



# Summary Guide

---

## Public Election Fund

## Montgomery County, Maryland

---

Published by:  
Maryland State Board of Elections  
Linda H. Lamone, Administrator

Jared DeMarinis – Director  
MD State Board of Elections - Division of Candidacy and Campaign Finance

David Crow – Department of Finance, Fiscal Projects Manager  
Montgomery County Department of Finance

Published: June 2021

# TABLE OF CONTENTS

<b>INTRODUCTION AND PROGRAM OVERVIEW</b>	<b>5</b>
<b>THE PUBLIC ELECTION FUND COMMITTEE</b>	<b>6</b>
<b>WHERE DOES THE FUNDING COME FROM</b>	<b>6</b>
<b>IMPORTANT TERMS AND DEFINITIONS</b>	<b>7</b>
<b>PUBLIC ELECTION FUND – ELECTION CYCLE CHART</b>	<b>9</b>
<b>SECTION I: PUBLIC CAMPAIGN FINANCING – HOW TO BEGIN</b>	<b>10</b>
<b>SECTION II: HOW TO REGISTER A PUBLICLY FUNDED CAMPAIGN COMMITTEE IN THE MARYLAND CAMPAIGN REPORTING INFORMATION SYSTEM (MDCRIS)</b>	<b>11</b>
<b>SECTION III: STATE BOARD OF ELECTIONS APPROVAL OF COMMITTEE</b>	<b>13</b>
<b>SECTION IV: HOW TO EDIT PUBLICLY FUNDED CAMPAIGN COMMITTEE REGISTRATION INFORMATION</b>	<b>14</b>
<b>SECTION V: DOCUMENTS NEEDED TO OPEN A PUBLICLY FUNDED CAMPAIGN BANK ACCOUNT</b>	<b>14</b>
<b>SECTION VI: CONTRIBUTIONS REQUIREMENTS</b>	<b>15</b>
<b>SECTION VII: QUALIFYING CONTRIBUTIONS</b>	<b>16</b>
<b>SECTION VIII: ELIGIBLE CONTRIBUTIONS</b>	<b>16</b>
<b>SECTION IX: IMPERMISSIBLE CONTRIBUTIONS</b>	<b>17</b>
<b>SECTION X: MATCHING FORMULA</b>	<b>17</b>
<b>SECTION XI: IN-KIND CONTRIBUTIONS</b>	<b>18</b>
<b>SECTION XII: APPLICANT CANDIDATE/APPLICANT CANDIDATE’S SPOUSE LOANS AND CONTRIBUTIONS</b>	<b>18</b>
<b>SECTION XIII: RECEIPT OF CONTRIBUTIONS</b>	<b>18</b>
<b>SECTION XIV: BANK CHECKS</b>	<b>18</b>
<b>SECTION XV: DIGITAL SIGNATURES</b>	<b>19</b>

<b>SECTION XVI: CERTIFICATION OF CANDIDATE</b>	<b>19</b>
<b>SECTION XVII: CERTIFICATION IS ONLY REQUIRED ONCE</b>	<b>20</b>
<b>SECTION XVIII: CERTIFICATION FOR GENERAL ELECTION AFTER NOT PARTICIPATING DURING THE PRIMARY ELECTION</b>	<b>20</b>
<b>SECTION XIX: CERTIFICATION FOR ELECTIVE OFFICE AFTER PREVIOUSLY QUALIFYING FOR A SEPARATE ELECTIVE OFFICE</b>	<b>21</b>
<b>SECTION XX: PARTICIPATION IN THE PRIMARY ELECTION BUT NOT GENERAL ELECTION</b>	<b>21</b>
<b>SECTION XXI: HOW TO FILE CAMPAIGN FINANCE REPORTS THROUGH MDCRIS</b>	<b>22</b>
<b>SECTION XXII: HOW TO ENTER A CONTRIBUTION</b>	<b>22</b>
<b>SECTION XXIII: HOW TO ENTER AN EXPENDITURE</b>	<b>25</b>
<b>SECTION XXIV: HOW TO LINK RECEIPTS: A TWO STEP PROCESS</b>	
<b>STEP ONE - UPLOADING RECEIPTS</b>	<b>26</b>
<b>STEP TWO - LINKING RECEIPT DOCUMENTS</b>	<b>28</b>
<b>SECTION XXV: HOW TO UNLINK RECEIPTS THROUGH MDCRIS</b>	<b>29</b>
<b>SECTION XXVI: HOW TO FILE A REPORT THROUGH MDCRIS</b>	<b>29</b>
<b>SECTION XXVII: REPORTING REQUIREMENTS</b>	<b>32</b>
<b>SECTION XXVIII: PUBLIC ELECTION FUNDS REPORTS</b>	<b>33</b>
<b>SECTION XXIX: DISTRIBUTIONS OF PUBLIC FUNDS</b>	<b>33</b>
<b>SECTION XXX: DISTRIBUTIONS OF FUNDS TIMING</b>	<b>33</b>
<b>SECTION XXXI: MAXIMUM PUBLIC CONTRIBUTIONS</b>	<b>34</b>
<b>SECTION XXXII: EXCEEDING THE PUBLIC CONTRIBUTION LIMIT</b>	<b>34</b>
<b>SECTION XXXIII: DISTRIBUTION PERIOD CLOSED</b>	<b>34</b>
<b>SECTION XXXIV: PRIMARY ELECTION RESULTS</b>	<b>35</b>

<b>SECTION XXXV: WITHDRAWAL</b>	<b>35</b>
<b>SECTION XXXVI: PUBLIC FUNDING ACCOUNT INFORMATION</b>	<b>35</b>
<b>SECTION XXXVII: INSUFFICIENT FUNDS IN THE FUND</b>	<b>36</b>
<b>SECTION XXXVIII: ZERO ACCOUNT BALANCE OF PUBLIC FUNDING ACCOUNT</b>	<b>36</b>
<b>SECTION XXXIX: CONTESTED ELECTIONS</b>	<b>37</b>
<b>SECTION XL: ALLOWABLE USES OF MONEY</b>	<b>38</b>
<b>SECTION XLI: PURCHASING MATERIALS PRIOR TO FILING NOTICE OF INTENT</b>	<b>38</b>
<b>SECTION XLII: PROHIBITED USES OF MONEY</b>	<b>39</b>
<b>SECTION XLIII: TRANSFERS</b>	<b>39</b>
<b>SECTION XLIV: COMPLAINTS AGAINST USE OF PUBLIC FUNDING</b>	<b>39</b>
<b>SECTION XLV: MEMBERSHIP OF SLATE</b>	<b>39</b>
<b>SECTION XLVI: RETURN OF UNSPENT FUNDS</b>	<b>39</b>
<b>SECTION XLVII: RETENTION OF FUNDS</b>	<b>40</b>
<b>SECTION XLVIII: AUTHORITY LINES</b>	<b>40</b>
<b>GENERALLY</b>	<b>40</b>
<b>MAILINGS</b>	<b>41</b>
<b>CAMPAIGN MATERIAL ON ELECTRONIC MEDIA</b>	<b>41</b>
<b>COPIES OF CAMPAIGN MATERIAL</b>	<b>42</b>
<b>ADDITIONAL RESOURCES</b>	<b>43</b>
<b>DOCUMENT ATTACHMENTS</b>	
<b>CONTRIBUTION CARD EXAMPLE</b>	<b>44</b>
<b>IN-KIND CONTRIBUTION CARD EXAMPLE</b>	<b>45</b>
<b>PEF WITHDRAWAL FORM</b>	<b>46</b>

## **INTRODUCTION AND PROGRAM OVERVIEW**

In 2011, The General Assembly established the Commission to Study Campaign Finance Law. On December 31, 2012, the General Assembly issued its final report. It recommended that the counties be authorized to establish their own public financing programs for county offices. In 2013, the General Assembly passed and the Governor signed HB 1499, the Campaign Finance Reform Act of 2013, giving county governments the authority to implement a public financing program.

Pursuant to Maryland Election Law §13-505, any county in the State may elect to establish a system of public campaign financing for elective offices in the executive and legislative branches of the County's government. Any program established under this provision is to be administered by the Chief Financial Officer of the County and subject to regulation and oversight by the Maryland State Board of Elections.

Each county shall determine the criteria that candidates must satisfy to become eligible for participation in the Program. Participation in a Public Campaign Financing Program is not mandatory for candidates. The decision for a candidate to participate is voluntary and one can only participate if running for a covered county elective office. The County's Program may have stricter regulations on campaign financing, contributions, expenditures, reporting and campaign material than that of State law.

