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**DISTRICT OF COLUMBIA BOARD OF ELECTIONS**  
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## **PART II:**

# **The Fair Elections Program 2022 Post-Election Cycle Report Based Upon the National Best Practices of Public Funding Programs**

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# Table of Contents

Introduction.....	3
<b>I.</b> Overview of Public Funding Programs for Campaigns.....	4
<b>II.</b> Summary Based Upon Jurisdictions with Public Funding Programs in the form of Matching Payments for Campaigns.....	5
<b>1. Topics of Interest</b>	
(a) The amount of qualified small dollar contribution limits in certain national jurisdictions.....	6
(b) The number of minimum qualified small-dollar contributions required to be certified as a participating candidate in certain national jurisdictions .....	7
(c) The base payment amounts for participating candidates in certain national jurisdictions.....	8
(d) The matching payments match ratio in certain national jurisdictions.....	9
(e) The personal funds of a participating candidate or a participating candidate’s immediate family that may be contributed to the participating candidate in certain national jurisdictions.....	10
(f) Contributions that satisfy the threshold for matching funds must be from residents from the campaign jurisdictional seat in certain national jurisdictions.....	11
(g) Candidates receiving public campaign funds shall not run unopposed in certain jurisdictions.....	11
(h) Expenditure limits exist for candidates in certain national jurisdictions .....	12
(i) Acceptance of contributions from national, state, and county executive committees of a political party in certain national jurisdictions.....	13

(j) State residency defined as a registered voter, or contributors must be registered voters in the electoral jurisdiction.....	13
(k) In-kind contributions permitted in certain national jurisdictions.....	14

<b>III. Survey of Municipal Jurisdictions with Matching Fund Programs.....</b>	<b>15</b>
(1) New York, New York .....	16
(2) Montgomery County, Maryland .....	17
(3) New Haven, Connecticut .....	18
(4) Albuquerque, New Mexico .....	19
(5) Long Beach, California .....	21
(6) Los Angeles, California .....	22
(7) Oakland, California .....	23
(8) Richmond, California .....	24
(9) San Francisco, California .....	25
(10) Tucson, Arizona .....	28
(11) Santa Fe, New Mexico .....	30
(12) Austin, Texas.....	31
(13) Boulder, Colorado.....	32
(14) Sacramento, California.....	33
(15) Denver, Colorado.....	34
(16) Baltimore, Maryland.....	35
(17) Portland, Oregon.....	36
(18) Howard County, Maryland .....	38
(19) Prince George’s County, MD.....	40

<b>IV. Legislative Recommendations .....</b>	<b>42</b>
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<b>V. Conclusion.....</b>	<b>42</b>
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## **PART II**

# **The Fair Elections Program 2022 Post-Election Cycle Report Based Upon the National Best Practices of Public Funding Programs**

### **Introduction**

D.C. Official Code Section 1-1163.32j (a) (1) requires the Director of the Office of Campaign Finance to publish on the Website of the Office of Campaign Finance, [www.ocf.dc.gov](http://www.ocf.dc.gov), and submit to the Mayor and the Council no later than the nine (9) months after the end of each election cycle, a Report which must include a review of: (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.

This report is focused on identifying and analyzing possible recommendations for modifications or enhancements to the Fair Elections Program based upon the revisit of several of the national best practices in jurisdictions with public funding programs for campaigns reviewed in the OCF Post Election Report of the 2020 Election Cycle, and more importantly, the experience of the Office of Campaign Finance having successfully administered the Fair Elections Program through its implementation during the 2020 Election Cycle, the first election cycle of the Program, and the 2022 Election Cycle, which is the subject of this Report.

In general, large sums of money are required to finance election campaigns in this country, and the inherent problem of improper influence, real or potential, follows large contributions. The influx of large contributions creates the appearance that elected officials may be unduly influenced by contributors who support their campaigns or oppose their opponents' campaigns. Consequently, the public's confidence in elected officials is weakened.

To diminish the role of big contributions in the election process, the District of Columbia and many other jurisdictions have adopted public campaign funding programs which are designed to combat this problem and level the playing field. The purpose and intent of public campaign funding programs is to ensure that all individuals have a fair opportunity to participate in the elective process, and to encourage candidates to seek office without relying on large campaign contributions. Candidates and officeholders are allowed to spend a smaller proportion of their time on fundraising and a greater proportion of their time addressing issues of importance with their constituents' community. For the most part, public campaign funding programs encourage greater voter participation by amplifying the voice of the small contributor and providing increased opportunities for those to run for public office who otherwise would not have considered politics. Serious candidates can 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-five or more jurisdictions consisting of States, Counties, and Municipalities that empower small donors and remedy the power of big money in politics

through innovative campaign finance reforms that provide public funding to qualified candidates in the form of matching payments, grants, tax incentives, and vouchers. Candidates who seek the public financing of their campaigns must demonstrate popular support through the submission of threshold requirements comprised of small dollar contributions from their constituents. The public financing programs curb the influence of big money contributions in elections 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 offices covered, and the amount of funding they provide to participating candidates.

## **I. Overview of Public Funding Programs for Campaigns**

The Public Funding Programs currently used across the nation are Small Donor Matching Programs, Grant-based Programs, Tax Credit/Refunds, and Voucher Programs, as more fully described below:

1. Small-Donor Matching Programs – Small-Donor Matching fund Programs match small contributions collected by qualifying candidates with public funds, according to a specified ratio. Today's highest matching funds ratios are in Denver, Colorado, Portland, Oregon, and Baltimore, Maryland, where participating candidates receive \$9 for every \$1 in small contributions collected. 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 each 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 may 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 may 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.

## **II. Summary of Jurisdictions with Public Funding Programs in the Form of Matching Payments for Campaigns**

This section provides a detailed description of the national practices in state, county, and municipal jurisdictions with public funding programs for campaigns, which may be accompanied by the website address for the respective locality.

Overall, the public funding programs for campaigns, the matching funds, grants, tax credit/refund, and voucher programs, are voluntary but often require participating candidates to accept restrictions on their fundraising or spending, known as contribution and expenditure limits, and on the sources of contributions, and to meet threshold requirements to show community support and qualify for public funds. In some jurisdictions, candidates shall not run unopposed, contributions must be from residents and/or registered electors in the jurisdictional seat of the campaign, and the contribution limits, expenditure ceilings, and disbursement amounts may vary depending upon the office sought.

