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Howard County Government

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# Frequently Asked Questions

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Citizens' Election Fund

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*The following questions and answers are provided for general information only. **Please check here often for updates.** They do not purport to be legal advice. Questions involving application of the Citizens' Election Fund law to your particular circumstances should be addressed to a lawyer.*

### **What is the Citizens' Election Fund and for what purpose was it established?**

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

### **Who is eligible to participate in this Program?**

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

### **Can you clarify what is considered to be a contested election? Does the election have to be contested in both the general and primary for it to be considered contested for both (i.e. there are 2 Democrats running for a council seat in the primary, but there is no Republican candidate for the general, is this still considered contested in the primary election)?**

A "contested election" is defined as any election, including a special election, in which there are more candidates for office than the number who can be elected to that office.

An election does not have to be contested in both the primary and the general election in order to be a "contested election." The primary and general elections are separate elections under the public campaign finance law and the determination of whether an election is contested is made independently for each election. An election is contested if there are more candidates for the office than the number who can be elected to that office. For example, if there are two Democrats and one Republican running for a single County Council seat in the primary, the Democratic primary election is contested, but the Republican primary is not contested.

### **Can a candidate participate in the Citizens' Election Fund (CEF) Program during the primary election, and if they win, choose to opt out of participating in the Program during the general election (i.e. if a candidate becomes a certified candidate in the primary)?**

A candidate need only qualify once (i.e., receive a certain number of qualifying contributions that total a certain amount) to become a certified candidate during an election cycle, which is defined as the primary and the general election for the same term of a covered office. A certified candidate who accepts a matching public contribution during a primary or general election becomes a participating candidate for that primary or general election. In other words, participation in the primary election is separate from participation in the general election. But a certified candidate who accepted a public contribution during the primary election (and won) must participate in the general election unless that

candidate files a statement of withdrawal with the State Board of Elections and repays the Fund the full amount of the public contributions received, with interest.

**What is the maximum amount of matching funds that each candidate can receive during an election? Can they receive the maximum amounts (i.e. \$700k) in the primary and the general elections or can they only receive the maximum amount over the entire election cycle?**

The statutory maximum public contribution a certified candidate can receive is calculated together for the primary election and for the general election. For example, a certified candidate for County Executive can receive \$700,000 in public contributions for the election cycle.

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

Individuals can contribute up to \$250, however only contributions from County residents will qualify for matching public funds. Qualifying contributions must be made by County residents with an aggregate donation in a 4-year election cycle of a minimum of \$5 but not greater than \$250 within the election cycle.

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

File a notice of “intent to qualify” for the Program with the Maryland State Board of Elections via their electronic filing system not later than 9 p.m. on the last Tuesday in February in the year in which the primary election will be held.

- Establish a publicly funded campaign account for the purpose of receiving eligible contributions, deposit into the account all qualifying eligible contributions (Note: proof of receipt of each qualifying contribution must be submitted to the Maryland State Board of Elections) and spend funds in accordance with Program regulations.
- Each candidate must collect from County residents at a minimum:
  - o 500 qualifying contributions (minimum \$5 but not to exceed \$250); and
  - o An aggregate total of \$40,000.

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

File a notice of “intent to qualify” for the Program with the Maryland State Board of Elections via their electronic filing system  
Elections not later than 9 p.m. on the last Tuesday in February in the year in which the primary election will be held.

- Establish a publicly funded campaign account for the purpose of receiving eligible contributions, deposit into the account all qualifying eligible contributions (Note: proof of receipt of each qualifying contribution must be submitted to the Maryland State Board of Elections), and spend funds in accordance with Program regulations.
- Each candidate must collect from County residents at a minimum:
  - o 125 qualifying contributions (minimum \$5 but not to exceed \$250); and
  - o An aggregate total of \$10,000.

### **How would a candidate file a notice of intent to qualify for the Program and register a Public Finance Committee?**

All candidates who wish to participate in the Program would file their intent to qualify and establish a Public Finance Committee with the State Board of Elections via their electronic filing system. The following is a link to the State Board of Elections filing website.