Montgomery County, Maryland's Public Election Fund (PEF) is a public campaign financing program established to encourage greater voter participation in County elections, increase opportunities for more residents to run for office, and reduce the influence of large contributions from businesses, political action groups, and other large organizations. The County adopted legislation in 2014 which established the PEF in January of 2015 for the 2018 election cycle. While many jurisdictions throughout the Country have a public campaign finance program, Montgomery County is the first County in the United States to have a public campaign finance program for a local election. During the 2018 election cycle, there were 68 candidates who appeared on the 2018 County Council and County

Executive election ballots, 40 of those candidates filed an intent to participate in the program with 23 candidates qualifying for the Program and receiving approximately \$5.25 million in matching public funds. Of the 10 elected offices eligible to participate in the PEF program, seven of those offices were attained by a candidate who participated in the program, including the highest elected office of County Executive.

Montgomery County's Department of Finance earned a 2019 Achievement Award for outstanding programs. The award was presented by the National Association of Counties (NACo) to recognize efforts by local jurisdictions that promote responsible, responsive and effective county government.

### **THE PUBLIC ELECTION FUND COMMITTEE**

Montgomery County Code, Chapter 16, Article IV, also established a Public Election Fund Committee hereinafter called the "Committee". The Committee consists of 7 members appointed by the County Council for a 4-year term beginning on May 1 of the first year of the Council's term of office. Each member must be a resident of the County while serving and there may be no more than three members of the same political party. The County Council must designate which Committee member will serve as the chair and vice-chair of the Committee.

The Committee must provide to the County Council by March 1 of each year an estimate of the funding necessary to successfully implement the public campaign financing program for the current year and recommend an appropriation for the Public Election Fund for the following year.

### **WHERE DOES THE FUNDING COME FROM**

The Fund is comprised of the following funding sources: (1) All funds appropriated to it by the Montgomery County Council; (2) Any unspent money remaining in a certified candidate's publicly funded campaign account that is returned after the candidate is no longer a candidate for a covered office; (3)

Any County matching funds received by a participating candidate who withdraws from program participation that are returned to the Fund; (4) 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; and (5) Voluntary donations made directly to the Fund.

## **IMPORTANT TERMS AND DEFINITIONS**

Applicant Candidate – Person running for a covered office and who is seeking to be a certified candidate in a primary or general election.

Board – State Board of Elections

Fund - Public Election Fund

Campaign Finance Entity – Political committee established under Title 13 of the Election Law Article of the Maryland Code.

Certified Candidate – Candidate running for a covered office who is certified as eligible for public campaign financing from the Fund.

Public Election Fund Committee – This refers to the Committee established in Section 16-31.

Consumer Price Index – All items in the Washington-Baltimore Area (DC, MD,VA, WV) as published by the United States Department of Labor, Bureau of Labor

Statistics or a successor index.

Contested Election – An election in which there are more candidates for an office than the number who can be elected into that office. A contested election includes a special election held to fill a vacancy in a covered office under Section 16-17.

Contribution – Gift, transfer, promise of gift or transfer or money or other thing of value given to a campaign finance entity to promote or assist in the promotion or defeat of a candidate, or political party. A contribution includes proceeds from the sale of tickets to a campaign fund raising event, as defined in §1-101 of the Election Law Article of the Maryland Code.

County Board – Montgomery County Board of Elections.

Digital Signature – A digital signature means an electronic signature where the donor makes an affirmative action acknowledging the contribution to a publicly financed candidate. The affirmative action may not be checking a box to confirm the act of contributing. The supporting documentation of a digital signature may include a record with the donor’s initials and time stamp when the action occurred.

Director – Director of the Department of Finance or the Director’s designee.

Distribution Period – The period in which the County distributes a public contribution from the Fund to a certified candidate, and begins 365 days before the primary election and ends 30 days after the date of the general election. The distribution period for a special election under

Section 16-17 must be set by Council resolution.

Election Cycle – means the period beginning January 1 that follows a gubernatorial election and continues until December 31 that is 4 years later.

Eligible Contribution – An aggregate donation in a four year election cycle of \$250 or less from an individual, including an individual who does not reside in the County. The Fund will match only the eligible contribution from a County resident.

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

Non-Certified Candidate – A person who is running for a covered office who either: (1) chooses not to apply to be a certified candidate; or (2) applies to be a certified

candidate but fails to qualify.

Non-Participating Candidate - Person who is running for a covered office who is either a non-certified candidate or a candidate who declines to accept a public contribution.

Notification Period – The period in which the Board may notify the Director that a distribution must be made from the Fund to an eligible candidate. This period begins 365 days before the primary election and ends five days after the general election.

Participating Candidate – A certified candidate who has received a public contribution from the Fund for a primary or general election.

Public Contribution – Money disbursed from the Fund to a certified candidate.

Public Election Fund – Fund administered by the Director of Finance for Montgomery County, Maryland. This Fund provides public campaign financing to candidates for elective office.

Public Financing Committee – An authorized candidate’s

campaign committee for the exclusive purpose of receiving eligible contributions and spending funds in accordance with this Program.

Publicly Funded Campaign Account – A bank account associated with the Publicly Funded Committee.

Qualifying Contribution – An eligible contribution of at least \$5 but no more than \$250 in support of an applicant candidate that is: (1) made by a County resident, (2) made after the beginning of the designated qualifying period, but no later than the respective election; (3) acknowledged by a receipt that identifies the contributor’s name and residential address and is signed by the contributor directly or by a digital signature using a method approved by the Board; and (4) not an in-kind contribution of property, goods, or services.

Qualifying Period – Period in which candidates may submit receipts to become a certified candidate which begins on January 1 following the last election and ends 45 days before the date of the primary election.

Receipt – A documented acknowledgement of a contribution that must identify the full name of the candidate for the County elective office, the contributor’s name and residential property address in Montgomery County, amount of contribution, date of contribution, and be signed by the contributor

directly or by a digital signature using a method approved by the Board.

Receipt Submission Period – Period in which certified candidates may submit receipts for qualifying contributions to receive public contributions from the Fund. This period begins 365 days before the

primary election and ends the date of either the primary election or the general election.

Slate – Political committee of two or more candidates who join together to conduct and pay for joint campaign activities.

**PUBLIC ELECTION FUND – ELECTION CYCLE**

						PRIMARY ELECTION	GENERAL ELECTION		
6/28/21	7/1/21	1/1/22	2/22/22	4/15/22	5/14/22	6/28/22	11/8/22	11/18/22	12/8/22
365 DAYS BEFORE PRIMARY ELECTION								30 DAYS AFTER GENERAL ELECTION	
DISTRIBUTION PERIOD (BILL 16-14)									
365 BEFORE PRIMARY ELECTION								10 DAYS AFTER GENERAL ELECTION	
NOTIFICATION PERIOD									
				45 DAYS BEFORE PRIMARY ELECTION					
Qualifying Period (Bill 16-14)									
RECEIPT SUBMISSION PERIOD PRIMARY ELECTION (BILL 16-14)									
RECEIPT SUBMISSION PERIOD GENERAL ELECTION (BILL 16-14)									
CANDIDATE FILING NOTICE OF INTENT WITH BOARD (BILL 16-14)									
DEADLINE TO FILE CERTIFICATE OF CANDIDACY									
	SUFFICIENT FUND REPORT								

***Distribution Period:*** This is the period during which the County distributes public contribution from the Fund to a certified candidate. The period begins 365 days before the primary election and ends 30 days after the date of the general election. Definition and Period are defined in Bill 16-14.

***Notification Period:*** This is the period during which the Board of Elections may notify the Director of Finance that a distribution must be made from the Fund to an eligible candidate. The period begins 365 days before the primary election and ends 10 days after the general election.

***Qualifying Period:*** This is the period during which candidates may submit receipts to the Board of Elections to become a certified candidate. The period begins on January 1 following the last election and ends 45 days before the primary election. Definition and Period are defined in Bill 16-14.

***Receipt Submission Period(s):*** This is the period during which candidates may submit receipts to the Board of Elections for qualifying contributions to receive public contributions from the Fund. The period begins 365 days before the primary election and ends on the date of either the primary election or the general election.

***Candidate Filing Notice of Intent:*** Candidate must file a notice of intent with the Board of Elections on or before April 15 of the year of the election. Definition and Period are defined in Bill 16-14.

***Sufficient Fund Report:*** Director of Finance must determine if the Fund is sufficient to meet the maximum public contribution reasonably expected to be required during the next election cycle. The period begins on or before July 1 of the year preceding the primary election. Definition and Period are defined in Bill 16-14.

## **SECTION I: PUBLIC CAMPAIGN FINANCING - HOW TO BEGIN**

To become certified in the Public Campaign Financing Program, an applicant candidate must be a Montgomery County resident currently running for a covered office. The following offices are eligible to participate: (1) County Executive, (2) At-Large County Councilmember, and (3) District Councilmember.

To begin the certification process, an applicant candidate must complete the following steps in order to participate in the Montgomery County Public Election Fund:

- Register the Public Finance Committee via the electronic filing system (MDCRIS) prior to April 15, 2022. Detailed instructions are included in Section II “How to Register a Public Financing Committee in MDCRIS.”
- File the Notice of Intent to Qualify with the State Board of Elections. The Notice of Intent to Qualify is automatically generated at the time of establishing a public financing committee. Detailed instructions are included in the next section.

- Open a publicly funded campaign account with a bank. The purpose of this account is to receive deposits of all contributions, matching public distributions, and to make expenditures. **Any other campaign finance entity associated with the candidate must be closed or be made inactive during the period the candidate seeks public funds.** Detailed instructions are included in Section V, “Documents Needed to Open a Publicly Funded Campaign Bank Account.”

**SECTION II: HOW TO REGISTER A PUBLIC FINANCING COMMITTEE IN THE MARYLAND CAMPAIGN REPORTING INFORMATION SYSTEM (MDCRIS)**

Register a publicly funded campaign committee in MDCRIS by following the below instructions:

- Go to the Maryland Campaign Reporting Information System at

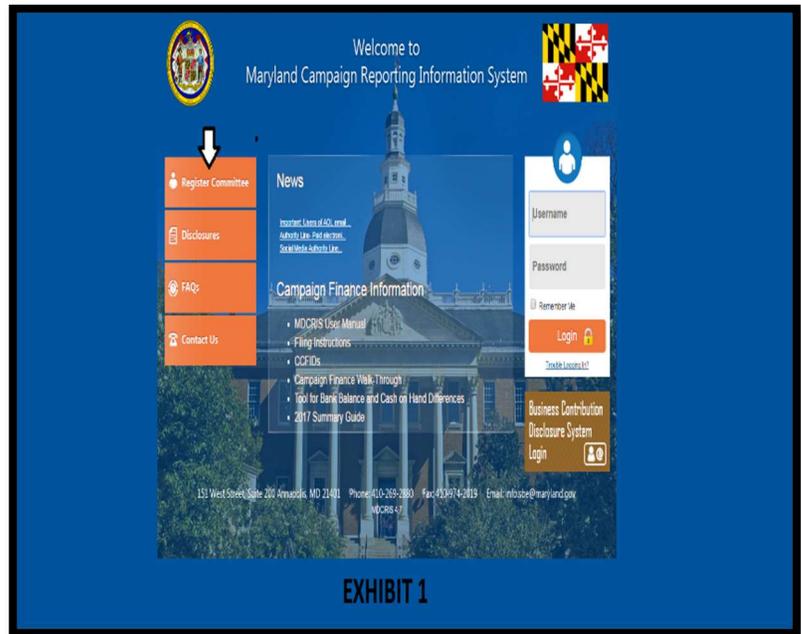


EXHIBIT 1

<https://campaignfinance.maryland.gov>

- Step 1:** At the Home Page, select Register Committee. (See Exhibit 1)
- Step 2:** On the following screen, select Public Financing Committee. (See Exhibit 2)
- Step 3:** The next screen advises that



EXHIBIT 2

one of each of the following will be needed to complete the registration online:

1. Driver's license number;
2. The last 4 numbers of Social Security Number; or
3. Voter Registration ID number.

- **Step 4:** Select "Continue."
- **Step 5:** The following information will be entered on the next screen which is the information for the **Notice of Intent**. Once entered, check the box at the bottom of the screen to verify the information and then select "Continue."

- Election Type;
- Election Year;
- Office Type;
- Office Sought;
- Jurisdiction; and
- Party Affiliation.

The screenshot shows the 'Public Financing Committee Registration Initial Page' from the Maryland Campaign Reporting Information System. The page features several dropdown menus for selection:

- Select which election you will be participating in: Election Type (Select Election)
- Select election year you will be running in: Election Year (Select Election Year)
- Select level of government the office you are seeking: Office Type (Select Office Type)
- Select elective office that you are seeking: Office Sought (Select Office Sought)
- Select the jurisdiction of the office sought: Jurisdiction (Select Jurisdiction)
- Select the political party that you are affiliated with: Party Affiliation (Select Party)

At the bottom, there is a checkbox labeled 'Please verify the Election and Office information before continuing' which is highlighted by a white arrow. To the right of the checkbox are 'Continue' and 'Clear' buttons.

- **Step 6:** The next screen is establishment of the Public Financing committee. Enter the following information and select "Continue."

1. Committee Name;
2. Candidate Information: Name, Address, Date of Birth, email address, Phone & Fax;
3. Chairperson Information: Name, Address, Date of Birth, email address, Phone & Fax;
4. Treasurer Information: Name, Address, Date of Birth, email address, Phone & Fax;
5. Additional Contact Information (Optional);
6. Publicly Funded Campaign Account Information;

***Note: During initial registration, please list bank account number as 999999999 as temporary placeholder if not opened. Once the account is opened with a bank, this account number must be updated. Detailed instructions on Editing Campaign Information are located in Section IV***

MDCRIS will generate the following documents for the committee to print after the submission:

- Notice of Intent
- Statement of Organization

### **SECTION III: STATE BOARD OF ELECTIONS APPROVAL OF COMMITTEE**

After submission and review by the State Board, an email will be sent to the Candidate, Chairman, and Treasurer with a temporary password to access MDCRIS. The email will occur within 24 hours. If this email is not received within 24 hours, please verify that the email was not received in a spam folder. If not received, contact the State Board at 410-269-2880.

After receiving the email with the temporary password, each committee member will need to log into MDCRIS, with the assigned temporary password and create a unique personal password. The username to be used during log-in, is the email address listed in the Committee Registration.

## **SECTION IV: HOW TO EDIT PUBLIC FINANCING COMMITTEE REGISTRATION INFORMATION**

If at any time, the registration information should need to be edited, the committee may log into MDCRIS and follow these instructions:

- **Step 1:** From the menu on the left side of the screen, select **EDIT**.
- **Step 2:** This selection will allow you to edit reported information.
- **Step 3:** Once the information is edited, select the box on the bottom of the page that states “I certify these changes...” and select **SUBMIT**.
- **Step 4:** The system will save the edited information and state at the top of the page if the edited information was saved successfully.
- **Step 5:** Then select **OK**.



## **SECTION V: DOCUMENTS NEEDED TO OPEN A PUBLICLY FUNDED CAMPAIGN BANK ACCOUNT**

To open a publicly funded campaign account, the following may be requested by the financial institution:

- Employer Identification Number  
File Form SS-4 with the Internal Revenue Service (Application for Employer Identification Number) <https://www.irs.gov/uac/form-ss-4-application-for-employer-identification-number-ein>. A personal social security number cannot be used.
- Resolution of Authority - Banks should accept the processed Statement of Organization to a newly formed public financing committee by the State

Board. This document will be generated after completing registration in MDCRIS.

- Personal Identification.

As a reminder, once the committee's publicly funded campaign account is opened with the financial institution, this account number **MUST** be entered in MDCRIS to ensure timely deposits of publicly matched funds for the certified candidate.

## **SECTION VI: CONTRIBUTIONS REQUIREMENTS**

Once the public financing committee is established through MDCRIS and the publicly funded campaign account is opened with the financial institution of choice, the candidate can:

- Begin collecting qualifying contributions to meet the required contribution amount to become a certified candidate. No contributions made prior to filing your Notice of Intent will be considered a qualifying contribution.
  - All contributions whether qualifying or eligible, must be deposited into the applicant candidate's publicly funded campaign account. Each qualifying contribution must have a proof of receipt that will be submitted to the State Board at the time of requesting a public contribution. Each receipt must have the contributor's name, residential address, and be signed by the contributor directly or by the digital signature method approved by the State Board. The signature card name must match the name of contributor to be considered a qualifying contribution.

Minimum requirements to qualify for Public Financing for each elective office are as follows:

Elective Office	Number of Qualifying Contributions (\$5 minimum - \$250 Maximum)	Aggregate Total
County Executive	500	\$40,000.00
At-Large Councilmember	250	\$20,000.00
District Councilmember	125	\$10,000.00

- Only spend funds in accordance with Program regulations. Further details on spending regulations are in Section XXXIX.

**SECTION VII: QUALIFYING CONTRIBUTIONS**

A qualifying contribution must satisfy the following criteria:

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

**SECTION VIII: ELIGIBLE CONTRIBUTIONS**

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

- An aggregate donation of \$250 or less from an individual in support of a candidate during the election cycle;

- Each eligible contribution must have a proof of receipt that will be submitted to the State Board;
- The contributor does not have to be a County resident.

**SECTION IX: IMPERMISSIBLE CONTRIBUTIONS**

An applicant candidate must not accept the following contributions:

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

**SECTION X: MATCHING FORMULA**

<b>COVERED OFFICE</b>	<b>Matching ratio for Public Dollars</b>	<b>Qualified Contribution Threshold</b>	<b>Maximum Public Contribution</b>
<b>County Executive</b>	6 to 1	First \$50	\$750,000 Per Election
	4 to 1	\$51 - \$100	
	2 to 1	\$101 - \$150	
	0	\$151 - \$250	
<b>At-Large Councilmember</b>	4 to 1	First \$50	\$250,000 Per Election
	3 to 1	\$51 - \$100	
	2 to 1	\$101 - \$150	
	0	\$151 - \$250	
<b>District Councilmember</b>	4 to 1	First \$50	\$125,000 Per Election
	3 to 1	\$51 - \$100	
	2 to 1	\$101 - \$150	
	0	\$151 - \$250	

The minimum contribution amount for a match is \$5. Below \$5 will not be matched or eligible as a qualifying contribution.

#### **SECTION XI: IN-KIND CONTRIBUTIONS**

An In-Kind contribution of property, goods, or services is not eligible to receive public election matching dollars. An in-kind donation contribution cannot have a value that exceeds \$250.00.

#### **SECTION XII: APPLICANT CANDIDATE/APPLICANT CANDIDATE'S SPOUSE LOANS AND CONTRIBUTIONS**

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

***NOTE: CANDIDATE/CANDIDATE'S SPOUSE LOANS MUST BE REPORTED IN MDCRIS UNDER CONTRIBUTIONS. SEE MDCRIS REPORTING FOR FURTHER INSTRUCTIONS.***

#### **SECTION XIII: RECEIPT OF CONTRIBUTIONS**

A separate receipt must be obtained from the contributor with the contributor's name, residential address, and be signed by the contributor directly or by digital signature. Without a receipt of contribution, the contribution will not qualify for matching dollars from the public election fund.

#### **SECTION XIV: BANK CHECKS**

A cancelled check does not qualify as a signed contribution receipt for matching public election fund purposes. The contributor must sign and provide a receipt as an additional document acknowledging the contribution to be a qualified contribution for public fund matching.

A qualifying contribution made in bank check form must be printed with a name to match the name on the signed receipt of contribution.

- For example, a bank check has two names printed on the document, with a Montgomery County address, one of the names must be the name of the Montgomery County resident contributor.
- For an additional example, a bank check has two names printed on the document, with a Montgomery County address, the contributor can sign the document using the initials of one of the names printed on the check. (i.e. the name printed on the check is John A. Contributor and signed as J. A. Contributor.)

#### **SECTION XV: DIGITAL SIGNATURES**

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

#### **SECTION XVI: CERTIFICATION OF CANDIDATE**

Once the initial registration and contribution requirements are satisfied to become eligible for Montgomery County Public Campaign Financing, all documents to determine certification of a participating candidate must be filed with the State Board. This filing must be completed through the MDCRIS

platform. The Board must certify an applicant candidate no later than 10 business days after receiving the following information:

- Receipts for the required number of qualifying contributions and required aggregate total dollar amount;
- A declaration from the candidate agreeing to follow the regulations governing the use of public election fund contributions (completed at the time of registration);
- A campaign finance report that includes:
  - each qualifying contribution received;
  - each expenditure made; and
  - all receipts associated with each contribution and expenditure; and
- A certificate of candidacy for a covered office.

***NOTE: A CANDIDATE MAY SUBMIT ONLY ONE APPLICATION FOR CERTIFICATION FOR ANY ELECTION AND THE DECISION BY THE BOARD AS TO CERTIFY A CANDIDATE IS FINAL.***

#### **SECTION XVII: CERTIFICATION IS ONLY REQUIRED ONCE**

A candidate needs only to qualify once in order to become a certified candidate during an election cycle. A certified candidate who accepts a matching public contribution during a primary election becomes a participating candidate for the general election. Certification is not required for both the primary and the general election.

#### **SECTION XVIII: CERTIFICATION FOR GENERAL ELECTION AFTER NOT PARTICIPATING DURING THE PRIMARY ELECTION**

The law (Montgomery County Code, Chapter 16, Article IV,) doesn't specifically prohibit a candidate from participating in the Public Election Fund

Program in the general election if they did not participate in the Program during the primary election. An example for this situation would be a candidate for a non-principal political party. However, the candidate must qualify to be a participant during the qualifying period. 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 Public Election Fund Program candidate in the general election.

A certified candidate nominated by petition may receive a public contribution for the general election if:

- The candidate’s nomination is certified by the County Board;
- The candidate did not participate in a primary election;
- The candidate meets the requirements of certification; and
- Established a public financing committee and publicly funded account.

**SECTION XIX: CERTIFICATION FOR ELECTIVE OFFICE AFTER PREVIOUSLY QUALIFYING FOR A SEPARATE ELECTIVE OFFICE**

If a participating candidate seeks a County elective office different from the one the candidate was certified for during the same election cycle, the candidate must:

- Withdraw from the election;
- Repay to the Director all distribution(s) made by the Fund;
- Apply for certification with the Board for the new County elective office.

***NOTE: THE BOARD’S PREVIOUSLY APPROVED CONTRIBUTIONS FOR THE COUNTY ELECTIVE OFFICE FROM WHICH THE CANDIDATE HAS WITHDRAWN CAN BE USED TOWARDS THE CERTIFICATION FOR THE NEW COUNTY ELECTIVE OFFICE.***

**SECTION XX: PARTICIPATION IN THE PRIMARY ELECTION BUT NOT GENERAL ELECTION**

In the event that a certified candidate accepted a public contribution during the primary election and won, the candidate is automatically qualified for the

Public Election Program for the general election. If the candidate chooses to withdraw from participation in the Program for the general election, the candidate must follow the specific withdrawal procedures.

**SECTION XXI: HOW TO FILE CAMPAIGN FINANCE REPORTS THROUGH MDCRIS**

The MDCRIS can be accessed using any internet browser. The log in for the system is located at [www.campaignfinance.maryland.gov](http://www.campaignfinance.maryland.gov). The system can be accessed by entering the users’ report email as a username and the personal password created.



**SECTION XXII: HOW TO ENTER A CONTRIBUTION**

- From the left side menu located on the left side of the committee’s home page, select **ENTER CONTRIBUTIONS/TRANSFERS/IN-KIND CONTRIBUTIONS**.
- Select the appropriate filing period.
- Select the appropriate contribution type: (See Below)

<b>CONTRIBUTION TYPE</b>	<b>PERMITTED/NOT PERMITTED</b>
<b>Candidate Loan</b>	PERMITTED
<b>Cash</b>	PERMITTED
<b>Check</b>	PERMITTED
<b>Coordinated In-Kind</b>	NOT PERMITTED
<b>Credit Card</b>	PERMITTED

<b>Electronic Fund Transfer</b>	PERMITTED
<b>In-Kind</b>	PERMITTED
<b>Other Income</b>	PERMITTED
<b>Payroll Deduction</b>	PERMITTED
<b>Raffle or Wheel (Cash)</b>	PERMITTED
<b>Raffle or Wheel (Check)</b>	PERMITTED
<b>Raffle or Wheel (Credit Card)</b>	PERMITTED
<b>Refund/Rebate</b>	PERMITTED
<b>Ticket Purchase (Cash)</b>	PERMITTED
<b>Ticket Purchase (Check)</b>	PERMITTED
<b>Ticket Purchase (Credit Card)</b>	PERMITTED
<b>Transfer</b>	NOT PERMITTED

- After the proper contribution type is selected, then select the appropriate contributor type. For each contribution type, there are various contributor types to select:
  - **Individual- Matching Fund** must be selected in order for the contributor type to have that contribution reviewed to be public fund matching. Any other selection will not be reviewed for matching.

<b>CONTRIBUTION TYPE</b>	<b>CONTRIBUTOR SELECTION</b>
Candidate loan	<b>DOES NOT QUALIFY FOR PUBLIC FUND MATCHING</b>
Cash	
Check	
Credit Card	
Electronic Fund Transfer	
In-Kind	<b>DOES NOT QUALIFY FOR PUBLIC FUND MATCHING</b>
Other Income	<b>DOES NOT QUALIFY FOR PUBLIC FUND MATCHING</b>
Payroll Deduction	
Raffle or Wheel (Cash)	
Raffle or Wheel (Check)	
Refund/Rebate	<b>DOES NOT QUALIFY FOR PUBLIC FUND MATCHING</b>
Ticket Purchase (Cash)	
Ticket Purchase (Check)	
Ticket Purchase (Credit Card)	

- **CONTRIBUTOR'S INFORMATION** - When entering the contributor's information, a search feature is available by typing the contributor's name in the **SEARCH CONTRIBUTOR** field. If the contributor is found in the committee's database, the information can be automatically entered into the contributor information fields by highlighting the name and then pressing **ENTER**. This will automatically display the contributor's information in the appropriate fields.