The summaries in this section revisit select jurisdictions referenced in the OCF 2020 Post-Election Report and note the current requirements of the jurisdiction. Notes may 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 the various 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.

## **1. Topics of Interest**

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

### **(a) The amount of qualified small-dollar contribution limits in certain national jurisdictions:**

#### **Matching Funds**

##### **States:**

1. Connecticut- \$5- \$290
2. New Jersey-\$4,900
3. West Virginia- \$1-\$100, Exploratory-\$1,000
4. Florida - \$250
5. Maryland - \$250
6. Rhode Island - \$25
7. Michigan- \$100 or less
8. Hawaii- \$100 or less
9. Massachusetts- \$250

##### **Municipalities and Counties:**

1. San Francisco, California- \$10 -\$100
2. Los Angeles, California-\$5 - \$129
3. Albuquerque, New Mexico - \$5 from each of 1% of Registered Voters
4. Oakland, California- (Voucher Program enacted in 2022; Vouchers of \$100 distributed to eligible residents)
5. New York, New York-\$10-\$250
6. Long Beach, California- \$250 - \$500 (Depending on office sought)
7. Tucson, Arizona - \$10 (from at least 300 residents for Mayor, 200 for City Council)
8. New Haven, Connecticut - \$5-\$445
9. Austin, Texas - \$450.00 (Must accept aggregate contribution limits and expenditure ceilings)
10. Boulder, Colorado - \$25.00
11. Montgomery County, Maryland- \$5 minimum to \$250
12. Richmond, California - \$2,500 per contributor; matching funds payable in increments of \$2500.00 for every \$5,000.00 collected after candidate raises at least \$10,000 in contributions, up to \$12,500.00)
13. Sacramento, California- up to \$250 for Mayor or City Council
14. Baltimore, Maryland- \$150 - \$500, dependent on office sought)
15. 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)
16. Portland, Oregon- \$50
17. Howard County, Maryland - \$5 minimum to \$250 maximum
18. Berkeley, California - \$10 minimum to \$60 maximum

**Summary Analysis:** Based upon the practices of the above jurisdictions with public funding programs for campaigns in the form of matching funds, where the contribution limits either vary by office or are uniform across the board, the FEP's current contribution caps 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, are reasonable, competitive and proportionate to jurisdictions with similar populations. Therefore, no recommendations for the modification or an increase of the contribution limit is necessary currently.

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

**States:**

1. Connecticut - 300 for Senator (for a total aggregate amount of \$16,000); 150 for State Representative (for a total aggregate amount of \$5,300)
2. New Mexico-Calculations for qualifying contributions is ¼% of registered voters)
3. West Virginia-500 Registered Voters, 10% from each district (totaling \$35,000-\$50,000)
4. Michigan- at least \$75,000 in qualifying contributions
5. Arizona- 2000 or 1500 contributions at \$5 each
6. Vermont- 1500 at \$50 each; 750 at \$50 each
7. Maryland – 1500 qualifying contributions in the minimum aggregate total of \$120,000

**Municipalities and Counties:**

1. New Haven, Connecticut - 200 contributions from registered voters at \$5 to \$445
2. Albuquerque, New Mexico – Contributions from at least 1% of the registered voters in District candidate seeks to represent
3. Long Beach, California- 500 contributions for Mayor (for a minimum aggregate total of \$20,000); City Council- 250 contributions for City Council (for a minimum aggregate total of \$10,000); City Attorney, City Auditor, City Prosecutor- 350 contributions (for a minimum aggregate total of \$10,000)
4. 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)
5. Tucson, Arizona-300 for Mayor (\$10 contribution), 200 for City Council (\$10 contribution)
6. Portland, Oregon- Mayor- \$500,000 from 500 contributors; Commissioner- \$2,500 from 250 contributors; Auditor- \$2,500 from 250 contributors; ballot qualification
7. Denver, Colorado- Mayor 250, maximum donation \$500; City Council at-large 100, Auditor 100, Judge, 100, City Clerk and Recorder, 100, maximum donation for each office, \$200
8. Los Angeles- 100 at \$5 each
9. New York City, New York – Contributions of \$10 or more from area the candidate seeks to represent: For instance, 100 for Mayor (for a total aggregate of \$250,000); 500 for Public Advocate/Comptroller (for a total aggregate of \$125,000.00); 75 for City Council (for a total aggregate of \$5,000) (2021 Election Cycle)



10. Montgomery County, MD- County Executive- 500 at \$5-\$250 maximum donation, minimum total aggregate of \$40,000; At Large Council - 250 at \$5 - \$250 maximum donation, minimum aggregate total of \$20,000; District Council- 125 at \$5 -\$250 maximum donation, minimum aggregate total of \$10,000)
11. Prince George’s County, MD- County Executive- 500 at \$150 or less, minimum aggregate total of \$40,000; At Large Council- 250 at \$150 or less, minimum aggregate total of \$15,000; District Council- 150 at \$150 or less, minimum aggregate total of \$7500
12. Howard County, Maryland – County Executive – 500 at \$250 or less, with a minimum aggregate total of \$40,000; County Council – 125 at \$250 or less, with a minimum aggregate total of \$10,000
13. Berkeley, California – 30 at \$10 minimum for a total dollar amount of \$580
14. Baltimore City, Maryland – 500 for Mayor, with a minimum aggregate total of \$40,000; 250 for Council President and Comptroller, with a minimum aggregate total of \$15,000; and 150 for Council, with a minimum aggregate total of \$5,000

**Summary Analysis:** Based upon the practices of the above jurisdictions with public funding programs for campaigns, in the form of matching funds, 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 Member of the State Board of Education; 150 for Ward Member of the Council and State Board of Education Member At-Large; 250 for Member of the Council At-Large; 300 for Council Chairperson; 500 for Attorney General; and 1,000 for Mayor.