<https://campaignfinance.maryland.gov/Public/PublicFinanceCommitteesHelp>

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

- Each County Executive candidate must collect from County residents at a minimum:
  - o 500 qualifying contributions (minimum \$5 but not to exceed \$250); and
  - o An aggregate total of \$40,000.
- Each County Council Member candidate must collect from County residents at a minimum:
  - o 125 qualifying contributions (minimum \$5 but not to exceed \$250); and
  - o an aggregate total of \$10,000.

### **How are public funds distributed to a candidate once they become certified and request a matching distribution?**

Upon receiving the minimum number of qualifying contributions, a candidate would submit their qualifying contributions to the State Board of Elections to be certified. The State Board of Elections will then certify the contributions within 10 business days of receiving them. If the State Board of Elections certifies the contributions, they will then submit authorization to the County's Director of Finance to distribute a public contribution to the certified candidate's publicly funded campaign account. The Director of Finance must deposit the authorized public contributions in the candidates publicly funded campaign account within 3 business days after the Board authorizes the public contribution.

**What are the matching distribution amounts that a candidate can receive once they become certified?**

Upon certification, the matching amounts of public funds from the CEF are listed in the table below:

COVERED OFFICE	Qualifying Contribution	Matching Public Dollars	Qualified Contribution Threshold	Maximum Public Contribution
County Executive	\$1	\$7	First \$50	\$700,000 Per Election Cycle
	\$1	\$4	Dollars \$51 - \$100	
	\$1	\$1	Dollars \$101 - \$150	
	\$1	\$0	> Dollars \$151 - \$250	
County Council	\$1	\$5	First \$50	\$85,000 Per Election Cycle
	\$1	\$3	Dollars \$51 - \$100	
	\$1	\$1	Dollars \$101 - \$150	
	\$1	\$0	> Dollars \$151 - \$250	

**Where does the Citizens’ Election Fund receive its funding?**

All funds that are in the Citizens’ Election Fund are:

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

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

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

Within 30 calendar days after the County Board certifies the results of the primary election, a participating candidate who is not going to be on the ballot for the general election must return any unspent money to the Fund.

On or before December 31 after the general election, a participating candidate must return any unspent money to the Fund.

**If, as a certified candidate, I receive a distribution(s) from the Citizens' Election Fund for my campaign but later decide to withdraw from the Program, do I have to pay back the public contributions received?**

Yes, if a candidate receives any distributions from the Citizens' Election Fund and later withdraws from the Program, for whatever reason, the candidate must return all Citizens' Election Fund contribution amounts, including interest on the returned amount that was received during the election cycle within 10 calendar days. Interest is to be computed using the prime lending rate (published by the Federal Reserve Board) as of January 1 in the year in which the distribution is repaid to the Citizens' Election Fund. A candidate who withdraws shall repay the fund before repaying any personal loans to the candidate's campaign.

**What happens if the Citizens' Election Fund runs out of funding during an election cycle?**

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

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

To qualify to participate in the Citizens' Election Fund Program, a candidate must become certified by meeting the required contribution thresholds (contribution number and dollar amounts) as well as not accepting contributions outside of the Qualified Contribution guidelines (e.g. \$5 - \$250, made by County resident, etc.). All Eligible Contributions will be deposited into the Candidate's established publicly funded campaign account for the exclusive purpose of receiving eligible contributions and spending funds in accordance with the Program. Any funds raised by a candidate prior to filing a notice of intent with the State Board of Elections cannot be used by the candidate at any point during their certified candidacy.

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

The Distribution Period begins 365 calendar days before the Primary Election and ends 15 calendar days after the General Election that the candidate is participating in. For the 2022 election, the Distribution Period will run from June 28, 2021 through November 23, 2022.

