

**Candidate campaigns: Partial Public Financing [Statutes]**  
Updated December 2012

**Gubernatorial candidates only:**

***Maryland***

[§33-15-102](#). *Definitions*

- (a) In general. -- In this title the following words have the meanings indicated.
- (b) Comptroller. -- "Comptroller" means the Comptroller of the State.
- (c) Eligible gubernatorial ticket. -- "Eligible gubernatorial ticket" means a gubernatorial ticket that qualifies to receive a public contribution.
- (d) Eligible private contribution. -- "Eligible private contribution" means that part of a monetary or in-kind contribution or series of contributions from an individual that does not exceed \$ 250.
- (e) Fund. -- "Fund" means the "Fair Campaign Financing Fund".
- (f) Gubernatorial ticket. -- "Gubernatorial ticket" means a Governor-Lieutenant Governor unit.
- (g) Public contribution. -- "Public contribution" means money distributed from the Fund to a gubernatorial ticket under this title.
- (h) Seed money. -- "Seed money" means cumulative eligible private contributions equaling 10% or more of the expenditure limit prescribed under § 15-105 of this title for an election.
- (i) Treasurer. --
  - (1) "Treasurer" has the meaning stated in § 1-101 of this article.
  - (2) "Treasurer" includes a subtreasurer.

[§ 33-15-105](#). *Eligible gubernatorial ticket -- Expenditure limitation*

- (a) In general. --
  - (1) A gubernatorial ticket that accepts a public contribution from the Fund for an election may not spend, in that election, more than the product of 30 cents, adjusted annually beginning January 1, 1997, in accordance with the Consumer Price Index, times the population of the State as determined under subsection (c) of this section.
  - (2) Paragraph (1) of this subsection:
    - (i) applies separately to each primary and general election; and

(ii) does not apply to expenditures made on behalf of a gubernatorial ticket by a State or local central committee.

(b) Certification of limit. -- The State Board shall certify the expenditure limit for each election in accordance with subsection (a)(1) of this section.

(c) Determination of population. -- The population of the State shall be determined by the State Board as of January 1 of the year of the election in accordance with the more recent of:

(1) the most recent decennial census of the United States; or

(2) any population estimate prepared for the State by the Department of Health and Mental Hygiene.

(d) Liability for violations. -- The members of the gubernatorial ticket and, if associated with the expenditure, the responsible officers of its campaign finance entity are jointly and severally liable civilly and criminally for an expenditure made in violation of this section.

*§33-15-106. Public contributions -- Distributions*

(a) In general. --

(1)

(i) In accordance with subsection (c) of this section, the State Board shall authorize **distribution on a continuing basis of one-half of the money in the Fund to eligible gubernatorial tickets in the primary election.**

(ii) Distributions shall begin not later than February 1 of the year of the election.

(2) Promptly after the primary election, the State Board shall authorize distribution of the remaining money in the Fund in accordance with subsection (d) of this section.

(b) Insufficient money. -- **If the State Board determines that there is not, or may not be, sufficient money in the Fund to provide a full public contribution to all eligible gubernatorial tickets in a primary or general election, the State Board shall allocate the available money so that each eligible gubernatorial ticket in that election receives a proportionate share** of the full public contribution to which the gubernatorial ticket otherwise would be entitled.

(c) Primary election. --

(1) The State Board shall authorize distribution of the money that is designated for distribution in the primary election as provided in this subsection.

(2) An eligible gubernatorial ticket that is opposed in the primary election shall receive **\$ 1 in public contributions for each \$ 1 in eligible private contributions it has received.**

(3) An eligible gubernatorial ticket that is unopposed in the primary election shall receive \$ 1 in public contributions for each \$ 3 in eligible private contributions it has received.

(d) General election. --

(1) The State Board shall authorize distribution for the general election of all money remaining in the Fund, including money remaining from the part designated for the primary election, as provided in this subsection.

(2) Each eligible gubernatorial ticket that is a nominee shall receive an equal share of the Fund.

(3) An eligible gubernatorial ticket may not receive a public contribution if it is unopposed on the general election ballot.

(4) An eligible gubernatorial ticket that did not receive a public contribution in the primary election may receive a public contribution in the general election only if the gubernatorial ticket:

(i) is a nominee in the general election; and

(ii) did not exceed the expenditure limit for the primary election.

(5) The State Board shall authorize distribution of public contributions promptly after the certification of primary election results.

## **Michigan**

[§169.212](#). Definitions; Q to S.

Sec. 12.

(1) “Qualifying contribution” means a contribution of money made by a written instrument by an individual to the candidate committee of a candidate for the office of governor that is \$100.00 or less and made after April 1 of the year preceding a year in which a governor is to be elected. Not more than \$100.00 of an individual's total aggregate contribution may be used as a qualifying contribution in a calendar year. Qualifying contribution does not include a subscription, loan, advance, deposit of money, in-kind contribution or expenditure, or anything else of value except as prescribed in this act. Qualifying contribution does not include a contribution by an individual who resides outside of this state. For purposes of this subsection, an individual is considered to reside in this state if he or she is considered a resident of this state under the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(2) “Senate political party caucus committee” means an independent committee established by a political party caucus of the state senate under section 24a.

(3) “State elective office” means a statewide elective office or the office of state legislator.

(4) “Statewide elective office” means the office of governor, lieutenant governor, secretary of state, or attorney general, justice of the supreme court, member of the state board of education, regent of the

university of Michigan, member of the board of trustees of Michigan state university, or member of the board of governors of Wayne state university.

[§169.261](#). *State campaign fund; creation; administration; tax designation; appropriation; distribution of money; transfer to general fund.*

Sec. 61.

(1) The state campaign fund is hereby created. The state treasurer shall administer the state campaign fund in accordance with this act.

(2) An individual whose tax liability under the income tax act of 1967, 1967 PA 281, MCL 206.1 to 206.532, for a taxable year is \$3.00 or more may designate that \$3.00 be credited to the state campaign fund. In the case of a joint return of husband and wife having an income tax liability of \$6.00 or more, each spouse may designate that \$3.00 be credited to the state campaign fund.

(3) The tax designation authorized in this section shall be clearly and unambiguously printed on the first page of the state individual income tax return.