If the contributor's information is not available through the **SEARCH CONTRIBUTOR'S** field, manually enter the contributor's information as follows:

- Full Name;
- Address;
- County of residence (must be Montgomery County to be matched by public election funding);

The screenshot shows the Maryland Campaign Reporting Information System (MCRIS) interface. The form is titled "Enter Contributor/Transfer-in-Kind Contributions" and includes several sections for data entry:

- Contribution General Information:** Includes fields for "Filing Period" (set to 2017/2018 Annual), "Contribution Type" (set to Check), and "Contributor Type" (set to Individual).
- Contributor Information:**
  - Search Existing Contribution:** A "Search Contributor Name" field.
  - or Enter Contributor Information:** Fields for "Last Name", "First Name", and "Middle Name".
  - Residence Address:** Includes "Domestic/Foreign" radio buttons, "Address Line 1", "Address Line 2", "City", "State" (set to Maryland), "County of Residence" (dropdown), and "Zip".
  - Employer Information:** Includes "Contributor Occupation" (dropdown) and "Employer Name". A note states: "We have sent a written letter to the above contributor requesting employer/occupation information. The contributor has failed to supply this information." Below this is a checkbox for "Please do enter address information all result in a non-compliance flag".
- Contribution Details:** Includes fields for "Contributor Code", "Contribution Amount", "Check Number", "Cash Cumulative Amount", "Legal Cash Limit 1100", "Election Cycle Cumulative Amount", and "Legal Contribution Limit 1000.00". There is also a "Comments" text area with a note: "Comments all not assure on file entry".

At the bottom of the form are "Save", "Clear", and "Cancel" buttons.

The employer and occupation information is not required as the allowable contribution amount in a publicly funded campaign cannot exceed \$250.00.

**NOTE: AFTER ENTERING ALL THE CONTRIBUTOR INFORMATION IN THE APPROPRIATE FIELDS, IF YOU CHANGE THE CONTRIBUTION TYPE, THE CONTRIBUTOR'S INFORMATION WILL BE DELETED.**

- **CONTRIBUTION DETAILS**-The contribution details has to be entered manually. The following information will be entered for each contribution:

- Contribution Date;
- Contribution Amount;
- Check Number;
- If necessary, a comment box is located in the Contribution Details Sections.

Select **SAVE** at the bottom of the screen.

**SECTION XXIII: HOW TO ENTER AN EXPENDITURE:**

The screenshot shows the 'Enter Expenditures and Outstanding Obligations' form in the Maryland Campaign Reporting Information System. The form is divided into several sections: 'Instructions' (with a note about contributor type), 'Expenditure General Information' (with fields for Filing Period and Payee Type), 'Payee Information' (with a search field for existing payees and an 'Enter Payee Information' section), 'Mailing Address' (with fields for Address Line 1, Address Line 2, City, and State), 'Expenditure Details' (with fields for Expense Date, Expense Amount, Expense Category, and Outstanding Obligation), and 'Vendor Details (if Payee is not the Vendor)' (with fields for Vendor Name, Address Line 1, Address Line 2, City, and State). A 'Comments' text area is located at the bottom, and 'Save', 'Clear', and 'Cancel' buttons are at the very bottom right.

- From the left side menu located on the left side of the committee’s home page, select **ENTER EXPENDITURE AND OUTSTANDING OBLIGATIONS**.
- Select the appropriate filing period.
- Select the appropriate Payee Type (See Below).
- **PAYEE INFORMATION**-When entering the payee’s information, a search feature is available by typing the payee’s name in the **SEARCH PAYEE** field. If the payee is found in the database, the information can be automatically entered into the payee information fields by highlighting and selecting **ENTER**. This will automatically display the payee’s information in the appropriate field.

If the payee’s information is not available through the **SEARCH** feature, manually enter the payee’s information as follows:

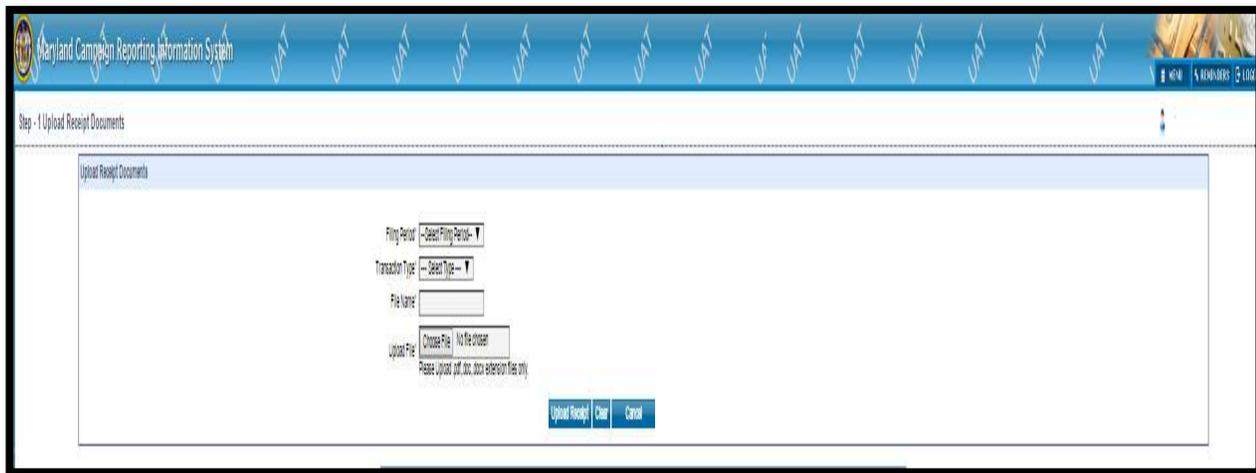
- Business/Organization
- Mailing Address
- **EXPENDITURE DETAILS**-The following information is required to be reported for each expenditure:
  - Expenditure Date
  - Expense Category
  - Expense Purpose
  - Expense Amount
  - Outstanding Obligation
  - In-Kind Question
  - Payment Method
- **VENDOR DETAILS**- Vendor details is required if information is not the same as the payee- used for reimbursement entries:
  - Name of the Vendor.
  - Address.
- Select **SAVE**.

## **SECTION XXIV: HOW TO LINK RECEIPTS: A TWO STEP PROCESS**

### **STEP ONE - UPLOADING RECEIPTS**

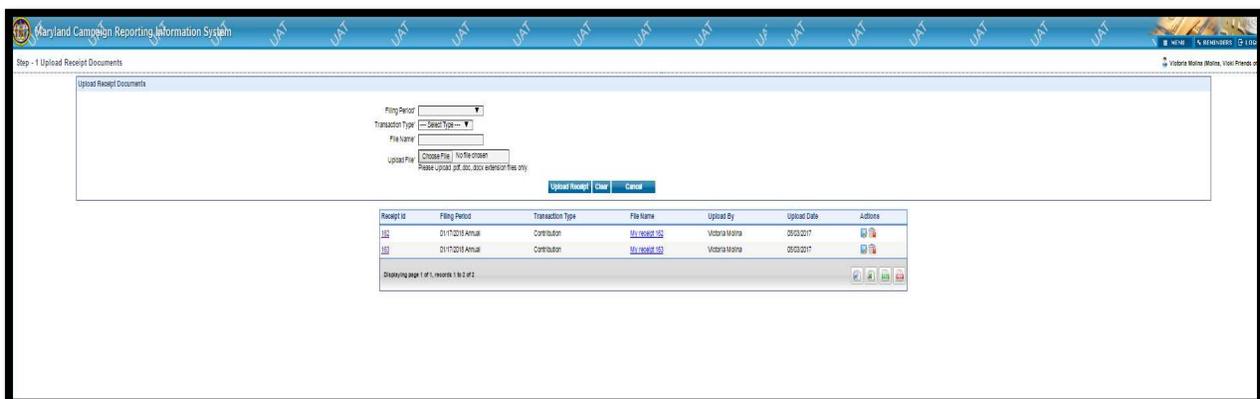
- After scanning receipts as a pdf;

- Log into MDCRIS;
- From the left side menu located on the left side of the committee's home



page, select Receipt Documents: **STEP 1 (UPLOAD RECEIPT DOCUMENTS)**.

- The following screen will ask for the following information:
  - Filing period;
  - Transaction type (Contribution or Expenditure);
  - File Name (Name of file in which scanned receipt was saved);
- In the next field, the uploaded document will need to be located on the computer, highlighted and entered. This will place the file in the field to be uploaded to the program.
- Once uploaded, the program will advise that the file was uploaded successfully to MDCRIS.
- The uploaded receipts will list as shown above.