**(c) The base payment amounts for participating candidates in certain 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 and Counties:**

1. San Francisco- Initial grant of \$300,000 to Mayor, and \$60,000 to Supervisor and upon qualifying, 6:1 match
2. Baltimore, Maryland - \$200,000 to Mayor; \$50,000 to President of City Council and Comptroller; none to City Council
3. New Haven, Connecticut - \$23,000 per Primary and General Election to Mayoral candidates

**Summary Analysis:** Based upon the practices of the above jurisdictions with public funding programs for campaigns, in the form of matching funds, the FEP’s current requirement for base payments to a participating candidate in contested elections 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 Member.

**(d) The matching payments match ratio in certain 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: 1<sup>st</sup> \$1000-2000 matched
8. New Jersey- \$2:1

**Municipalities and Counties:**

1. Long Beach, Ca. \$2:1, primary; and \$1:1, runoff elections; no match for Special Elections
2. Santa Fe- \$2:1
3. Los Angeles, California-\$2:1 in primary and \$4:1 in general, absent certain criteria 1:1
4. Boulder, Colorado-\$1:1 match (qualified)
5. San Francisco- \$6:1
6. Tucson, Arizona- \$1:1
7. Baltimore, Maryland- \$9:1 for the first \$25 of each qualified contribution, \$5-1 for the second \$50, and \$2-1 for the remaining \$75 of a contribution up to \$250: with a maximum limit in the amount of \$150 for match and \$0 for each dollar raised from \$151 - \$250
8. Portland, Oregon- \$9:1 match for the first \$20 of each qualified contribution (for donor whose donation did not get matched to a candidate in the same race)
9. Denver, Colorado- \$9-1 match for the first \$50 of a qualified contribution
10. Oakland: Match/reimburse in increments of \$500 and \$1,000.
11. New Haven: \$60 match per contributor of \$30 or more; \$2:1 for first \$30
12. Montgomery County: \$6:1 for first \$50 of \$250 contribution; \$4:1 for \$51 - \$100; and \$2:1 for \$101 - \$150. \$0 for \$151 - \$250
13. Richmond, California: Disburses \$2,500 for every \$5,000 in matchable contributions collected after \$10,000, and cannot exceed \$12,500 in total matching payments
14. Howard County: \$7:1, for first \$50 of \$250 contribution; \$4:1 for \$51 - \$100; and \$1:1 for \$101 - \$150. \$0 for \$151 plus
15. Prince George's County: \$7:1, for first \$25 of \$250 contribution; \$5:1 for \$26 - \$76; and \$1:1 for \$77 - \$150. \$0 for \$151 - \$250
16. New York, New York - \$8:1 up to the matchable portion of the contribution limit dependent on office sought (for instance, match for first \$250 of \$2000 contribution limit for the office of Mayor)
17. Berkely, California - \$6:1
18. Albuquerque, New Mexico - \$1 per registered voter in the district area minus total seed money collected, and \$1.75 per registered voter in the city, minus total seed money collected

**Summary Analysis:** Based upon the practices of the above jurisdictions with public funding programs for campaigns, in the form of matching funds, 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 certain national jurisdictions:**

**States:**

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

**Municipalities and Counties:**

1. New Haven-\$23,000 per primary or general election
2. Oakland, California- limited to 10% of the expenditure limit
3. Austin, Texas- limited to 5% of the expenditure limit
4. Boulder, Colorado- limited to 20% of expenditure limit
5. San Francisco, California - \$5,000
6. Tucson, Arizona- limited to 3% of expenditure limit
7. Denver, Colorado- personal loans up to \$5,000 (repayment made only from non-public funds)
8. Long Beach, California, \$10,000- \$25,000 per election (for various seats)
9. Los Angeles, California - \$31,100 for City Council, \$124,500 for City-Wide positions
10. Howard County, Maryland - can accept up to \$12,000 but no more than \$6,000 from immediate family
11. Montgomery County, Maryland – Loan cannot exceed \$12,000 from candidate and spouse
12. Baltimore, Maryland - \$6,000 from candidate and/or spouse
13. Berkeley, California - \$250 or less from candidate
14. New York, New York – Candidates may give their own campaign three times the individual contribution limit

**Summary Analysis:** Based upon the practices of the above jurisdictions with public funding programs for campaigns, in the form of matching funds, 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, and At-Large and Ward Member of the State Board of Education.

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

**States:**

1. 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 and Counties**

1. Oakland, CA
2. Howard County, Maryland
3. Berkeley, California
4. Montgomery County, Maryland
5. Baltimore City, Maryland
6. New York, New York
7. Denver, Colorado

**Summary Analysis:** Based upon the practices of the above jurisdictions with public funding programs for campaigns, in the form of matching funds, 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 certain national jurisdictions:**

**States:**

1. Florida
2. Hawaii
3. Vermont
4. Maine

**Municipalities and Counties:**

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

7. New Haven, Connecticut
8. Richmond, California
9. Howard County, Maryland
10. Montgomery County, Maryland
11. Baltimore, Maryland
12. Albuquerque, New Mexico.

**Summary Analysis:** Based upon the practices of the above jurisdictions with public funding programs for campaigns, in the form of matching funds, 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 certain national 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

**Municipalities and Counties:**

1. New York, New York
2. Long Beach, California
3. Albuquerque, New Mexico
4. New Haven, Connecticut
5. Los Angeles, California
6. Oakland, California
7. Richmond, California
8. Austin, Texas
9. Sacramento, California
10. Boulder, Colorado
11. San Francisco, California (includes independent expenditures) (permits 3<sup>rd</sup> party Independent Expenditures)
12. Tucson, Arizona (limited to 4% for food for entire campaign, joint expenditure forms to be filed /appropriate for use in Special Elections)
13. 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, 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 At-Large and Ward State Board of Education Member), 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 certain national jurisdictions:**

**States:**

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

**Municipalities and Counties:**

1. Denver, Colorado

**Summary Analysis:** Based upon the practices of the above jurisdictions with public funding programs for campaigns, in the form of matching funds, the 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. 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 and Counties:**

1. Seattle, Washington
2. Albuquerque, New Mexico (qualified contributions only from registered voters)
3. Portland, Oregon

**Summary Analysis:** Based upon the practices of the above jurisdictions with public funding programs for campaigns, in the form of matching funds, 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 certain 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 and Counties:**

1. Denver, Colorado
2. Seattle, Washington
3. Boulder, Colorado
4. Albuquerque, New Mexico
5. Tucson, Arizona
6. Howard County, Maryland
7. Montgomery County, Maryland
8. Baltimore, Maryland
9. Prince Georges County, Maryland
10. New York City, New York

**Summary Analysis:** Based upon the practices of the above jurisdictions with public funding programs for campaigns, in the form of matching funds, 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, specify that in-kind contributions are not matchable, 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.