(4) Except as otherwise provided in this section, an amount equal to the cumulative amounts designated under subsection (2) each year shall be appropriated annually from the general fund of this state to the state campaign fund to be available beginning January 1 and continuing through December 31 of each year in which a governor is elected. Except as otherwise provided in this section, money appropriated under this section shall not lapse to the general fund but shall remain in the state campaign fund for distribution without fiscal year limitation except that any money remaining in the state campaign fund in excess of \$10,000,000.00 on December 31 immediately following a gubernatorial general election shall lapse to the general fund.

(5) Before the distribution of money under this act to qualifying primary election candidates, the state treasurer shall set aside sufficient money from the state campaign fund to fully implement the formula for distributing money to qualifying general election candidates. **If there is insufficient money in the state campaign fund to provide full funding to eligible primary election candidates, the available money shall be distributed to those candidates on a pro rata basis.**

(6) For fiscal year 2006-2007 only, \$7,200,000.00 shall be transferred from the state campaign fund to the general fund of this state.

[§169.264](#). *Payments to candidates in primary election; requirements; return of funds.*

Sec. 64.

(1) A candidate in a **primary election** may obtain funds from the state campaign fund in **an amount equal to \$2.00 for each \$1.00 of qualifying contribution** if the candidate certifies to the secretary of state both of the following:

(a) That the candidate committee of the candidate received **\$75,000.00 or more of qualifying contributions.**

(b) That the full name and address of each person making a qualifying contribution is recorded by the candidate committee of the candidate certifying. This requirement is in addition to and not in lieu of any other requirements relating to the recording and reporting of contributions.

(2) A candidate is not entitled to funds from the state campaign fund for a primary election if it is determined the name of the candidate is ineligible to appear on the primary election ballot pursuant to section 53 of the Michigan election law, Act No. 116 of the Public Acts of 1954, as amended, being section 168.53 of the Michigan Compiled Laws. A candidate who does not file nominating petitions for the office of governor or who files an insufficient petition for that office shall return all funds received from the state campaign fund for that primary election.

(3) A candidate shall not receive from the state campaign fund for a primary more than \$990,000.00.

(4) For purposes of this section, primary election is the election described in section 52 of Act No. 116 of the Public Acts of 1954, as amended, being section 168.52 of the Michigan Compiled Laws.

§169.265. *Nominees entitled to receive funds.*

Sec. 65.

(1) A major political party nominee is entitled to an amount from the state campaign fund of **not more than \$1,125,000.00 for a general election**. A candidate, subject to law, may raise the remaining amount of the permissible expenditure limit in private contributions. An eligible candidate in a general election may elect to accept partial payment of money from the state campaign fund and instead raise private contributions as provided by law that, when added to the amount received from the state campaign fund, do not exceed the expenditure limit designated in section 67.

(2) A minor political party nominee whose party received 5% or more of the vote for the same office in the last election is entitled to an amount from the state campaign fund of not more than \$1,125,000.00, multiplied by the number of popular votes the minor party received in the preceding general election for governor and then divided by the average number of votes the major parties received in that general election for governor.

(3) A minor political party nominee not eligible under subsection (2) but who receives more than 5% of the vote in that general election for governor is entitled to reimbursement from the state campaign fund in an amount of not more than \$1,125,000.00, multiplied by the number of popular votes the minor party received in the preceding general election for governor and then divided by the average number of votes the major parties received in that general election for governor.

(4) A minor political party nominee qualified under subsection (2) who receives more popular votes in an election than the candidate of that minor political party received at the preceding election is entitled to additional reimbursement from the state campaign fund in an amount determined as follows:

(a) Compute the amount that the candidate would have received under subsection (3) had the candidate otherwise qualified.

(b) Subtract the amount received under subsection (2) from the amount computed under subdivision (a).

(5) A candidate listed on the ballot in the general election is entitled to \$1.00 for each \$1.00 of qualifying contributions certified to the secretary of state pursuant to this act up to \$750,000.00, if the candidate has certified to the secretary of state \$75,000.00 or more in qualifying contributions. A candidate who chooses to receive any public funds under this subsection shall not receive any money under subsection (1), (2), (3), or (4).

(6) A major political party nominee shall receive from the state treasurer \$56,250.00 of the funds that the candidate may be entitled to under this section not later than 10 days after the primary election, unless there is less than a 2% difference in vote totals of the top 2 primary election candidates of the same political party according to unofficial vote totals available to the secretary of state. The balance of any funds owed to a major political party nominee under this section shall be payable by the state treasurer within 3 days after the board of state canvassers' certification of the primary election results, but not later than 30 days after the primary election. Any funds paid to a major political party nominee under this section either erroneously or based on election results that are reversed due to a recount or fraud shall be repaid by that major political party nominee to the state treasurer within 60 days of receipt of notification by certified mail from the state treasurer.

[§169.267. Limitations on expenditures; exceptions; violation as misdemeanor; penalty; prohibitions.](#)

Sec. 67.

(1) Expenditures made by a candidate committee to further the nomination or election of a candidate may not exceed \$2,000,000.00 in the aggregate for 1 election. An expenditure by a candidate committee for an incidental expense under section 21a is not considered an expenditure for the purposes of the expenditure limitations set forth in this subsection.

(2) An expenditure by a candidate committee to purchase space in a newspaper or other periodical or time on radio or television for the purpose of responding to an editorial in the same newspaper or periodical or on the same station or channel that was unfavorable to the committee's candidate or that endorsed the candidate's opponent is not considered an expenditure for the purposes of the expenditure limitations set forth in subsection (1). This subsection only applies to 1 response made to a particular editorial, unfavorable report, or endorsement of an opponent and does not apply unless the candidate is refused free space or time in which to answer.

(3) A person who knowingly violates subsection (1) is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00, or imprisonment for not more than 90 days, or both.

(4) If a person who is subject to this section is found guilty, the circuit court, on application by the attorney general, may prohibit that person from assuming the duties of a public office or from receiving compensation from public funds, or both.

### ***New Jersey***

[§19:25-15.3. Definitions for this subchapter.](#)

"Contribution eligible for match" means contributions from one contributor to be matched from public funds on a two-for-one basis. No contribution, which must be or is intended by the contributor or the

recipient to be refunded or repaid at any time, no loan obtained pursuant to N.J.S.A. 19:44A-44, no amount of the candidate's own funds in the aggregate in excess of \$3,800, no in-kind contribution, and no other moneys received by the candidates for Governor and for Lieutenant Governor, their campaign treasurer, or deputy campaign treasurer, except those contributions described in N.J.S.A. 19:44A-29(a) shall be deemed contributions eligible for match.

"Qualified candidate" means:

1. Candidates for election to the offices of Governor and of Lieutenant Governor whose names jointly appear on the general election ballot and who have deposited and expended \$380,000 pursuant to N.J.S.A. 19:44A-32; and who, not later than September 1 preceding a general election in which the offices of Governor and of Lieutenant Governor are to be filled, notify the Election Law Enforcement Commission in writing that the candidates intend that an application will be made on the candidates' behalf for monies for general election campaign expenses pursuant to N.J.S.A. 19:44A-33, and sign a statement of agreement, in a form to be prescribed by the Commission, that the candidate for election to the office of Governor will participate in two interactive general election debates pursuant to sections 45 through 47 of the Act, and the candidate for election to the office of Lieutenant Governor will participate in one interactive general election debate pursuant to sections 45 through 47 of the Act; or
2. Candidates for election to the offices of Governor and of Lieutenant Governor whose names do not appear on the general election ballot, but who have jointly deposited and expended \$380,000 pursuant to N.J.S.A. 19:44A-32 and who, not later than September 1 preceding a general election in which the offices of Governor and of Lieutenant Governor are to be filled, notify the Election Law Enforcement Commission in writing that the candidates intend that an application will be made on the candidates' behalf for monies for general election campaign expenses pursuant to N.J.S.A. 19:44A-33, and sign a statement of agreement, in a form to be prescribed by the Commission, that the candidate for election to the office of Governor will participate in two interactive general election debates pursuant to sections 45 through 47 of the Act, and the candidate for election to the office of Lieutenant Governor will participate in one interactive general election debate pursuant to sections 45 through 47 of the Act.

[§19:25-15.11](#). *Limitations on participating candidates.*

(a) Each candidate for the office of Governor and for the office of Lieutenant Governor intending to participate in public funding, in addition to any other requirement imposed by the Act or this subchapter, is subject to the following limitations:

1. No publicly funded candidate for the office of Governor may make expenditures from the candidate's own funds, including any contributions from the candidate's own funds, in aid of the candidate's campaign in excess of \$25,000. Any loan guaranteed with such candidate's own funds must be included in calculating the aggregate contribution of the candidate in aid of the candidate's campaign until such time as the loan is no longer outstanding.
2. No publicly funded candidate for the office of Lieutenant Governor may make expenditures from the candidate's own funds, including any contributions from the candidate's own funds, in aid of the candidate's campaign in excess of \$25,000. Any loan guaranteed with such candidate's own funds must be included in calculating the aggregate contribution of the candidate in aid of the candidate's campaign until such time as the loan is no longer outstanding.

3. No candidates for the offices of Governor and of Lieutenant Governor, or their campaign treasurer or deputy campaign treasurer, shall borrow an amount that at any one time exceeds \$50,000 in the aggregate for their campaign, and such loan must be repaid in full no later than 20 days prior to the general election for which the loan was made from moneys accepted or allocated pursuant to N.J.S.A. 19:44A-29. Certification of such repayment shall be made by the borrower to the Commission in accordance with N.J.A.C. 19:25-15.30.

4. **The amount which any qualified candidates may spend in aid of their joint candidacies for the offices of Governor and of Lieutenant Governor shall not exceed \$12.2 million**, which amount shall include payments made solely for the purpose of determining whether to become a candidate. Such amount shall not include expenditures listed in N.J.A.C. 19:25-15.26.

5. Contributions by any candidate for the office of Governor in excess of \$3,800 from the candidate's own funds in aid of the candidate's campaign shall not be deposited in a matching fund account and shall not be calculated in determining if such candidate is a qualified candidate eligible for public matching funds.

6. Contributions by any candidate for the office of Lieutenant Governor in excess of \$3,800 from the candidate's own funds in aid of the candidate's campaign shall not be deposited in a matching fund account and shall not be calculated in determining eligibility for public matching funds.

[§19:25-15.17](#). *Matching of funds.*

(c) Candidates for the offices of Governor and of Lieutenant Governor who jointly seek to become eligible to receive matching funds shall certify to the Commission in a written statement signed by the candidate for Governor that the candidate is a candidate for Governor in a general election and by the candidate for Lieutenant Governor that he or she is a candidate for Lieutenant Governor and that **they have jointly received and deposited into their matching fund account contributions eligible for match of at least \$380,000 from persons, candidate committees, joint candidates committees, political committees, continuing political committees, or legislative leadership committees each of whose contributions in the aggregate do not exceed \$3,800, and that at least \$380,000 of such contributions have been expended**. "Expended" for this purpose shall mean disbursed or committed for expenditure in the campaign.

[§19:25-15.21](#). *Receipt of public funds.*

(a) The campaign treasurer or deputy campaign treasurer of any qualified candidates for election to the offices of Governor and of Lieutenant Governor in a general election shall promptly receive, on behalf of such qualified candidates, public moneys in an amount equal to twice the amount of each contribution eligible for match and deposited in such qualified candidates' matching fund account, described in N.J.S.A. 19:44A-32, **except that no payment shall be made to any candidates from such fund for general election campaign purposes for the first \$122,000 deposited in such candidates' matching fund account**.

(b) No candidates for election to the offices of Governor and of Lieutenant Governor or their campaign treasurer or deputy campaign treasurer shall receive any general election public matching funds if the Commission determines that an application for matching funds, submitted pursuant to N.J.A.C. 19:25-15.17, contains a contribution or contributions in excess of the general election contribution limit. The



Commission shall permit the candidates or their campaign treasurer or deputy campaign treasurer to submit proof that the excessive portion of a contribution or contributions has been refunded.

[§19:25-15.22](#). *Receipt of public funds; limitation.*

(a) No public funds shall be deposited by the Commission in the public fund account of any qualified candidates on or before the date of the primary election for nomination for the office of Governor of New Jersey immediately preceding the general election for the same office.

(b) **The maximum amount which any qualified candidates may jointly receive from public funds shall not exceed \$8.2 million.**

[§19:25-16.9](#). *Limitations on participating candidates.*

(a) Each candidate intending to participate in public funding, in addition to any other requirement imposed by the Act (N.J.S.A. 19:44A-1 et seq.) or this subchapter, is subject to the following limitations:

1. No candidate receiving public funds may make expenditures from his or her own funds, including any contributions from his or her own funds, in aid of his or her candidacy in excess of \$25,000. Any loan guaranteed with such candidate's own funds must be included in calculating the aggregate contribution of the candidate in aid of his or her candidacy until such time as the loan is no longer outstanding.
2. No candidate, or his or her campaign treasurer or deputy campaign treasurer, shall borrow an amount that at any one time exceeds \$50,000 in the aggregate, and such loan must be repaid in full not later than 20 days prior to the primary election for which the loan was made from moneys accepted or allocated pursuant to N.J.S.A. 19:44A-29. Certification of such repayment shall be made by the borrower to the Commission in accordance with N.J.A.C. 19:25- 16.31 Borrowing of funds, repayment.
3. **The amount which any qualified candidate may spend in aid of his or her candidacy shall not exceed \$5.6 million**, which amount shall include payments made solely for the purpose of determining whether to become a candidate. Such amount shall not include expenditures listed in N.J.A.C. 19:25-16.27.
4. Contributions by any candidate in excess of \$3,800 from his or her own funds in aid of his or her candidacy shall not be deposited in a matching fund account and shall not be calculated in determining if such candidate is a qualified candidate eligible for public matching funds.

[§19:25-16.22](#). *Receipt of public funds; limitation.*

(a) No public funds shall be deposited by the Commission in the public fund account of any qualified candidate on or before January 1 of the year of the primary election for nomination for the office of Governor of New Jersey.

(b) **The maximum amount, which any qualified candidate may receive from public funds shall not exceed \$3.5 million.**

[§19:44A-7](#). *Spending limits.*

7. The amount which may be spent in aid of the candidacy of any qualified candidate for Governor in a primary election shall not exceed \$2,200,000. The amount which may be spent in aid of the candidacy of any qualified joint candidates for Governor and Lieutenant Governor in a general election shall not exceed \$5,000,000; but such sums shall not include the traveling expenses of the candidate or candidates or of any person other than the candidate or candidates if such traveling expenses are voluntarily paid by such person without any understanding or agreement with the candidate or candidates that they shall be, directly or indirectly, repaid to him by the candidate or candidates.

L.1973, c.83, s.7; amended 1980, c.74, s.2; 1989, c.4, s.2; 2009, c.66, s.7

§19:44A-7.1. Adjustment of limits.

19.

a. For the purpose of ensuring the continuing adequacy of the limits set by law upon contributions, expenditures and certain other amounts relating to campaigns for nomination to the office of Governor and election to the offices of Governor and Lieutenant Governor, the Election Law Enforcement Commission is authorized and directed to adjust the limits on those amounts as provided herein. The limitation amounts thus adjusted shall apply to the primary election for the office of Governor and the general election for the offices of Governor and Lieutenant Governor to be held in the year following the year in which that adjustment is required hereunder to be made.

b. The commission shall establish an index reflecting the changes occurring in the general level of prices of particular goods and services, including but not limited to goods and services within such categories of expenditure as mass media and other forms of public communication, personnel, rent, office supplies and equipment, data processing, utilities, travel and entertainment, and legal and accounting services, directly affecting the overall costs of election campaigning in this State. The index shall be weighted in accordance with the impact in the preceding general election for the offices of Governor and Lieutenant Governor of the respective prices of each of those several goods and services upon those overall costs. Not later than December 1 of each year preceding any year in which a general election is to be held to fill the offices of Governor and Lieutenant Governor for a four-year term, the commission shall determine the percentage of change in this index which shall have occurred during the four-year period ending with the year of the gubernatorial election, and shall adjust the amounts, as set forth in subsection c. of this section, which shall be applicable under P.L.1973, c.83 (C.19:44A-1 et seq.) to the primary election for the office of Governor and the general election for the offices of Governor and Lieutenant Governor to be held in the following year by multiplying that percentage of change, plus 100%, times the amounts applicable thereunder to the primary and general elections for that office held in the third year preceding the year in which that December 1 occurs; provided that any amount so adjusted shall be rounded as follows: if the adjusted amount is less than \$20,000 and is not an exact multiple of \$100, to the next higher exact multiple of \$100; if the adjusted amount is more than \$20,000 but less than \$200,000 and is not an exact multiple of \$1,000, to the next higher exact multiple of \$1,000; if the adjusted amount is more than \$200,000 but less than \$2,000,000 and is not an exact multiple of \$10,000, to the next higher exact multiple of \$10,000; and if the adjusted amount is more than \$2,000,000 but less than \$20,000,000 and is not an exact multiple of \$100,000, to the next higher exact multiple of \$100,000.

c. The amounts subject to adjustment as provided under this section shall be:

(1) The maximum amount of contributions permitted to be made to any candidate for nomination for election to the office of Governor or for election to the offices of Governor and Lieutenant Governor pursuant to section 4 of P.L.1974, c.26 (C.19:44A-29) and the amount of contributions with respect to which a qualified candidate for nomination for election or for election to those offices shall be eligible to receive moneys from the fund for election campaign expenses pursuant to section 8 of P.L.1974, c.26 (C.19:44A-33);

(2) The amount of deposits or expenditures required to have been made by a candidate for nomination for election to the office of Governor or for election to the offices of Governor and Lieutenant Governor in order for those candidates to be qualified candidates under subsection m. of section 3 of P.L.1973, c.83 (C.19:44A-3) and the amount of such deposits into such candidates' bank account for which no payment of public funds is to be made pursuant to section 8 of P.L.1974, c.26 (C.19:44A-33);

(3) The maximum amount which may be spent in aid of the candidacy of a qualified candidate for the office of Governor in a primary election or the offices of Governor and Lieutenant Governor in a general election pursuant to section 7 of P.L.1973, c.83 (C.19:44A-7); and

(4) The maximum amount which any qualified candidate for nomination for election for the office of Governor in a primary election or for election to the offices of Governor and Lieutenant Governor in a general election may receive from the fund for election campaign expenses pursuant to section 8 of P.L.1974, c.26 (C.19:44A-33).

d. Not later than December 15 of each year preceding any year in which a general election is to be held to fill the offices of Governor and Lieutenant Governor for a four-year term, the commission shall report to the Legislature its adjustment of limits in accordance with the provisions of this section. Whenever, following the transmittal of that report, the commission shall have had notice that a person has declared as a candidate for nomination for election for the office of Governor or for election to the offices of Governor and Lieutenant Governor in the forthcoming primary or general election, it shall promptly notify those candidates of the amounts of those adjusted limits.

L.1980, c.74, s.19; amended 1989, c.4, s.3; 2009, c.66, s.8.

#### **Gubernatorial and other statewide:**

##### ***Florida***

[§9.106.33](#). *Election campaign financing; eligibility.*

Each candidate for the office of Governor or member of the Cabinet who desires to receive contributions from the <sup>1</sup>Election Campaign Financing Trust Fund shall, upon qualifying for office, file a request for such contributions with the filing officer on forms provided by the Division of Elections. If a candidate requesting contributions from the fund desires to have such funds distributed by electronic fund transfers, the request shall include information necessary to implement that procedure. For the purposes of ss. [106.30-106.36](#), candidates for Governor and Lieutenant Governor on the same ticket shall be considered as a single candidate. **To be eligible to receive contributions from the fund, a candidate may not be an unopposed candidate** as defined in s. [106.011](#)(15) and must:

(1) Agree to abide by the expenditure limits provided in s. [106.34](#).

(2)

(a) Raise contributions as follows:

1. One hundred fifty thousand dollars for a candidate for Governor.
2. One hundred thousand dollars for a candidate for Cabinet office.

(b) Contributions from individuals who at the time of contributing are not state residents may not be used to meet the threshold amounts in paragraph (a). For purposes of this paragraph, any person validly registered to vote in this state shall be considered a state resident.

(3) Limit loans or contributions from the candidate's personal funds to \$25,000 and contributions from national, state, and county executive committees of a political party to \$250,000 in the aggregate, which loans or contributions shall not qualify for meeting the threshold amounts in subsection (2).

(4) Submit to a postelection audit of the campaign account by the division.

History.—s. 1, ch. 86-276; s. 40, ch. 90-315; s. 20, ch. 91-107; s. 68, ch. 2001-40; s. 47, ch. 2005-278.

<sup>1</sup>Note.—The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

[§9.106.34](#). *Expenditure limits.*

(1) Any candidate for Governor and Lieutenant Governor or Cabinet officer who requests contributions from the <sup>1</sup>Election Campaign Financing Trust Fund shall limit his or her total expenditures as follows:

- (a) Governor and Lieutenant Governor: \$2.00 for each Florida-registered voter.
- (b) Cabinet officer: \$1.00 for each Florida-registered voter.

(2) The expenditure limit for any candidate with primary election opposition only shall be 60 percent of the limit provided in subsection (1).

(3) For purposes of this section, "Florida-registered voter" means a voter who is registered to vote in Florida as of June 30 of each odd-numbered year. The Division of Elections shall certify the total number of Florida-registered voters no later than July 31 of each odd-numbered year. Such total number shall be calculated by adding the number of registered voters in each county as of June 30 in the year of the certification date. For the 2006 general election, the Division of Elections shall certify the total number of Florida-registered voters by July 31, 2005.

(4) For the purposes of this section, the term "expenditure" does not include the payment of compensation for legal and accounting services rendered on behalf of a candidate.

History.—s. 1, ch. 86-276; s. 41, ch. 90-315; s. 21, ch. 91-107; s. 654, ch. 95-147; s. 48, ch. 2005-278.

<sup>1</sup>Note.—The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

[§9.106.35](#). Distribution of funds.

(1) The division shall review each request for contributions from the <sup>1</sup>Election Campaign Financing Trust Fund and certify whether the candidate is eligible for such contributions. Notice of the certification decision shall be provided to the candidate. An adverse decision may be appealed to the Florida Elections Commission. The division shall adopt rules providing a procedure for such appeals.

(2)

(a) Each candidate who has been certified to receive contributions from the <sup>1</sup>Election Campaign Financing Trust Fund shall be entitled to distribution of funds as follows:

1. For qualifying matching contributions making up all or any portion of the threshold amounts specified in s. [106.33\(2\)](#), distribution shall be on a two-to-one basis.
2. For all other qualifying matching contributions, distribution shall be on a one-to-one basis.

(b) Qualifying matching contributions are those of \$250 or less from an individual, made after September 1 of the calendar year prior to the election. Any contribution received from an individual who is not a state resident at the time the contribution is made shall not be considered a qualifying matching contribution. For purposes of this paragraph, any person validly registered to vote in this state shall be considered a state resident. Aggregate contributions from an individual in excess of \$250 will be matched only up to \$250. A contribution from an individual, if made by check, must be drawn on the personal bank account of the individual making the contribution, as opposed to any form of business account, regardless of whether the business account is for a corporation, partnership, sole proprietorship, trust, or other form of business arrangement. For contributions made by check from a personal joint account, the match shall only be for the individual who actually signs the check.

(3)

(a) Certification and distribution of funds shall be based on contributions to the candidate reported to the division for such purpose. The division shall review each report and verify the amount of funds to be distributed prior to authorizing the release of funds. The division may prescribe separate reporting forms for candidates for Governor and Cabinet officer.

(b) Notwithstanding the provisions of s. [106.11](#), a candidate who is eligible for a distribution of funds based upon qualifying matching contributions received and certified to the division on the report due on the 4th day prior to the election, may obligate funds not to exceed the amount which the campaign treasurer's report shows the candidate is eligible to receive from the <sup>1</sup>Election Campaign Financing Trust Fund without the funds actually being on deposit in the campaign account.

(4) Distribution of funds shall be made beginning on the 32nd day prior to the primary and every 7 days thereafter.

(5) The division shall adopt rules providing for the weekly reports and certification and distribution of funds pursuant thereto required by this section. Such rules shall, at a minimum, provide specifications for electronically transmitted campaign treasurer's reports outlining communication parameters and protocol, data record formats, and provisions for ensuring security of data and transmission.

History.—s. 1, ch. 86-276; s. 25, ch. 89-256; s. 42, ch. 90-315; s. 22, ch. 91-107; s. 69, ch. 2001-40; s. 49, ch. 2007-30; s. 74, ch. 2011-40.

<sup>1</sup>Note.—The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

[§9.106.355.](#) *Nonparticipating candidate exceeding limits.*

Whenever a candidate for the office of Governor or member of the Cabinet who has elected not to participate in election campaign financing under the provisions of ss. [106.30-106.36](#) exceeds the applicable expenditure limit provided in s. [106.34](#), all opposing candidates participating in such election campaign financing are, notwithstanding the provisions of s. [106.33](#) or any other provision requiring adherence to such limit, released from such expenditure limit to the extent the nonparticipating candidate exceeded the limit, are still eligible for matching contributions up to such limit, and shall not be required to reimburse any matching funds provided pursuant thereto. In addition, the Department of State shall, within 7 days after a request by a participating candidate, provide such candidate with funds from the <sup>1</sup>Election Campaign Financing Trust Fund equal to the amount by which the nonparticipating candidate exceeded the expenditure limit, not to exceed twice the amount of the maximum expenditure limits specified in s. [106.34](#)(1)(a) and (b), which funds shall not be considered matching funds.

History.—s. 24, ch. 91-107.

<sup>1</sup>Note.—The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

### ***Rhode Island***

[§17-25-19.](#) *Public financing of election campaigns – Outlined.*

(a) To effectuate the purpose stated in § 17-25-18, public funds shall be made available under the terms and conditions of this section and §§ 17-25-20 – 17-25-27 to qualifying candidates for general office who agree to abide by a limitation on the total amount of campaign contributions received and expenditures made for election purposes.

(b) Candidates for general office shall be eligible to receive two dollars (\$2.00) of public funds for each qualified dollar (\$1.00) of private funds contributed which do not exceed an aggregate of five hundred dollars (\$500) from a single source within an election cycle and one dollar (\$1.00) of public funds for each qualified dollar (\$1.00) of private funds contributed which exceed an aggregate of five hundred dollars (\$500) from a single source within an election cycle but do not exceed the limitations on aggregate contributions which are eligible to be matched set in subdivision 17-25-20(3), subject to the

provisions of subdivision 17-25-20(2). The total amount of public funds provided to a candidate shall not exceed seven hundred fifty thousand dollars (\$750,000) in matching funds for a total of one million five hundred thousand dollars (\$1,500,000) for candidates for governor; and one hundred eighty-seven thousand five hundred dollars (\$187,500) in matching funds for a total of three hundred seventy-five thousand dollars (\$375,000) for candidates for other general offices.

(c) In order to be eligible for matching public funds, each candidate at the time he or she becomes a candidate, as defined in subdivision 17-25-3(2), but no later than 4:00 pm on the last day for filing declarations of candidacy for general office, must sign a statement under oath pledging to comply with the limitations on campaign contributions and expenditures and with all of the terms and conditions set forth in this chapter. Any candidate who fails to file the statement with his or her declaration for office shall be ineligible to receive public funds.

§17-25-20. Eligibility criteria for matching public funds.

In order to receive matching public funds under § 17-25-19, a qualifying candidate must comply with the following requirements:

(1) The candidate must sign a statement under oath, as provided for in § 17-25-19, pledging to comply with the limitations on contributions and expenditures for election purposes and with all the terms and conditions set forth in this chapter. Upon the filing of the statement, a candidate for general office shall be bound to abide by the limitations on contributions and expenditures set forth in this chapter and may not withdraw from his or her obligation to abide by these restrictions.

(2) Subject to the provisions of paragraph (ii) of this subdivision, no participating candidate shall either receive or expend for election purposes more than a total of public and private funds in the sum of one million five hundred thousand dollars (\$1,500,000) in an election cycle. No participating candidate for general office other than governor shall receive or expend for election purposes more than a total of public and private funds in the sum of three hundred seventy-five thousand dollars (\$375,000) in an election cycle.

(ii) The limitations on contributions received from private sources, matching funds available from the state, and total permitted expenditures shall apply in the 1994 general election and, subject to appropriations by the general assembly, shall increase by a percentage to be determined by the board of elections in January of each year in which a general election involving general offices is held, beginning in 1998. In no case shall the increase exceed the total increase in the consumer price index since the month in which the previous general election involving general was held.

(3) Only the first two thousand dollars (\$2,000) of the aggregate private monetary contributions from a single private source within an election cycle shall be eligible for matching public funds for candidates for governor; provided, that the entire amount contributed shall be considered toward the dollar limits provided in subdivision (2) of this section.

(ii) Only the first one thousand dollars (\$1,000) of the aggregate private monetary contributions from a single private source within an election cycle shall be eligible for matching public funds for candidates for lieutenant governor, secretary of state, attorney general, and general

**treasurer**; provided, that the entire amount contributed shall be considered toward the dollar limits provided for in subdivision (2) of this section.

(iii) Any private funds lawfully contributed during the current election cycle shall be eligible for matching public funds subject to the terms and conditions of this section, and private funds donated during a preceding election cycle shall not be eligible for matching public funds.

(4) The direct costs incurred in connection with raising campaign funds on behalf of a candidate shall not be deemed to be expenditures for the purposes of the limitations on expenditures set forth in subdivision (2) of this section. Direct costs shall include costs of printing and mailing invitations to fundraising events, solicitations for contributions, costs of hosting fundraising events, and travel to those events, but shall not include any portion of the salary or wages of campaign employees, nor the cost of any radio, television, computer/Internet/electronic device, or printed advertisement. The cost of a fundraising event must be less than the amount of money realized from the gross proceeds generated by the fundraising event in order to qualify for this exclusion.

(5) If a candidate who has accepted public funds makes expenditures in excess of the permitted amounts, the candidate shall be liable for a civil assessment payable to the state in an amount equal to three (3) times the amount of excess funds expended. In addition, the candidate shall be ineligible for further participation in the public financing program during the same election cycle.

(6) In order to receive payments under this section, any candidate for general office shall first meet the following additional minimum requirements:

(i) **Raise an amount in qualified private contributions equal to twenty percent (20%) of the total amount eligible to be matched for election as to the office sought;**

(ii) **Receive private contributions from a minimum of two hundred fifty (250) individuals contributing at least twenty-five dollars (\$25.00) each for candidates for governor and receive private contributions from a minimum of one hundred (100) individuals contributing at least twenty-five dollars (\$25.00) each, for candidates for lieutenant governor, secretary of state, attorney general and general treasurer; and**

(iii) Comply with any and all applicable nomination provisions in this title and qualify for the general election ballot pursuant to the process set forth in this title.

(7) No public funds received by any candidate pursuant to §§ 17-25-19 – 17-25-27 of this chapter and no private funds used to qualify for the public funds shall be expended by the candidate for any purpose except to pay reasonable and necessary expenses directly related to the candidate's campaign.

(8) No public funds shall be expended by the candidate, except for one or more of the following uses directly related to the campaign of the candidate:

(i) Purchase of time on radio or television stations; provided, however, the content of all television time shall include captioning for the deaf and hard of hearing and the content of all radio time must be available in a written or text format at the time of request;

(ii) Purchase of rental space on outdoor signs or billboards;



- (iii) Purchase of advertising space on the computer/Internet/electronic device and in newspapers and regularly published magazines and periodicals;
- (iv) Payment of the cost of producing the material aired or displayed on radio, television, outdoor signs or billboards, and computer/Internet/electronic device and in newspapers, regularly published magazines, and periodicals;
- (v) Payment of the cost of printing and mailing campaign literature and brochures;
- (vi) Purchase of signs, bumper stickers, campaign buttons, and other campaign paraphernalia;
- (vii) Payment of the cost of legal and accounting expenses incurred in complying with the public financing law and regulations as required by this chapter;
- (viii) Payment of the cost of telephone deposits, installation charges, and monthly billings in excess of deposits;
- (ix) Payment of the costs of public opinion polls and surveys; and
- (x) Payment of rent, utilities and associated expenses connected with the operation of an election headquarters or satellite election offices.

(9) Contributions received and expended by any candidate for the purpose of defraying any expense or satisfying any loan obligations incurred prior to January 1, 1991, by the candidate in furtherance of his or her candidacy in a previous election cycle, as defined in subdivision 17-25-3(5), shall not be counted toward any contribution or expenditure limitation in §§ 17-25-18 – 17-25-27.

(10) No candidate who has elected to receive public funds shall contribute to or loan to his or her own campaign a sum in excess of five percent (5%) of the total amount that a candidate is permitted to expend in a campaign for the office pursuant to §§ 17-25-19 and 17-25-21.

[§17-25-21](#). *Primary elections.*

Any candidate eligible to receive public funds and electing to receive these funds who is challenged for nomination for general office in a political party primary **shall be permitted to raise and expend an additional amount of private funds equal to one-third (1/3) of the maximum allowable expenditure amount for the office or equal to the total amount spent by the candidates' opponent or opponents in the primary, whichever amount is less.** The additional amount received in contributions must be expended prior to the primary election. **The additional private contributions shall not be eligible for matching public funds.**

**Gubernatorial, other statewide and legislative:**

***Hawaii***

[§11-422](#). *Depletion of fund.*

(a) The commission shall be under no obligation to provide moneys to candidates if, in the partial public funding program or comprehensive public funding for elections to the county of Hawaii council, moneys in the Hawaii election campaign fund are near depletion.

(b) For the purpose of the partial funding program, **if the Hawaii election campaign fund is close to depletion as determined by the commission, the commission shall determine the amounts available to eligible candidates based on their order of eligibility in qualifying for partial public funds**, as determined by the date of filing of an application for public funds with the commission pursuant to section 11-428; provided that the application has been accepted by the commission.

(c) For the purpose of the comprehensive public funding for elections to the county councils, if the Hawaii [election] campaign fund is close to depletion, the commission shall determine whether the program shall be operative in accordance with this part. [L 2010, c 211, pt of §2]

**§11-423. Voluntary expenditure limits; filing affidavit.**

(a) Any candidate may voluntarily agree to limit the candidate's expenditures and those of the candidate's candidate committee or committees and the candidate's party on the candidate's behalf by filing an affidavit with the campaign spending commission.

(b) The affidavit shall state that the candidate knows the voluntary campaign expenditure limitations as set out in this part and that the candidate is voluntarily agreeing to limit the candidate's expenditures and those made on the candidate's behalf by the amount set by law. The affidavit shall be subscribed to by the candidate and notarized.

(c) The affidavit shall remain effective until the termination of the candidate committee or the opening of filing of nomination papers for the next succeeding election, whichever occurs first. An affidavit filed under this section may not be rescinded.

(d) From January 1 of the year of any primary, special, or general election, the aggregate expenditures for each election by a candidate who voluntarily agrees to limit campaign expenditures, inclusive of all expenditures made or authorized by the candidate alone, all treasurers, the candidate committee, and noncandidate committees on the candidate's behalf, **shall not exceed the following amounts expressed, respectively multiplied by the number of voters in the last preceding general election registered to vote in each respective voting district:**

(1) **For the office of governor — \$2.50;**

(2) **For the office of lieutenant governor — \$1.40;**

(3) **For the office of mayor — \$2.00;**

(4) **For the offices of state senator, state representative, and county council member — \$1.40;**  
and

(5) **For all other offices — 20 cents.** [L 2010, c 211, pt of §2; am L 2011, c 5, §5]

[2012 expenditure limits](#)

Candidate	Primary	General
Gov.	\$1,513,830	\$1,513,830
Lt. Gov.	\$847,745	\$847,745
State Sen. (range)	\$24,559-\$50,170	\$24,559-\$50,170
State Rep. (range)	\$10,840-\$23,052	\$10,840-\$23,052

[§11-425. Maximum amount of public funds available to candidate.](#)

(a) The maximum amount of public funds available in each election to a candidate for the office of governor, lieutenant governor, or mayor shall not exceed ten per cent of the expenditure limit established in section 11-423(d) for each election.

(b) The maximum amount of public funds available in each election to a candidate for the office of state senator, state representative, county council member, and prosecuting attorney shall not exceed fifteen per cent of the expenditure limit established in section 11-423(d) for each election.

(c) For the office of Hawaiian affairs, the maximum amount of public funds available to a candidate shall not exceed \$1,500 in any election year.

(d) For all other offices, the maximum amount of public funds available to a candidate shall not exceed \$100 in any election year.

(e) Each candidate who qualified for the maximum amount of public funding in any primary election and who is a candidate for a subsequent general election shall apply with the commission to be qualified to receive the maximum amount of public funds as provided in this section for the respective general election. For purposes of this section, "qualified" means meeting the qualifying campaign contribution requirements of section 11-429. [L 2010, c 211, pt of §2; am L 2011, c 5, §6]

[§11-428. Eligibility requirements for public funds.](#)

In order to be eligible to receive public funds for an election, a candidate shall certify that the candidate will meet all the following requirements:

(1) The candidate and any candidate committee authorized by the candidate shall not incur campaign expenses in excess of the expenditure limitations imposed by section 11-423;

(2) The candidate has qualified to be on the election ballot in a primary or general election;

(3) The candidate has filed a statement of intent to seek qualifying contributions. A contribution received before the filing of a statement of intent to seek public funds shall not be considered a qualifying contribution;

(4) The candidate or candidate committee authorized by the candidate has received the minimum qualifying contribution amounts for the office sought by the candidate as set forth in section 11-429;

(5) The aggregate of contributions certified with respect to any person under paragraph (4) does not exceed \$100;

(6) The candidate agrees to obtain and furnish any evidence relating to expenditures that the commission may request;

(7) The candidate agrees to keep and furnish records, books, and other information that the commission may request;

(8) The candidate agrees to an audit and examination by the commission pursuant to section 11-434 and to pay any amounts required to be paid pursuant to that section; and

(9) Each candidate and candidate committee in receipt of qualifying contributions that may be taken into account for purposes of public funding shall maintain, on a form prescribed by the commission, records that show the date and amount of each qualifying contribution and the full name and mailing address of the person making the contribution. The candidate and the candidate committee authorized by the candidate shall transmit to the commission all reports with respect to these contributions that the commission may require. [L 2010, c 211, pt of §2]

§11-429. Minimum qualifying contribution amounts; qualifying contribution statement.

(a) As a condition of receiving public funds for a primary or general election, a candidate shall not be unopposed in any election for which public funds are sought, shall have filed an affidavit with the commission pursuant to section 11-423 to voluntarily limit the candidate's campaign expenditures, and shall be in receipt of the following sum of qualifying contributions from individual residents of Hawaii:

(1) For the office of governor — qualifying contributions that in the aggregate exceed \$100,000;

(2) For the office of lieutenant governor — qualifying contributions that in the aggregate exceed \$50,000;

(3) For the office of mayor for each respective county:

(A) County of Honolulu — qualifying contributions that in the aggregate exceed \$50,000;

(B) County of Hawaii — qualifying contributions that in the aggregate exceed \$15,000;

(C) County of Maui — qualifying contributions that in the aggregate exceed \$10,000;  
and

(D) County of Kauai — qualifying contributions that in the aggregate exceed \$5,000;

(4) For the office of prosecuting attorney for each respective county:

(A) County of Honolulu — qualifying contributions that in the aggregate exceed \$30,000;

(B) County of Hawaii — qualifying contributions that in the aggregate exceed \$10,000; and

(C) County of Kauai — qualifying contributions that in the aggregate exceed \$5,000;

(5) For the office of county council — for each respective county:

(A) County of Honolulu — qualifying contributions that in the aggregate exceed \$5,000;

(B) County of Hawaii — qualifying contributions that in the aggregate exceed \$1,500;

(C) County of Maui — qualifying contributions that in the aggregate exceed \$5,000; and

(D) County of Kauai — qualifying contributions that in the aggregate exceed \$3,000;

(6) For the office of state senator — qualifying contributions that, in the aggregate exceed \$2,500;

(7) For the office of state representative — qualifying contributions that, in the aggregate, exceed \$1,500;

(8) For the office of Hawaiian affairs — qualifying contributions that, in the aggregate, exceed \$1,500; and

(9) For all other offices, qualifying contributions that, in the aggregate, exceed \$500.

(b) A candidate shall obtain the minimum qualifying contribution amount set forth in subsection (a) once for the election period.

(1) If the candidate obtains the minimum qualifying contribution amount, the candidate is eligible to receive:

(A) The minimum payment in an amount equal to the minimum qualifying contribution amounts; and

(B) Payments of \$1 for each \$1 of qualifying contributions in excess of the minimum qualifying contribution amounts; and

(2) A candidate shall have at least one other qualified candidate as an opponent for the primary or general election to receive public funds for that election.

(c) The candidate shall not receive more than the maximum amount of public funds available to a candidate pursuant to section 11-425; provided that the candidate shall not receive public funds for a primary election if the candidate does not obtain the minimum qualifying contribution amounts before the date of the primary election. [L 2010, c 211, pt of §2]

**Massachusetts**

§8.55C.1. Definitions.

“Qualifying contribution”, any contribution made by an individual and deposited in a candidate’s depository account as required by section nineteen of chapter 55 during the calendar year in which elections are held for statewide elective office or the next preceding calendar year except as follows:

(a) no contribution shall be considered a qualifying contribution unless the name and address of the individual making the contribution can be determined from statements required to be filed with the director

(b) no contribution shall be considered a qualifying contribution to the extent that it exceeds \$250 or would exceed \$250 when added to any such contribution previously made by the same individual during the calendar year in which elections are held for statewide elective office or the next preceding calendar year.

The same contribution may be a qualifying contribution for both the primary election and the state election in a year in which elections are held for statewide elective office but no contribution shall remain a qualified contribution after the end of any such year.

§8.55C.1A. Filing statement.

(a) On or before the last day for filing that candidate’s nomination papers with the state secretary pursuant to chapter 53, every candidate for statewide elective office shall file with the director a statement, in a form prescribed by the director, that the candidate does or does not agree:

(1) in the case of primary candidates, to abide by the following limits on expenditures for the following elective offices in the campaign for the state primary:

Governor \$1,500,000

Lieutenant Governor 625,000

Attorney General 625,000

Secretary 375,000

Treasurer and Receiver General 375,000

Auditor 375,000; and

(2) in the case of all candidates for statewide elective office, to abide by the following limits on expenditures for the following elective offices in the campaign for the state election:

Governor and Lieutenant Governor \$1,500,000

Attorney General 625,000

Secretary 375,000

Treasurer and Receiver General 375,000

Auditor 375,000

The name of a candidate who fails to file any statement within the time required by this subsection shall not appear on the state primary ballot nor on the state election ballot, and the director shall inform the state secretary of any such failure.

[§8.55C.4.](#) *Minimum financing available; primary election.*

Any candidate for statewide elective office certified by the state secretary under section 2 as qualifying for the ballot and having opposition in primary election shall be eligible to receive limited public financing of his primary election campaign, to the extent provided by section 5, on determination and certification by the director that the candidate:

(a) has filed a request for public financing with the director together with the bond required by section 8

(b) has filed with the director a statement under subsection (a) of section 1A agreeing to abide by the expenditure limits provided thereby; and

(c) has received qualifying contributions as defined by section 1 in at least the following minimum amounts for the following statewide elective offices:

Governor \$75,000

Lieutenant Governor 15,000

Attorney General 37,500

Secretary 15,000

Treasurer and Receiver General 15,000

Auditor 15,000

Only amounts appearing in statements of qualifying contributions filed with the director, in such form as he shall prescribe, shall be considered in determining whether any such minimum amount has been met. Determination and certification of the eligibility of candidates shall be made by the director on the eighth Tuesday before the primary and shall be based solely upon information contained in such statements as have been filed by candidates. