funds quickly

- For the Primary, *mayoral* candidates can raise up to \$380,000 total, and of that the Open and Accountable Elections program can provide up to \$304,000 in matching funds. In the General, mayoral candidates can raise \$570,000, with \$456,000 coming in matching funds
- For the Primary, *commissioner and auditor* candidates can raise up to \$250,000 total, and of that the Open and Accountable Elections program can provide up to \$200,000 in matching funds. In the General, commissioner and auditor candidates can raise \$300,000, with \$240,000 coming in matching funds

Step 7: Return unused public funds

After the election, candidates who won the Primary outright or did not make it to the General election must return any unspent public funds to the Office of Open and Accountable Elections. Candidates need to pay outstanding expenses and then return unspent public funds. This is calculated proportionally.

Here is [the form](#) that candidates must provide to return unspent public funds.

Notes

#1. Portland Oregon has a match rate of 6:1, with a \$50 contribution limit.

#2. In Portland Oregon, matches will only be given to a donor whose donation did not already get matched to a candidate in the same race.

33. Howard County, MD, Matching Funds

Howard County has an estimated 2019 population of 325, 690. In 2016, the voters of Howard County approved an amendment to the County Charter requiring the County Council to create by ordinance a Citizens' Election Fund system for candidates for County Council or County Executive.

The Citizens' Election Fund is comprised of the following funding sources: (1) money appropriated to the fund; (2) any unspent money remaining in a certified candidate's Citizen funded campaign account after the candidate is no longer a candidate; (3) any public contribution returned to the fund; (4) any donations made to the fund; (5) any fines collected under Howard County Code section 10.311; and (6) any earnings on money in the fund.

Once the candidate files a Notice of Intent, establishes a public financing committee, and a publicly funded bank account, the candidate can begin to collect qualifying contributions. A candidate for county executive must collect at least 500 qualifying contributions of \$250 or less for an aggregate total of \$40,000. A candidate for city council must collect at least 125 qualifying contributions of \$250 or less for an aggregate total of \$10,000.

A qualifying contribution must satisfy the following criteria: an aggregate donation of at least \$5.00 but no more than \$250.00; 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 \$250.00 during each election cycle; the contributor must be a County resident; contributions must be made during the qualifying period; 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.

An applicant candidate may accept up to \$12,000 in contributions or loans consisting of a combined total of not more than \$6,000 from each of the following family members: (i) the applicant candidate; (ii) a child who is at least 18 years old; (iii) a spouse, (iv) a parent; or (v) a sibling;

An In-Kind contribution of property, goods, or services is not eligible to receive public election matching dollars.

Howard County matches qualifying contributions with public funds on a sliding scale. For county executive, each of the first \$50 is matched at a \$7:

\$1 rate. The next \$51-\$100 is matched at a \$4: \$1 rate. The next \$101-\$150 are matched at a \$1:1 rate. Contributions over \$151 are not matched. The maximum public contribution is \$700,000 per election cycle. For county council, each of the first \$50 is matched at a \$5: \$1 rate. The next \$51-\$100 is matched at a \$3: \$1 rate. The next \$101-\$150 are matched at a \$1:1 rate. Contributions over \$151 are not matched. The maximum public contribution is \$80,000 per election cycle.

A candidate needs only to qualify once in order to become a certified candidate during an election cycle. A certified candidate who accepts a matching public contribution during a primary election becomes a participating candidate for the general election. Certification is not required for both the primary and the general election.

The Howard County Code doesn't specifically prohibit a candidate from participating in the Citizens' Election Fund Program in the general election if they did not participate in the Program during the primary election. However, the candidate must qualify to be a participant during the qualifying period. Unless a candidate has qualified to participate in the Program prior to the primary election taking place, they would be precluded from participating as a CEF candidate in the general election.

Additional Links:

- [Law \(PDF\)](#)
- [Summary Guide \(PDF\)](#) - Howard County

Notes

#1 Howard County's program allows for candidates to receive up to \$12,000 in loans with a limit of \$6,000 each from the candidate's immediate family

#2 Similar to Montgomery County, MD, Howard County's Fund will match qualified candidate's dollars on a sliding scale. Qualifying contributions will be matched at \$7:1, \$4:1, \$1:1 rate for County Executive and matched at \$5:1, \$3:1, \$1:1 for County Council

34. Prince George's County, MD, Matching Funds

Prince George's County has an estimated 2019 population of 909,327. Public financing was approved for Prince George's County, MD, to begin in 2026. The legislation was originally proposed for the 2022 election cycle. However, after concerns surfaced about funding the bill, an amendment delayed it an additional four years.

To participate in the program, candidates must not accept donations exceeding \$250. Donations up to \$150 that do not come from family members would be matched by public dollars.

Depending on how many candidates qualify for the voluntary program, it is expected to cost between \$3.7 million and \$12.1 million per election cycle, and would probably be on the lower end of that spectrum, officials said.

Council members approved several amendments intended to guard against abuse of the program, including clarifying that candidate' loans cannot be matched by taxpayer dollars and barring candidates who failed to submit campaign finance reports in the previous four years from participating.

To qualify for the program in Prince George's, a candidate for county executive would have to collect 500 qualifying contributions of \$150 or less; at-large council candidates would have to collect 250 contributions; and district council candidates would have to collect 150 contributions.

Qualified candidates for county executive or council would receive \$7 for each dollar of a qualified contribution up to \$25, \$5 for each dollar received for the next \$50 and one dollar for each dollar received for the next \$75.

Additional Links:

- [Law \(PDF\)](#)

Notes

#1 Similar to Montgomery County, MD, Prince George's Fund will match qualified candidate's dollars on a sliding scale. Candidates will receive \$7 dollars for each \$1 up to \$25, \$5 dollars for every \$1 up to \$50, and \$1 for each \$1 up to the next \$75.

Conclusion

A review of publicly funded programs for electoral campaigns, in the form of matching funds, grants, tax credits/ refunds and public subsidy and vouchers, from a multitude of state and municipal jurisdictions, coupled with the statutory mandate to propose recommendations for adjustments for changes and enhancements to the Fair Elections Program, based on national best practices demonstrated that there are provisions in other jurisdictions, which are different from the FEP requirements. The different provisions found in other jurisdictions contained in this report are substantive, administrative and procedural, in nature. Distinctive structural differences were also identified in other jurisdictions, which may prove to be of interest for review in the future, after the FEP has experienced several election cycles, before an informed decision for the need for procedural or structural modifications can be made. Further, this report contains notes, which highlight several provisions following the summary for each jurisdiction. Based upon an analysis of the research on national trends, comprised of all jurisdictional provisions, it is clear that the FEP is a robust, competitive, highly functioning successful and reasonable public funded program for campaigns, with efficient and sufficient safeguards to ensure compliance and deter and detect fraud, misuse and or abuse. The research contained in this report provides a solid foundation for a future opportunity to address challenges ahead, and to strengthen the Fair Elections Program, after it encounters and experiences multiple election cycles, and when and if it becomes necessary or warranted. As campaign finance reform continues nationally, the District can continue to lead the way towards a system that ensures voters and ideas as opposed to large infusions of money will decide the outcome of campaigns and elections. Based upon the foregoing, after careful examination and analysis of the jurisdictions with alternative combinations of types of public funding for campaigns, there are no proposed recommendations to modify any of the requirements of the District of Columbia's Fair Elections Program at this time.