### **III. Short Survey of Municipal Jurisdictions with Matching Fund Programs**

The following is an abbreviated summary of municipal jurisdictions with programs for public funding through the payment of matching funds.

#### **(1) New York, New York**

<https://nyccfb.info/>

[CandidateServices@nyccfb.info](mailto:CandidateServices@nyccfb.info)

- a. Jurisdiction – Municipal
- b. Population – 8.468 million (2021)
- c. Year Enacted – 1988
- d. Type – Matching Funds of Small Dollar Contributions from New York City residents
- e. Offices – Mayor, Citywide Public Advocate, Comptroller, Borough President, and City Council
- f. Last Election – 2021 City-Wide Elections (2022 Election/State Elections and Ballot Proposals)
- g. Participation – \$126.9 Million in Public Funds paid to 308 Candidates, matching nearly \$18.3 Million in contributions from New Yorkers; 94% of Candidates participated in the Public Funds Program in the Primary, and 81% participated in the General. Out of 59 total City Elective Offices, 57 Public Fund Candidates were elected
- 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; and public funding for candidates who face minimal opposition is capped at 25% of the maximum public funding
- n. Expenditure Limits – Set by Section 3-706 of NY CFA, applies to each primary, general, special; vary by office sought
- o. Debate Requirement: Yes – Mandatory Debates
- 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 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:

1. 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.
2. 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**

<https://www.montgomerycountymd.gov/Elections/PublicElectionFund/MontgomeryCountyPublicElectionFund.html>  
[elections@montgomerycountymd.gov](mailto:elections@montgomerycountymd.gov)

- a. Jurisdiction – County
- b. Population – 1.055 Million (2021)
- c. Year Enacted – 2015 MD. Election Law Sec. 13-505, effective for the 2018 Election Cycle
- d. Type – Matching Funds
- e. Offices – County Executive, County Council
- f. Last Election – 2022 \$5.2 Million disbursed to 20 Qualified Candidates/11 Elected Offices/8 obtained by candidates in the Program, including the County Executive
- g. Participation – 20 Public Fund Candidates
- h. Administrating 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 15<sup>th</sup> of the election year; establish a publicly funded campaign account; agree to limited contributions (\$250) (\$12,000 from self/spouse, not to exceed \$12,000 combined); 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 \$250.00
- 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. Contributions are prohibited 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 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 90 days of certification of general election results
- q. Disbursement Mechanism/Matching Rate – Yes. The Program matches the \$250.00 contribution on a sliding scale up to \$150.00, and provides 0 dollars in match for the remaining \$100.00 of the contribution. County Executive - 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 City Council - 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
  - i. District City Council - 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 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 – March 15, 2021, Bill 31-20. (Includes increased maximum contribution limits and requires audit of public financing system after the general election in the election cycle)

NOTES:

1. Maryland Election Law 13-505 authorized the counties to establish their own system of public financing. In 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.
2. 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.
3. Nine (9) mandatory reports/optional reports may be filed on the first and third Tuesday of each month after distribution period.
4. Prohibits matching dollars for contributions from candidate/spouses, and in-kind contributions of property, goods, or services.
5. 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.

**(3) New Haven, Connecticut**

<https://www.newhavenct.gov/government/democracy-fund>

[sokonofua@newhavenct.gov](mailto:sokonofua@newhavenct.gov)

- a. Jurisdiction – Municipal
- b. Population – 138,915 (2022)
- c. Year Enacted – 2007, Amended 2009 (New Haven Code of Ordinances, ORD No 1589, 5/4/09) (The New Haven Democracy Fund)
- d. Type – Matching Funds/Public Funding Grants
- e. Offices – Mayor
- f. Last Election – 2019
- g. Participation – 1
- h. Administrating 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 \$23,000 in personal funds per primary or general election. Subject to overall expenditure limits of \$445,000 per election
- l. Candidate Qualification/Threshold Requirements – two-part fundraising threshold; must collect a minimum number of 200 contributions of \$5 to \$445 from city voters. Must agree to abide by contribution and expenditure limits and ceilings; contribution limits are no more than \$445 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 \$23,000 for both the Primary and General Elections. Cap is Payable Per Election
- n. Expenditure Limits – \$445,000 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 – \$23,000 Grant upon qualifying per election; 2:1 match of contributions under \$35; \$60 match for contributions of \$35 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:

1. 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.

**(4) Albuquerque, New Mexico**

[elections@cabq.gov](mailto:elections@cabq.gov)

<https://www.cabq.gov/vote/candidate-information/publicly-financed-candidates>

- a. Jurisdiction – Municipal
- b. Population – 564,581 (2020)
- c. Year Enacted – 2005, 2011
- d. Type – Matching Funds
- e. Offices – Mayor, and City Council
- f. Last Election – 2021
- g. Participation – 10 (Including for the Offices of Mayor and District City Council Member)
- h. Administrating Agency – City Clerk
- i. Funding Source – 1/10<sup>th</sup> 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 – statewide judicial offices are eligible for public financing
- 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 district voter, and \$1.75 per registered city voter, minus seed money
- 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:

1. City of Albuquerque elections are nonpartisan.
2. The City of Albuquerque is subject to a permanent injunction from the US District Court of New Mexico from taking any action to implement certain of 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).
3. 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 City Rules and Regulations. When a campaign finance report is incomplete, the candidate is notified of the failure and has 5 calendar days from the date of notice to correct the failure. If the incomplete filing is not corrected within 5 calendar days, a fine and public reprimand I imposed. 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 may determine there has been no violation.
4. The City Clerk provides candidates with preprinted qualifying contributor books with receipts for contributions – which must be returned at the end of the qualifying period, or at end of each week, 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.

5. 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 the candidate's spending limit.