**NOTE: IF A RECEIPT IS LINKED INCORRECTLY AND NEEDS TO BE DELETED, THE ENTRY CAN BE DELETED FROM THIS SCREEN. LOCATE THE INCORRECT RECEIPT AND SELECT THE RED X ON THE RIGHT SIDE OF THE SCREEN. THIS WILL DELETE THE RECEIPT.**

## **STEP TWO - LINKING RECEIPT DOCUMENTS**

After all receipts are uploaded to MDCRIS, the receipts have to be linked to the corresponding contribution. The instructions are as follows:

- From the left side menu located on the left side of the committee's home page, select Receipt Documents: **STEP 2 (LINK RECEIPT DOCUMENTS)**.
- Select Filing Period;

The screenshot shows the MDCRIS interface for Step 2: Link Receipt Document to Transactions. The page is titled "Step - 2 Link Receipt Document to Transactions" and features a blue header with the Maryland Campaign Reporting Information System logo and navigation links. The main content area is divided into several sections:

- Information about the Filing Period:** Includes a "Filing Period" dropdown menu set to "Select Filing Period".
- Information about the Transactions:** Includes a "Transaction Type" dropdown menu set to "Select Type" and a "Contributor / Payee Name" search field.
- Transaction with Linked Receipt:** Includes radio buttons for "Transactions without Linked Receipt" (selected) and "Transactions with Linked Receipt". Below this is a small instructional text block.
- Other Information:** Includes a "Transaction Category" dropdown menu set to "Select Transaction Category", a "Transaction Date Range" field with date pickers, and an "Amount Range" field with numeric input boxes.

At the bottom of the form, there are "Search", "Clear", and "Cancel" buttons.

- Select Transaction Type (Contribution/Expenditure);
- Select Contributor/Payee Name (This field has a search feature. Begin typing the contributor's name, once the name is found, highlight and select **ENTER**;
- Select **TRANSACTION WITHOUT LINKED RECEIPT**;
- **OTHER INFORMATION FIELD** is available if the contributions need to be filtered further.
- Select **SEARCH**.
- The program will list all contributions from the contributor on the screen.
- Select the corresponding contribution by checking the box on the left side of the listed contribution and select **LINK**.

- The program will then ask which document to link:

The screenshot shows the MDCRIS interface for linking a receipt to a transaction. The form is titled 'Step - 2 Link Receipt Document to Transactions'. It contains several sections: 'Information about the Filing Period' with a 'Filing Period' dropdown set to '2017-2018 Actual'; 'Information about the Transactions' with 'Transaction Type' set to 'Contribution' and a search box for 'Contributor / Payee Name'; 'Transaction with Linked Receipt' with radio buttons for 'Transaction without linked Receipt' (selected) and 'Transactions with linked Receipt'; and 'Other Information' with 'Transaction Category' set to 'Cash' and 'Transaction Date Range' set to '01/01/2017 - 12/31/2017'. Below the form is a table with columns: 'Select All', 'Contribution Date', 'Contributor / Payee Name', 'Address', 'Transaction Category', 'Amount', 'Cap Amount', and 'File Date'. The table contains one row for 'Sample Person' with a 'Cash' transaction of '\$20.00'. At the bottom, the 'Link Receipt to Transaction' section has a 'Select Receipt Document' dropdown and an 'Update Link' button, which is highlighted by an arrow.

- Select the receipt name in the drop down box that corresponds with the contribution and **UPDATE LINK**.
- The program will advise if the receipt linked properly.

## **SECTION XXV: HOW TO UNLINK RECEIPTS THROUGH MDCRIS**

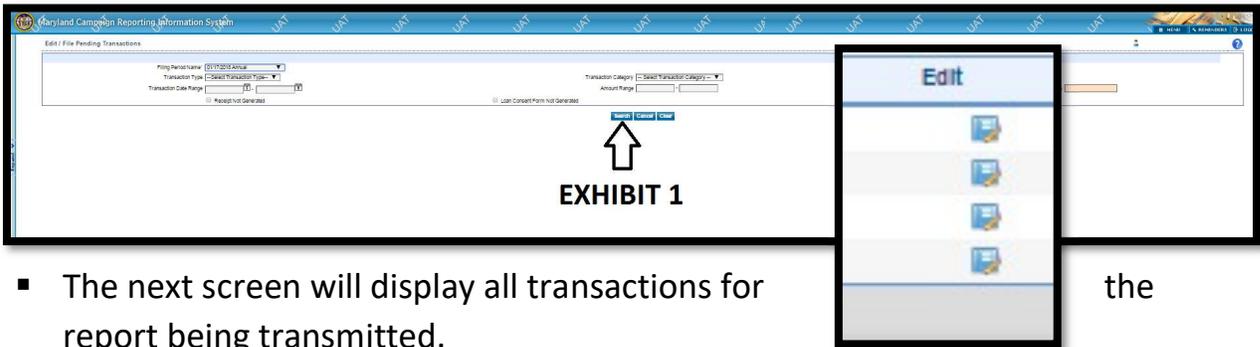
If a receipt was improperly linked to a contribution, a receipt can be unlinked by using the following instructions:

- Select Filing Period;
- Select Transaction Type (Contribution/Expenditure);
- Select Contributor/Payee Name (This field has a search feature. Begin typing the contributor's name, once the name is found, highlight and select **ENTER**;
- Select **TRANSACTION WITH LINKED RECEIPT**;
- A drop down box will appear to select the name of the Linked Receipt Document;
- **SEARCH**;
- Select the contribution that it should be unlinked and select **UNLINK**;
- The program will advise if the receipt was unlinked successfully.

## **SECTION XXVI: HOW TO FILE A REPORT THROUGH MDCRIS:**

- From the left side menu located on the left side of the committee's home page, select **EDIT/FILE PENDING TRANSACTION**.

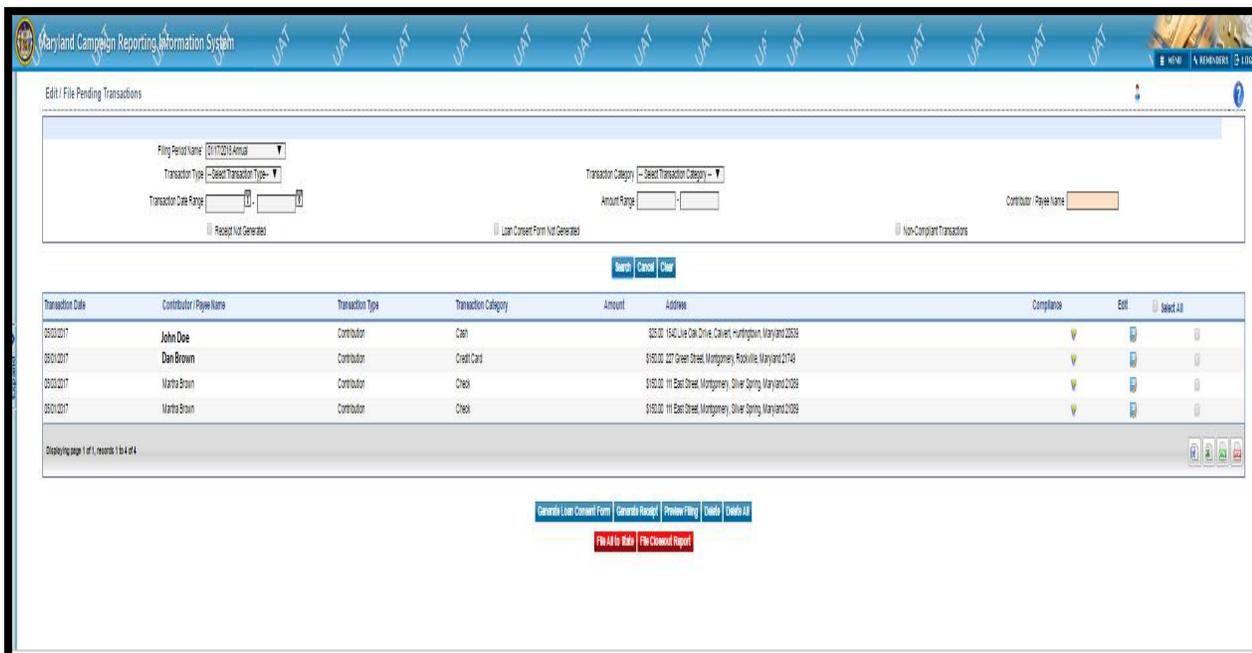
- Select **SEARCH**. (See Exhibit 1)



- The next screen will display all transactions for report being transmitted.

**NOTE: FROM THIS SCREEN, EDITS ON ENTRIES CAN BE MADE AND/OR DUPLICATE OR INCORRECT CONTRIBUTIONS CAN BE DELETED. DELETING AN ENTRY CAN BE ACHIEVED BY CHECKING THE BOX AT THE FAR RIGHT END OF THE TRANSACTION ENTRY AND SELECTING DELETE AT THE BOTTOM OF THE PAGE. IF ALL ENTRIES ARE TO BE DELETED, SELECT THE SELECT ALL BOX AND THEN THE DELETE ALL BOX AT THE BOTTOM OF THE PAGE. EDITING AN ENTRY CAN BE COMPLETED BY SELECTING THE BLUE DISK IMAGE AT THE FAR OF THE TRANSACTION ENTRY.**

- Once the contributions and receipts are linked, select the **SELECT ALL** box or manually check each entry to be sent and select **FILE ALL TO STATE**.