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

All determinations of candidate eligibility and compliance reside with the State Board of Elections (the Board). The decision by the Board whether to certify a candidate is final. Upon certification, the Board determines the amount of public contribution matching funds to distribute to each candidate based on

their eligible contributions. All questions and disputes pertaining to permissible campaign expenditures are determined by and should be directed to the Board.

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

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

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

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

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

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

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

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

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

The Qualifying Period for becoming a certified candidate begins on January 1 following the prior General Election and ends 45 calendar days prior to the Primary Election that the candidate is participating in. For the 2022 election, the Qualifying Period will run from January 1, 2019 through May 14, 2022.

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

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

- **Example 1:** On March 1, 2021, Candidate A contracts with a bus manufacturer to build a custom campaign bus and pays \$100,000 in full for the bus to be built and delivered on July 1, 2021. On April 1, 2021, Candidate A files their notice of intent to participate in the Citizens' Election Fund with the State Board of Elections. On July 1, 2021, upon receipt of the pre-paid campaign bus, Candidate A would be in violation of the Citizens' Election Fund regulations which prohibit the advanced purchase of goods and services with ineligible contributions received outside of the Program.
- **Example 2:** On March 1, 2021, Candidate B contracts with a web developer to create a campaign website for the cost of \$10,000 and pays in full at the time. On March 21, 2021, the website is completed and published to the world wide web with an ongoing monthly fee of \$99, which began on March 21, 2021. On April 21, 2021, Candidate B files their notice of intent to participate in the Citizens' Election Fund with the State Board of Elections. Upon filing this notice of intent, Candidate B now pays the monthly website fee of \$99 from the candidate's publicly funded campaign account. This is considered to be an allowable expense within the Program since the asset was purchased, received, and in operation prior to the candidate filing the notice of intent and all associated fees moving forward for current charges are being paid out of the approved publicly funded campaign account.

### **Can a County resident contribute to multiple candidates who participate in the Citizens' Election Fund Program?**

Yes. As long as each candidate receives no more than \$250 from an individual during a 4-year election cycle, the individual can contribute to as many qualified candidates as they so choose.

### **Are there any sample contribution forms or templates available for campaigns to use?**

Yes, see the below links for contribution sample templates:

Contribution Card Sample:

[http://www.elections.state.md.us/campaign\\_finance/documents/Contribution\\_Card.pdf](http://www.elections.state.md.us/campaign_finance/documents/Contribution_Card.pdf)

In-Kind Contribution Sample:

[http://www.elections.state.md.us/campaign\\_finance/documents/In-Kind%20contributions.pdf](http://www.elections.state.md.us/campaign_finance/documents/In-Kind%20contributions.pdf)

### **Where can I see how many candidates have filed an intent to qualify for the Program or how many certified candidates there are participating in the Program?**

To view all campaign committees that have been certified or have filed an intent to become certified to participate in the Program, click on the below link, in the drop down box for "Committee Type", select the last option "Public Financing Committee", then click search.

<https://campaignfinance.maryland.gov/Public/ViewCommittees>



**When a candidate files a notice of intent to qualify for the Program, what must happen to all monies in other prior campaign accounts affiliated with this candidate?**

Upon filing a notice of intent to qualify for the Program, a candidate may only use eligible and qualified contributions (including matching public funds) that have been deposited into their public campaign finance account. Any other accounts affiliated with a candidate must be inactive and may not be used while a candidate is participating in the Program.

**If it appears that a candidate has violated the Program rules and regulations that they declared with the State Board of Elections to agree to follow, who should be notified of the perceived violation?**

A complaint alleging an impermissible receipt or use of funds by a participating candidate must be filed with the Citizens' Election Fund Commission in accordance to Howard County Code §10.307(b). A participating candidate must provide the Commission with reasonable access to the financial records of the candidate's publicly funded campaign account, upon request.

**If a candidate chooses not to participate in the CEF Program during the primary, can they participate in the CEF Program during the General Election?**

The code doesn't specifically prohibit anyone from participating in the CEF Program in the general election even if they chose not to do so during the primary election. However, the qualifying period for a candidate to be able to participate in the Program ends on 5/14/22, prior to the primary election that will be held on 6/28/22. Therefore, 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.