**(5) Long Beach, California**

<https://longbeach.gov/cityclerk/elections/campaign-finance>

[cityclerk@longbeach.gov](mailto:cityclerk@longbeach.gov)

- a. Jurisdiction – Municipal
- b. Population – 451,307 (2022)
- c. Year Enacted – 1994
- d. Type – Matching Funds
- e. Offices – Mayor, City Council, City Attorney, City Prosecutor, City Auditor
- f. Last Election – 2022 (last Mayoral Election, Council Districts, City Auditor, and City Prosecutor)
- g. Participation – Confirmation unavailable at time of report
- h. Administrating 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 (contribution limit) or less; City Attorney, City Prosecutor, Auditor, \$10,000 in contributions of \$350 (contribution limit) or less; and Mayor, \$20,000 in contributions of \$500 (contribution limit) 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 the 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. 2:1 in primary elections and 1: 1 match in runoff elections
- 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

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. requires that the candidate shall be opposed by a candidate who has qualified for matching funds, or who has raised at least \$10,000.

**(6) Los Angeles, California**

<https://ethics.lacity.org/campaigns/>

[Ethics.commission@lacity.org](mailto:Ethics.commission@lacity.org)

- a. Jurisdiction – Municipal
- b. Population – 3,342,811 Million (2022)
- c. Year Enacted – 1991
- d. Type – Matching Funds
- e. Offices – Mayor, and City Council, Controller and City Attorney
- f. Last Election – 2022 – Disbursed \$12,761,378.12 in matching funds
- g. Participation – Confirmation unavailable at time of report
- h. Administrating 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: \$40,000 in Primary, and \$40,000 in General
- l. Candidate Qualification/Threshold Requirements – Two-part fundraising threshold; For the 2024 Election Cycle, 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 \$129 of the contribution counts toward the threshold), and raise a minimum

- amount \$12,857 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, for the 2024 Election Cycle, Cap limit for City Council candidates, \$174,000, Primary, and \$217,000 General. Cap is Payable Per Election and the amount varies
  - 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 \$129.00 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 – Not determined
  - 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:

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

**(7) Oakland, California**

<https://www.oaklandca.gov/services>

[ethicscommission@oaklandca.gov](mailto:ethicscommission@oaklandca.gov)

- a. Jurisdiction – Municipal
- b. Population – 433,031 (2019)
- 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. \*Repealed in 2022. See Notes for this section
- 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 limits 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:

- 1. On November 8, 2022, the Limited Public Financing Program was repealed. The electorate said “Yes” to Measure W, the Oakland Fair Elections Act, which created a newly designed public campaign financing program that disperses \$100 in Democracy Dollar vouchers to eligible Oakland residents who can then assign the dollars to the candidate of their choice.

**(8) Richmond, California**

<https://ci.richmond.ca.us/3849/District-Elections>

[cityclerkdept@ci.richmond.ca.us](mailto:cityclerkdept@ci.richmond.ca.us)

- a. Jurisdiction – Municipal
- b. Population – 116,448 (2020)
- 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. Administrating 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 – Yes
- u. Recent Amendments to Public Financing Program – None

NOTES: None

## 9. San Francisco, California

<https://sfethics.org/>

[Ethics.commission@sfgov.org](mailto:Ethics.commission@sfgov.org)

- a. Jurisdiction – Municipal
- b. Population – 894,854 (2023)

- c. Year Enacted – In 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 – 2022 – Five District Elections for Board of Supervisors, 3 seats were won by Public Fund candidates; 5 of 11 candidates for Board of Supervisors who qualified for the ballot (45%) were certified for public funds; total disbursements - \$1,158,006.00, average per candidate - \$231,501.20
- g. Participation – 5 of 11 total candidates certified to receive public funds
- h. Administrating 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; allows for adjustment upwards in increments of \$50,000 (Board of Supervisors Candidates) and \$250,000 (Mayoral Candidates) based on financial activity in candidate’s race
- 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 up to the first \$150 of eligible contributions received from any single contributor
- 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

NOTES:

1. Post election – Additional claims for matching funds may continue to be filed by candidates up to the 30<sup>th</sup> day after the election. Candidates may continue to raise private funds after the date of the election. However, funds raised more than 30 days after the election date would not be subject to the forfeiture.
2. In San Francisco to be certified for public campaign funding, a non-incumbent supervisory 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.
3. 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.
4. In San Francisco, to qualify, a candidate must be opposed by another candidate, who has received contributions or made expenditures over a certain threshold amount.
5. In San Francisco, Candidates who meet established criteria qualify to receive limited amounts of public funds for their campaigns, and once certified, are 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 Supervisory Candidates) or \$252,000 (Incumbent Supervisory Candidates).
6. In San Francisco, 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.
7. 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).

8. 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.
9. 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 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.
10. 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.

## **10. Tucson, Arizona**

<https://www.tucsonaz.gov/Departments/Clerks>

[cityclerk@tucsonaz.gov](mailto:cityclerk@tucsonaz.gov)

- a. Jurisdiction – Municipal
- b. Population – 543,242 (2021)
- c. Year Enacted – 1987
- d. Type – Matching Funds
- e. Offices – Mayor, and City Council
- f. Last Election – 2022, History N/A
- g. Participation – 2019 Election – 9 out of 14 total candidates received public funds; \$363,348.89 disbursed in public funds
- h. Administrating 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. 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 election results
- 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

NOTES:

1. In Tucson, participating candidates who withdraw from the election must return an amount equal to the public funds disbursed to the candidate.
2. Tucson requires any candidate who has signed a campaign contract and later formally withdraws from candidacy, or fails to file for public office, must 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 is deemed voided.
3. In Tucson, in-kind contributions are permitted.
4. In Tucson, original signatures must be provided for all contributions.
5. 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 must pay their proportionate share of the cost.

6. In Tucson, the candidate's campaign committee, treasurer, or an agent, must make deposits within five (5) business days of receipt.
7. In Tucson, following each election, a candidate is required to submit a Post-Election report within ten days.
8. 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.
9. 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.
10. In Tucson, employment between the candidate and paid staff requires 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 is subject to a penalty.
11. The Campaign Finance Administrator cannot accept late filings without accompanying penalty fees as established by state and local laws.