- The program will inquire if you want to submit for public funds. **SELECT OK** or **CANCEL**. If **OK**, the program will ask to certify your public funding request. **SELECT OK** or **CANCEL**.
- The Cash Balance Screen. This screen asks for your account balance. The

Cash Balances

Filing Period Name: 04/01/2018 Spring Report Governor/State  
 Start Date: 01/01/2018

Beginning Cash Balance on-hand: \$470.00  
 Ending Cash Balance on-hand: \$470.00  
 Prior Reported Ending Bank Balance: 470.00

Bank Account Name	Bank Account Number	Bank Account Balance
Bank of America	0000000000	
		Reported Ending Bank Balance

Authorization

Verification by the filer of this report is required. If the other responsible officer is present at the time of the submission, the officer may verify the report as well. However, verification by the other responsible officer is not required at this time. Do not delay filing a report for the other verification. The system will send an email to the other officer immediately after it is submitted.

Officer Name	Title	Password	Certification
Francisco Molina	Treasurer		<input type="checkbox"/> I certify that I have examined this report and to the best of my knowledge and belief it is true, correct and complete.

Submitted By: Victoria Holmes  
 Role: Chairperson  
 Date: 6/6/2017

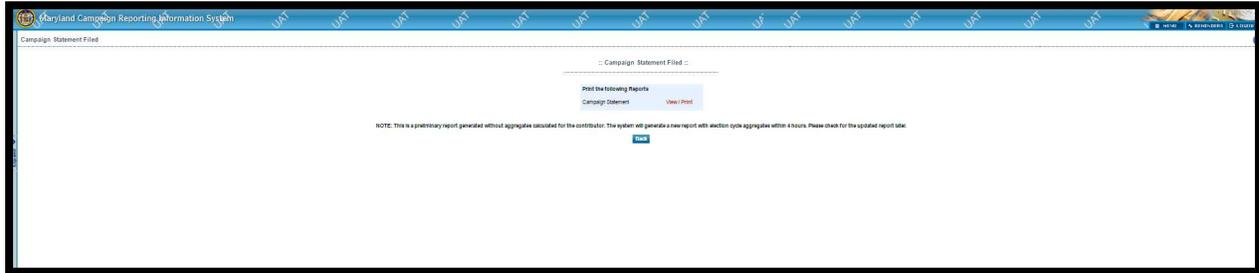
I certify that I have examined this report and to the best of my knowledge and belief it is true, correct and complete.

Submit Clear Cancel

amount entered must match the balance in MDCRIS. If the balances do not match, start by adding to the committee's balance any uncashed but reported checks. A good practice, is to balance the MDCRIS account like a checking account.

- If the treasurer's password is not available, skip over verification of treasurer. **DO NOT** check the box that states that the treasurer has verified the entry. In addition, the password box must be empty. If it is empty, there will be no dots inside the box.

- Check bottom of screen that states the information is certified and select **SUBMIT**.



- Screen will then state that the report is transmitting.
- Once the report is finished transmitting the program will ask to view or print.

**NOTE: IF THIS IS YOUR FINAL REPORT, PLEASE SELECT FILE CLOSEOUT REPORT. AS A REMINDER, A CAMPAIGN ACCOUNT MUST HAVE A \$0.00 BALANCE TO PROCEED WITH FINAL REPORT**

## **SECTION XXVII: REPORTING REQUIREMENTS**

All Reports must be filed using the MDCRIS. This program can be accessed using any internet browser, logging in at [www.campaignfinance.maryland.gov](http://www.campaignfinance.maryland.gov). Reports for your committee can be filed up to 11:59 p.m. on your filing date deadline. Once your report has been submitted through MDCRIS, an email will be sent acknowledging your submission. Please see the Maryland State Board of Elections website for the 2022 mandatory reporting schedule

**NOTE: THAT THE BEGINNING TRANSACTION DATE FOR ALL REPORTS IS THE DAY AFTER THE ENDING TRANSACTION DATE OF THE PRIOR REPORT. THIS INCLUDES FILING ANY OPTIONAL PUBLIC ELECTION FUND REPORTS. IF THE COMMITTEE IS NEW, THE BEGINNING TRANSACTION DATE IS THE DATE THE COMMITTEE WAS FORMED.**

## **SECTION XXVIII: PUBLIC ELECTION FUND REPORTS**

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 each month after the distribution period, except if the required campaign finance report is due within 7 days prior to the first or third Tuesday. 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.

## **SECTION XXIX: DISTRIBUTIONS OF PUBLIC FUNDS**

After a review of the submission by the State Board, the Director of Finance for Montgomery County is then notified to deposit the authorized matching publicly funded campaign contribution into the certified candidate's publicly funded campaign account. This deposit must be made within three (3) business days after the Board notifies the Director of the authorized public contribution.

The Board must determine the amount of a public contribution that each participating candidate is to receive, based on the amount reflected in the receipts as presented to the Board and the formula for the respective County elective office.

***NOTE: A CANDIDATE WILL NOT RECEIVE MATCHING PUBLIC FUNDING MONEY FOR: 1) ANY IN-KIND SERVICES, PROPERTY, OR GOODS; AND 2) A CONTRIBUTION MADE BY THE CANDIDATE OR THE CANDIDATE'S SPOUSE.***

The Director must process all authorized public contributions by the due date and in the order they were received.

## **SECTION XXX: DISTRIBUTION OF FUNDS TIMING**

A public financing committee may seek public funds during the distribution period which begins 365 days before the primary election and ends thirty (30)

days after the date of either the primary or the general election in which the candidate is participating. The Distribution Period for the November 2022 Election is June 28, 2021 through December 8, 2022.

**SECTION XXXI: MAXIMUM PUBLIC CONTRIBUTIONS**

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

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

**SECTION XXXII: EXCEEDING PUBLIC CONTRIBUTIONS LIMIT**

The Director must not approve a distribution of a public contribution from the Fund to a participating candidate that would exceed the aggregate public contribution limit for either a primary or general election for that County elective office.

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

If, the amount is not repaid to the Fund within five business days, the interest charges will accrue.

**SECTION XXXIII: DISTRIBUTION PERIOD CLOSED**

The Board, upon notification from the Director that certain authorized public contributions have not and will not be remitted to the public campaign

funds and that the distribution period is closed, must notify the participating candidate(s) within ten business days from the date of notification from the Director in writing.

#### **SECTION XXXIV: PRIMARY ELECTION RESULTS**

Within 90 days after the County Board certified the results of the primary election, a participating candidate who is not certified to be on the ballot for the general election must return any unspent money in the candidate's publicly funded campaign account to the Fund.

#### **SECTION XXXV: WITHDRAWAL**

In the event that a candidate chooses to opt out of the Public Election Fund Program, the candidate must file a statement of withdrawal with the Board of Elections. See form provided in Section: *Provided Documents*.

Additionally, the following criteria will apply with regard to any public contribution:

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

#### **SECTION XXXVI: PUBLIC FUNDING ACCOUNT INFORMATION**

On or before July 1 of the year preceding the primary election, the Director must determine if the amount in the Fund is sufficient to meet the maximum

public contributions reasonably expected to be required during the next election cycle. If the Director determines that the total amount available for distribution in the Fund is insufficient to meet the allocations required by this section, the Director must reduce each public contribution to a certified candidate by the same percentage of the total public contribution.

**SECTION XXXVII: INSUFFICIENT FUNDS IN THE FUND**

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

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

**SECTION XXXVIII: ZERO ACCOUNT BALANCE OF PUBLIC FUNDING ACCOUNT**

If the Director determined that the Fund has a zero balance, the Director must notify the County Executive, County Council President, and Board within three business days from the date of that determination. If the Board has determined that the public contribution limits for the respective County elective offices have not been reached, the Board may continue to authorize public contributions and notify the Director, and the Director must hold these authorized public contribution notifications until such time that the Fund has a balance greater than zero. At such time, the Director must process authorized public contributions in the following order:

- Previously authorized public contributions that were not paid due to insufficient funds.

- Any authorized public contributions that were held must be processed by date and in the order of the earliest date first to the latest date and based on the date they were authorized by the Board.

All requests for matching funds will be distributed in the same order in which the requests were received until all requests have been satisfied or funds have been exhausted.

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

#### **SECTION XXXIX: CONTESTED ELECTIONS**

Public Campaign Financing is only available to candidates participating in contested elections. A “contested election” is defined as an election in which there are more candidates for an 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 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.