**Can a candidate accept in-kind contributions?**

The Program allows for in-kind contributions using the same restrictions that are in place for other contributions (i.e. limited to \$250 per contributor, can only be given from an individual, etc.). However, unlike other contributions, in-kind contributions are not matched with public funds.

**Can a candidate accept cash contributions?**

Yes, cash contributions are allowable and can be matched as long as the contribution meets the Program's requirements for matching (i.e. between \$5 - \$250, made by a County resident, etc.) and all required contributor information is collected at the point of contribution, similar to that of a contribution made by check or electronic payment. Cash contributions are limited to \$100 in the aggregate for the election cycle to your campaign committee by a contributor per State law.

**Can a County resident who is making a qualified contribution use a P.O. Box as their listed address on their contribution card?**

No, even if an individual certifies or confirms that they are a County resident, they still need to include their County resident address on the Contribution Card that they fill out along with their campaign contribution. If a non-resident or P.O. Box address is provided on a contribution card, it will not be

considered a qualifying contribution and therefore will not be eligible for a distribution from the Citizens' Election Fund.

**If a County resident makes a qualified contribution to a qualifying candidate during their campaign, but moves residences from the individuals County address to one outside of the County prior to the election, is the contribution still a qualifying contribution and eligible to be matched by public funds?**

Yes, if at the time of the campaign contribution, the individual is a resident of the County, then the contribution is considered a qualified contribution and is eligible to receive a distribution from the Citizens' Election Fund.

**If an individual resident makes 10 separate contributions of \$15, does that count as 10 contributions or only 1 individual contribution?**

The \$150 in aggregate that were made in 10 separate contributions would qualify as 1 individual contribution. Contributions are recognized by individual resident rather than by a single contribution amount. It should also be noted that each resident may only contribute up to \$250 in any given election cycle, regardless of how many single contributions they make.

**If an individual made a contribution to a candidate's campaign prior to the candidate filing an intent to participate in the CEF Program, can the same individual make an additional contribution of \$250 to the same candidate after the candidate has filed their intent to participate in the Program?**

No, a candidate may only receive the maximum of \$250 from any individual during an election cycle, which includes amounts received prior to electing to participate in the Citizens' Election Fund Program. However, if an individual only contributed \$50 to a campaign prior to the candidate electing to participate in the CEF Program, the individual could still contribute up to \$200 in qualified contributions to the candidate's public campaign account during that election cycle.

**Is an applicant candidate required to obtain a contribution receipt for eligible contributions or is this requirement only for qualifying contributions?**

A contribution receipt is required for all contributions received, eligible and qualifying, during a candidate's public financing campaign. Failure to submit a receipt for an eligible contribution from a non-resident would not result in the loss of matching contributions otherwise earned, however, it could result in a fine to the campaign for violating the law after an audit is performed if the candidate cannot prove who made the eligible contribution and for how much.

**If an applicant candidate files for certification with the State Board of Elections and it is determined that they don't meet the minimum requirements to qualify for public financing due to errors, is the candidate automatically disqualified from participating in the Program or can they correct any errors and resubmit to become qualified?**

A candidate may submit only one application for certification for any election. A candidate may correct any mistakes in the application for certification within the earlier of 10 business days after receiving

notice that the Board denied the application, or, by the end of the qualifying period. **Under no circumstances** may an applicant candidate solicit new qualifying contributions after the application has been filed. The following examples illustrate these points.

Example 1: On June 1, 2021, Candidate A files an application for certification with the appropriate number, and total dollar amount, of qualifying contributions for the covered office. During its review, the Board determines that some of Candidate A's qualifying contributions were made by non-County residents and therefore do not meet the minimum requirements. Candidate A will then be allowed to correct this mistake by resubmitting the application with proof of additional qualifying contributions that were made by County residents, and deposited in Candidate A's campaign account, prior to June 1, 2021.