## **11. Santa Fe, New Mexico,**

<https://santafenm.gov/city-clerk-community-engagement>

[kmmihelcic@santafenm.gov](mailto:kmmihelcic@santafenm.gov)

[gfcardenas@santafenm.gov](mailto:gfcardenas@santafenm.gov)

- a. Jurisdiction – Municipal
- b. Population - Santa Fe has an estimated 2021 population of 88,193
- c. Year Enacted - 2016
- d. Type – Matching Funds
- e. Offices - Mayor, City Council, and Judgeships
- f. Last Election – 2022 Judgeships
- g. Participation – Unavailable at time of Report
- h. Administrating Agency – City Clerk
- i. Funding Source – \$150,000 is budgeted each fiscal year for the public campaign fund, also receives voluntary contributions, fines levied by the campaign review board, and interest on the fund

- j. Applicable only to Contested Elections – No, uncontested candidates receive a lesser amount from the fund
- k. Open or Closed – Closed
- l. Candidate Qualification/Threshold Requirements – The maximum private donation to publicly funded candidates cannot exceed \$100. Mayoral Candidates must collect 600 contributions, minimum \$5 each, from registered qualified electors in Santa Fe, in an amount which equals 50% of the amount initially paid to candidates upon certification; and candidates for City Councilor and Municipal Judge must collect 150 contributions, minimum \$5 each, from registered qualified electors in Santa Fe, in an amount which equals 25% of the amount initially paid to candidates upon certification
- m. Cap on Public Funds - 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)
- n. Expenditure Limits – N/A
- o. Debate Requirement – None
- p. Remission of Surplus Funds Required – Yes
- q. Disbursement Mechanism/Matching Rate – Once certified, the Mayoral candidate in a contested race will receive \$60,000; and the candidates for City Councilor and Municipal Judge in contested races will receive \$15,000. All candidates once certified are allowed to file an additional report of the receipt of additional qualified contributions for match, and for Mayor, may receive a payout which may not exceed 50% of the amount initially paid; and for City Councilor and Municipal Judge, may not exceed 25% of the amount previously paid. Candidates in uncontested races are limited to payouts which may not exceed 10% of amount allowed for same office in contested races
- r. Post-Election Audits Required – Undetermined
- s. Treatment of Outstanding Penalties – Undetermined
- t. Application to Special or Vacancy Filling Elections – Undetermined
- u. Recent Amendments to the Campaign Finance Laws – 2023, Ordinance 2023-13, provided the qualifying period for the 2023 election cycle to begin 183 days prior to the election and end 106 days before election

NOTES:

1. In Santa Fe, the public campaign financing program requires candidates seeking certification in the program to deposit all initial contributions in the public campaign finance fund.
2. In Santa Fe, candidates in uncontested races are allowed to receive matching payouts but at a lesser amount.

**12. Austin, Texas**

<https://www.austintexas.gov/department/city-clerk>

[elections@austintexas.gov](mailto:elections@austintexas.gov)



- a. Jurisdiction – Municipal
- b. Population – 2021 population of 964,177
- c. Year Enacted – 2008
- d. Type – Matching Funds
- e. Funding Sources - The Austin Fair Campaign Finance Fund provides partial public support for qualifying candidates in **runoff elections**. The fund is also 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
- f. Candidate Qualification/Threshold Requirement – A candidate qualifies to participate in the Fund by signing a contract with the city agreeing to abide by the requirements of the program, and to participate in at least three candidate forums
- g. Disbursement Mechanism/Matching Rate - A qualifying candidate in a runoff election will 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 is distributed to qualifying candidates in a runoff election under the following procedure and formula:
  - (1) on request, the city clerk will state the available balance in the Austin Fair Campaign Finance Fund,
  - (2) funds for a city runoff election will be made available as soon as practicable after the results of the city general election are certified, and
  - (3) the city clerk will 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.
- h. Debate Requirement – Yes. A candidate who signs a campaign contract must participate in a series of candidate forums, whether the candidate qualifies for funds. The Ethics Review Commission shall produce not fewer than three forums for each contested race
- i. Applicable to only Contested Elections - Yes

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.
- 3. Contribution limits for the individual and in the aggregate are reviewed annually with the city budget to determine if limits should be increased or decreased.

**13. Boulder, Colorado**

<https://bouldercolorado.gov/government/departments/city-clerk>

[cityclerksoffice@bouldercolorado.gov](mailto:cityclerksoffice@bouldercolorado.gov)

- a. Jurisdiction – Municipal
- b. Population – 2021, 104,175
- c. Year Enacted – 1999, implemented in 2021
- d. Type – Matching Funds
- e. Open or Closed – Open, but subject to expenditure limits, and candidates cannot use personal funds more than 20% of expenditure limit
- f. Administrating Agency – City Clerk
- g. Disbursement Mechanism/Matching Rate - The city of Boulder 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 is 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 are 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

- h. Candidate Qualification/Threshold Requirements - A candidate who meets the following requirements is deemed 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.

NOTES:

1. The Boulder program’s expenditure limit is fifteen cents per each registered voter after the voting records have been checked and purged successfully.

**14. Sacramento, California**

<https://elections.saccounty.net/Pages/default.aspx>

[Voters-campaignservices@saccounty.gov](mailto:Voters-campaignservices@saccounty.gov)

- a. Jurisdiction – Municipal
- b. Population – 2021, 525,041
- c. Year Enacted - The City of Sacramento has adopted local campaign finance regulations for public campaign financing (also referred to as matching funds). The regulations may be found in the Political Reform Act of 1974 and provide guidelines for financial support for a candidate for elective office
- d. Type - Matching Funds. The public matching dollars were distributed from the City's Campaign Reform Fund. The Fund consisted of **open** financing, but the candidates were subject to overall contribution limits
- e. Current Status - The Campaign Reform Fund has not been funded since Fiscal Year 2010/2011, making public financing unavailable in the City of Sacramento at this time

NOTES:

1. The Sacramento Campaign Reform Fund is not in use, due to budget constraints.

## 15. Denver, Colorado

<https://denvergov.org/Government/Elections>

[campaignfinance@denvergov.org](mailto:campaignfinance@denvergov.org)