The Director must be notified by the Board within five business days from the date that the Board determines that a participating candidate is no longer in a contested election. If a participating candidate is no longer in a contested election, no further distributions to the participating candidate from the Fund can be made.

## **SECTION XI: ALLOWABLE USES OF MONEY**

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

## **SECTION XLI: PURCHASING MATERIALS PRIOR TO FILING NOTICE OF INTENT**

Assets that the candidate has paid for and received prior to filing their notice of intent to participate in the Program can be used but only in a limited capacity. Otherwise, pre-purchasing by a non-public financing committee for campaign materials or items is prohibited.

- 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 a notice of intent to participate in the Public Election Fund with the State Board. On July 1, 2021, upon receipt of the pre-paid campaign bus, Candidate A would be in violation of the Public Election Fund regulations which prohibit the advanced purchase of goods and services with ineligible contributions received outside of the Program.
- Example 2: On March 1, 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 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 Public Election Fund with the State Board. 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. The candidate does not have pay for a new campaign website.

## **SECTION XLII: PROHIBITED USES OF MONEY**

Prohibited uses of money in a publicly funded campaign account include personal use or expenses relating to holding office, payment of a personal endorsement, and the payment of late filing fees.

The candidate must not pay for any campaign expenses after filing a notice of intent with the Board to seek public funding with any campaign finance account other than the candidate's publicly funded campaign account.

Expenses incurred prior to the time that the applicant candidate was certified by the Board are not permissible and therefore are not allowable uses of public funds.

## **SECTION XLIII: TRANSFERS**

- A public financing committee may not make transfers to any candidate, political party, or political action committee.
- A political committee may not make a transfer into a candidate's publicly funded campaign account.

## **SECTION XLIV: COMPLAINTS AGAINST USE OF PUBLIC FUNDING**

All complaints regarding uses of public campaign funding should be filed with the Board or the States' Attorney Office.

## **SECTION XLV: MEMBERSHIP OF SLATE**

A participating candidate may not be a member of a slate.

## **SECTION XLVI: RETURN OF UNSPENT FUNDS**

Except as provided in Section XLVII, all unspent funds remaining in the certified candidate's public financing campaign account must be returned to the Public Election Fund at the end of the candidate's contested campaign. For candidates who win a contested primary election and continue on to a contested general election, they may retain the unspent funds and continue to receive eligible contributions up to the general election for the covered office for which they are a certified candidate.

Within 90 days after the County Board certified the results of the general election, a participating candidate must repay to the Fund any unspent money in the candidate’s publicly funded campaign account. If a candidate does not repay the unspent money to the Fund as specified, interest charges will accrue.

**SECTION XLVII: RETENTION OF FUNDS**

A certified candidate may retain funds to pay for post-election expenses that must not exceed \$5,000. In order to retain these funds in their campaign account, the candidate must file a new declaration of intent to participate in the public campaign financing system for the next 4-year election cycle by January 31 of the year after the election, and must keep the same campaign finance entity open during such time.

**SECTION XLVIII: AUTHORITY LINES**

Generally

Each item of campaign material must include an authority line, set apart from the other printing or content of the campaign material. The authority line must state name and address (unless the address is on file with the State Board) of the person who is responsible for the production and distribution of the campaign material.

Campaign material includes signs, buttons, letters, tickets, solicitations, radio and television advertisements, websites, social media accounts, bumpers stickers and paraphernalia such as pencils, hats and t-shirts.

The authority line for a public financing committee must contain:

- The name of the Treasurer; and
- The name of the campaign finance entity.

Example of authority line for a committee.
Committee to Elect Mary Smith, John Jones, Treasurer

If the material is too small to permit the inclusion of all required information in a legible manner, the material need only contain the name and title of the treasurer.

The Office of the Attorney General has stated that almost no material is too small to permit inclusion of the complete authority line. Accordingly, every effort should be made to include the entire authority line.

### Mailings

If there is more than one piece or item bearing the candidate's name in a mailing (for example, a brochure, a cover letter, a bumper sticker, a reproduction of a newspaper article), each piece must bear the authority line. An envelope that does not include the name of the candidate, the name of the campaign finance entity, or a campaign slogan is not required to contain an authority line.

### Campaign Material on Electronic Media

Webpages and Social Media accounts:

Candidates and political committees that have a web page or social media account must place an authority line on the home or landing page of the website or social media account. An authority line is not required after each post or tweet. However, since each post or tweet is considered campaign material, the political committee is required to retain a copy of posts and tweets for at least one year.

Electronic Media Advertisement:

Electronic media advertisement by a political committee is required to have an authority line. If the electronic media advertisement is too small for an authority line then:

- The ad must allow the viewer to click on the ad and take the viewer to a home or landing page that displays the authority line; or
- Register the ad with the State Board.

Examples of electronic advertisement ads deemed too small:

- A paid text advertisement that is 200 characters or less in length

- A micro bar; or
- A button ad.

### Copies of Campaign Material

Each political committee is responsible for publishing and distributing an item of campaign material and is required to keep a sample copy of the item for at least one year after the general election following the date when the item was published or distributed. For each item of campaign material disseminated through the internet, the sample copy may be either a paper facsimile copy or an electronic copy that can be produced as a paper facsimile upon request. These requirements do not apply to a billboard or a sign distributed by a political committee.

## **ADDITIONAL RESOURCES**

Montgomery County Council Legislative Branch -

[http://www.montgomerycountymd.gov/COUNCIL/public\\_campaign\\_finance.html](http://www.montgomerycountymd.gov/COUNCIL/public_campaign_finance.html)

Maryland State Board of Elections -

[http://www.elections.state.md.us/campaign\\_finance/County\\_public.html](http://www.elections.state.md.us/campaign_finance/County_public.html)

[www.campaignfinance.maryland.gov](http://www.campaignfinance.maryland.gov)

Public Election Fund – County Liaison -

<https://www.montgomerycountymd.gov/OCP/campaign-finance-liaison.html>

Department of Finance – 2022 Election Cycle Webpage -

[https://www.montgomerycountymd.gov/BONDS/campaign\\_financing\\_2022.html](https://www.montgomerycountymd.gov/BONDS/campaign_financing_2022.html)

Maryland Campaign Reporting Information System Help Desk

[www.elections.state.md.us](http://www.elections.state.md.us)

Email: [info.sbe@maryland.gov](mailto:info.sbe@maryland.gov)

Phone: 410-269-2880

Fax: 410-974-2019

Business Hours: 8:00AM - 5:00 PM, M – F

# SAMPLE

## CONTRIBUTION CARD

(The contributor should complete and review the card in its entirety.)

---

Committee Name \_\_\_\_\_

Contribution Type     Check     Cash     Money Order     Credit Card

Amount \$ \_\_\_\_\_

Contributor Name \_\_\_\_\_

Home Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

County of Residence: \_\_\_\_\_

Optional: Tel. \_\_\_\_\_ Email \_\_\_\_\_

Account Holder \_\_\_\_\_ Card Type \_\_\_\_\_

Account Number \_\_\_\_\_ Expiration Date \_\_\_\_\_

I understand that State law and County regulations requires that a contribution be in my name and be from my own funds. I hereby affirm that this contribution is being made from my personal funds, is not being reimbursed in any manner, and is not being made as a loan; in addition, in the case of a credit card contribution, I also hereby affirm that this contribution is being made from my personal credit card account, billed to and paid by me for my personal use, and has no corporate or business affiliation.

---

Contributor's Signature \_\_\_\_\_ Date of Contribution \_\_\_\_\_

**SAMPLE**

**IN-KIND CONTRIBUTION FORM**

\_\_\_\_\_  
(Committee Name)

**CONTRIBUTOR'S INFORMATION**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

County of Residence: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**IN-KIND CONTRIBUTION DETAILS**

Services/Facilities Provided Fair Market Value of Contribution: \$ \_\_\_\_\_

Property Given Date Received: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Expenses Paid Documentation Attached:  Yes  No

**DESCRIPTION/EXPLANATION OF FAIR MARKET VALUE**  
(Please provide all details)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**REMINDER**

*The campaign committee must explain and keep documentation showing how the fair market value of the in-kind contribution was determined. Attach supporting documentation to this form. This form and documentation will be requested during the election cycle and as part of your post-election audit*



Notice of Withdrawal from the Public Election Fund – Montgomery County

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

Date: \_\_\_\_\_

Information on Candidate:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature of Candidate

\_\_\_\_\_  
Residential Address

Publicly Funded Campaign Account Information:

\_\_\_\_\_  
Name and number of the Publicly Funded Campaign Account

\_\_\_\_\_  
Bank Account Number

\_\_\_\_\_  
Name of Bank

\_\_\_\_\_  
Treasurer

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Signature of Treasurer

\_\_\_\_\_  
Signature of Chairman

\_\_\_\_\_  
Residential Address of Treasurer

\_\_\_\_\_  
Residential Address of Chairman

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

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