Example 2: On June 1, 2021, Candidate B files an application for certification without the appropriate number, and total dollar amount, of qualifying contributions for the covered office. The Board denies the application, but Candidate B did not have any other contributions in addition to those that had been included in the application on June 1, 2021. Candidate B will not be allowed to resubmit the application and will be disqualified from participating in the Program for not meeting the minimum qualifications to become a certified candidate.

**If an individual who lives outside of the County makes an eligible contribution of \$50 to a candidate's public campaign, then subsequently moves into the County and contributes an additional \$200 to the same candidate's public campaign, at what matching level would the \$200 qualifying contribution be matched at?**

The County law states that matching dollars must be distributed to a candidate's public campaign account for each qualifying contribution received. The matching dollar calculation is based on three separate \$50 dollar increments depending on which County elective office the candidate is seeking. For example, if the above candidate was running for the office of County Executive, the first \$50 would be matched at \$7 for each dollar of a qualifying contribution received, \$4 for each dollar of the second \$50, and \$1 for each dollar of the third \$50. Therefore, in the above example where only the \$200 in-County contribution is considered, the candidate's campaign would receive matching funds of \$7 for the first \$50 in qualifying contributions and \$4 for the second \$50 in qualifying contributions, and \$1 for the third \$50 of qualifying contributions for a total of \$600 in matching funds.

**If an individual who lives in the County makes an in-kind contribution of \$250 to a candidate's public campaign, does this contribution get counted as a qualifying contribution towards candidate certification?**

No, in-kind contributions are considered allowable within the Program as a transfer of value to the campaign, but these contributions are not matched with public funds or counted towards a candidate's certification as a qualifying contribution.

**When is the last date that a candidate can file for certification to become a qualified candidate, eligible to receive matching funds during the 2022 election cycle?**

The Program's qualifying period ends 45 calendar days before the date of the primary election (May 14).

The Program allows for candidates to file campaign finance reports on the first and third Tuesday of each month during the qualifying period. Since the third Tuesday in May 2022 falls after the qualifying period deadline (May 17), a candidate filing for certification will be allowed to submit their qualifying report on May 17, 2022, with all qualifying contributions received on or before May 14, 2022 being allowable for qualifying purposes.

### **How can a candidate request public funds?**

A public financing committee may file additional reports requesting public funds. These optional reports can only be filed on the first and third Tuesday of February, March and July for the primary election and in September and November for the general election after the distribution period has begun.

Again, to receive publicly matched funding, the public financing committee must provide to the State Board a campaign finance report that includes:

- each qualifying contribution received;
- each expenditure made by the candidate;
- all receipts associated with each contribution and expenditure.

### **Up to what point can a candidate receive qualifying contributions for the primary election and expect to receive matching public contributions? What if the candidate is unsuccessful in the primary election and will not appear on the general election ballot – will they still receive the requested matching funds received until the results of the primary are certified?**

A candidate may continue to receive matching funds for qualifying contributions received during the primary election until results of the primary are certified by the County Board of Elections. A candidate must file a final reconciliation report after the County Board certifies the results of the primary election. Candidates who request matching funds for qualifying contributions received up through the County Board's certification will receive those funds once the matching funds payments are authorized for disbursement by the State Board of Elections. Authorized disbursements for matching funds received up to the County Board's certification will be made to all candidates even if they are unsuccessful in the primary election.

[For additional information related to the Program, please contact:](#)

Howard County Department of Finance  
Rafiu Ighile, Director of Finance  
E-mail: [righile@howardcountymd.gov](mailto:righile@howardcountymd.gov)  
Phone: (410) 313-2195

Jared DeMarinis – Director  
MD State Board of Elections - Division of Candidacy and Campaign Finance  
E-mail: [jared.demarinis@maryland.gov](mailto:jared.demarinis@maryland.gov)  
Phone: (410) 269-2853