- a. Jurisdiction – Municipal
- b. Population – 2021, 711,463
- c. Year Enacted - 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
- d. Type – Matching Funds
- e. Offices – Mayor, City Council, Auditor, Judge, City Clerk and Recorder
- f. Last Election – Will become effective for elections conducted in 2023
- g. Administrating Agency – Office of the City Clerk and Recorder
- h. Funding Source - \$8 Million Dollar Fund generated by an annual transfer from the City and County General Fund of \$2.88 for each Denver resident
- i. Applicable only to Contested Elections – Yes
- j. Candidate Qualification/Threshold Requirements - To be eligible to be certified as a participating candidate, a candidate must collect the following number of qualifying contributions in the amount of 250 for Mayor and 100 for City Council at-large, Auditor, Judge, and Clerk and Recorder

- k. Cap on Public Funds – Yes. Mayor, \$750,000, and for At-Large Council Member, Clerk and Recorder, and Auditor, \$250,000, and for District Council Member, \$125,000
- i. Limitations on Contributions - 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. May only accept contributions 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 the candidate seeks
- j. Debate Requirement - Participating candidates must agree to participate in at least two public debates
- k. Disbursement mechanism/Matching Rate - 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 of \$50 for match, 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
- l. Remission of Surplus Funds Required – Yes
- m. Post-Election Audits Required – No. Each Fair Election Fund Committee will be audited on every report submitted to the agency and includes review of all contributions, in-kind contributions, and expenditures for both bank accounts and non-fund bank accounts. Bank account statements must be submitted following the filing of required reports

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.

**16. Baltimore, Maryland**

<https://fairelectionfund.baltimorecity.gov/>

[BaltimoreFairElectionFund@baltimorecity.gov](mailto:BaltimoreFairElectionFund@baltimorecity.gov)

- a. Jurisdiction – Municipal
- b. Population – 576,498 (2021)
- c. Year Enacted – 2020
- d. Type – Matching Funds
- e. Offices – Mayor, Comptroller, and City Council

- f. Last Election – The Fund will launch in 2024.2022
- g. Participation – N/A
- h. Administrating Agency – City Department of Finance, with the City’s Fair Elections Fund Commission, and the State Board of Elections
- i. Funding Source – City Appropriations/Remitted Funds/Proceeds from fines, fees, surcharges, or other revenues/Grants or Voluntary Donations to Fund / Interest on 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 collect limited contributions (up to \$150) from city residents for the office of Mayor, 500 contributions totaling in the aggregate \$40,000, for Council President and Comptroller, 250 contributions totaling in the aggregate \$15,000, and for City Council, 150 contributions totaling \$5,000 in the aggregate. Only contributions from city residents are eligible for a match of at least \$5.00 but no more than \$150.00. A candidate and his spouse may contribute or loan up to \$6,000
- m. Cap on Public Funds made available/Per Election/Election Cycle – Yes, Cap limit established by statute per election cycle: \$1,700,000 for Mayor; \$425,000 for Council President; \$250,000 for Comptroller; and \$125,000 for City Council. May accept eligible contributions from non-county residents. Contributions are prohibited 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 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 on or before December 31<sup>st</sup> after the general election r
- q. Disbursement Mechanism/Matching Rate – Yes. The Program matches the \$150.00 contribution on a sliding scale up to \$150.00, and provides a one-time qualifying boost for all offices except the City Council. The contributions are matched at a \$9-1 ratio for the first \$25 of each contribution; \$5-1 ration for \$26 - \$75 of each contribution; and \$2-1 ratio for \$76 - \$150 of each contribution for all offices except City Council which is paid at a \$9-1 ratio for the first \$25 of each contribution
- r. Post-Election Audits Required – Undetermined
- s. Treatment of Outstanding Penalties – Undetermined
- t. Application to Special or Vacancy Filling Elections –Undetermined
- u. Recent Amendments to Public Financing Program – Undetermined

NOTES:

1. Maryland Election Law 13-505 authorized the counties and the City of Baltimore to establish their own system of public financing. The Baltimore Fair Elections

Fund was established in 2020, to provide public campaign financing for City elective office.

2. The Administrating Agency is required, where the fund is insufficient, to adjust distributions and qualified boots by the same percentage.
3. Prohibits matching dollars for contributions from candidate/spouses, and in-kind contributions of property, goods, or services.

## 17. Portland, Oregon

<https://www.portland.gov/elections/campaign-finance>

[elections@portlandoregon.gov](mailto:elections@portlandoregon.gov)

- a. Jurisdiction – Municipal
- b. Population – 641,162 (2021)
- c. Year Enacted – 2018, established the Open and Accountable Election Program, amended in December 2022
- d. Type – Matching Funds
- e. Offices – Mayor, Commissioner, and Auditor
- f. Last Election – 2022
- g. Participation – Under review
- h. Administrating Agency – Office of Small Donor Elections
- i. Funding Source – City Council Appropriations/Remitted Funds/Interest on Public Election Funds/Voluntary Donations to Fund / Fines imposed for violations of the Program
- 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 raise a certain number of contributions to qualify for public matching. Candidates for Mayor must raise at least 750 contributions, in the amount of \$5 - \$350 each, and Candidates for Commissioner or Auditor must raise contributions in the amount of \$5 - \$350 from at least 250 donors. Candidates must raise the required number of contributions from individuals living in the City of Portland. Funds may be collected from donors living outside of Portland, but only donations from Portland residents count towards the qualifying requirement
- m. Cap on Public Funds made available/Per Election/Election Cycle – Yes, Cap limit established by statute: *Mayoral* candidates can earn up to \$750,000 in matching funds. *Commissioner* candidates can earn up to \$300,000 in matching funds, and Auditor candidates can earn up to \$100,000 in matching funds. The funds are disbursed in three rounds by submission of 250 donors, 750 donors, and 1,250 donors. May accept in-kind contributions of no more than \$5000 per election per donor from a small donor organization or in the form of democracy building activities; and may accept loans in the maximum amount of \$5,000. Candidates may make allowable or matchable contributions to their own campaigns
- n. Expenditure Limits – No

- o. Debate Requirement:
- p. Remission of Surplus Funds Required – Yes. After the election, candidates must return any unspent public funds to the Office of Open and Accountable Elections. Candidates must pay outstanding expenses and then return unspent public funds. This is calculated proportionally
- q. Disbursement Mechanism/Matching Rate – Yes. The Program matches small contributions of \$20 or less nine to-one from the City’s Open and Accountable Elections Fund. 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
- r. Post-Election Audits Required – Post-general election audits are permissible
- s. Treatment of Outstanding Penalties – All pre-existing campaign debt must be paid
- t. Application to Special or Vacancy Filling Elections - Yes
- u. Recent Amendments to Public Financing Program – 2022

NOTES:

- 1. Portland, Oregon matches contributions nine -to-one from the City’s Open and Accountable Elections Fund, up to \$20 per donor.
- 2. 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.
- 3. The Director of the Program is authorized to reduce the total city matching funds where there is a significant risk that the fund is insufficient and may increase the contributor amount in proportion to the reduced match rate of total city matching funds.

**(18) Howard County, Maryland**

<https://www.howardcountymd.gov/boards-commissions/citizens-election-fund-commission>

[citizenselectionfund@howardcountymd.gov](mailto:citizenselectionfund@howardcountymd.gov)

- a. Jurisdiction – County
- b. Population – 334,529 (2020)
- c. Year Enacted – 2017. 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 Executive
- d. Type – Matching Funds
- e. Offices – County Executive, County Council

- f. Last Election – 2022
- g. Participation – Not available
- h. Administrating Agency – Citizens’ Election Fund Commission
- i. Funding Source – City Council Appropriations/Remitted Funds/Returned Contributions/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 – 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.

- m. Cap on Public Funds made available/Per Election/Election Cycle - Yes, Cap limit established by statute per election. For County Executive, the maximum public contribution is \$700,000, and for County Council, the maximum public contribution is \$85,000. May accept eligible contributions from non-county residents. Contributions are prohibited 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 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 at end of contested campaign, or on or before December 31<sup>st</sup>, after the general election
- q. Disbursement Mechanism/Matching Rate – Yes. 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 \$85,000 per election cycle
- r. A candidate needs only to qualify once 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
- s. Post-Election Audits Required – Post-general election audits are required
- t. Treatment of Outstanding Penalties –
- u. Application to Special or Vacancy Filling Elections – Only applies to contested elections, including special election held to fill a vacancy in a covered office
- v. Recent Amendments to Public Financing Program – Undetermined

NOTES:

1. Maryland Election Law 13-505 authorized the counties to establish their own system of public financing.
2. Howard County’s program allows candidates to receive up to \$12,000 in loans with a limit of \$6,000 each from the candidate’s immediate family.
3. 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.
4. 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.
5. In-Kind contributions cannot exceed the contribution limit of \$250 and must be from individuals.
6. The Citizens’ Election fund is only available in contested elections.
7. The Program Director is authorized to reduce each public contribution by the same percentage where insufficient funds in the fund for full distribution. If zero balance, must notify County Executive and Council, and Board.

(19) Prince George's County, Maryland

<https://princegeorgescountymd.gov/559/Board-of-Elections>

[election@co.pg.md.us](mailto:election@co.pg.md.us)

- a. Jurisdiction – County
- b. Population – 955,306 (2021)
- c. Year Enacted – 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 the applicable date for an additional four years, until 2026
- d. Type – Matching Funds
- e. Offices – County Executive, County Council
- f. Last Election – Applicability delayed until the 2026 Election Cycle
- g. Participation – Not applicable
- h. Administrating Agency – Campaign Finance Division of the Maryland State Board of Elections
- i. Funding Source – City Council Appropriations/Remitted Funds/Returned Contributions/Interest on Public Election Funds/Voluntary Donations to Fund
- 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 agree to limited contributions (\$250) (\$6,000 from self/spouse); 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, \$15,000- District CC, 125, \$7,500). 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 cycle for County Executive; \$200,000 for At- Large CC; and \$75,000 for District CC. May accept eligible contributions from non-county residents. Contributions are prohibited 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 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 before December 31<sup>st</sup> following the general election
- q. Disbursement Mechanism/Matching Rate – Yes. The Program matches the \$250.00 contribution on a sliding scale up to \$150.00, and provides 0 dollars in match for the remaining \$100.00 of the contribution. For all candidates for office, - 7:1 match for each dollar of first \$25; 5:1 for each dollar for the next \$50; and 1:1 for each remaining dollar to the maximum limit of \$150.00 allowed

- r. Post-Election Audits Required – Post-general election review required for the Small Dollar Finance Program by the Commission after each general election following amendments to the Public Campaign Financing Program in 2018
- s. Treatment of Outstanding Penalties – Not determined
- 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 –Yes, 2018, requires audit of public financing system after the general election in the election cycle

NOTES:

1. Maryland Election Law 13-505 authorized the counties to establish their own system of public financing.
2. Provides for Distribution Period – begins 365 days before the Primary Election and ends 15 days after the date of the General Election.
3. Prohibits matching dollars for contributions from candidate/spouses, and in-kind contributions of property, goods, or services.
4. 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.

**IV. Legislative Recommendations**

The foregoing review of the 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.

Therefore, after careful examination and analysis of the jurisdictions with alternative combinations of types of public funding for campaigns, there are no proposed recommendations to substantively modify the structure of the District of Columbia’s Fair Elections Program currently. However, there are areas gleaned through the research, and considering the experience of the Agency administering the Fair Elections Program through two (2) Election Cycles which require further review and may require clarification by legislative enactment going forward, including clarification of the ability of participating candidates in the Fair Elections Program to continue to collect contributions post-election which are not matched for the payment of debt; specifying the timeframe for the commencement of the distribution of payments from the Elections Fund, to begin

no earlier than the July 31<sup>st</sup> Reporting Date of the calendar year immediately preceding the calendar year in which the election is held; limiting the opportunity to validate a previously rejected small contribution for match to within ten (10) calendar days of notice of the rejection; and to require the completion of post-election audits for winning candidates within six months of the certification of the general election results by the Board of Elections.

## **V. Conclusion**

In conclusion, the Office of Campaign Finance submits, based upon the analysis of the research on national trends, comprised of all jurisdictional provisions, that the Fair Elections Program 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 of the other jurisdictions continues to provide a solid foundation for the opportunity to address the challenges the Agency may face ahead through the administration of future election cycles, and to strengthen the Fair Elections Program, when and if it becomes necessary or warranted. As campaign finance reform continues nationally, the District will continue to lead the way towards a system that ensures voters and ideas as opposed to large infusions of money decide the outcome of campaigns and elections.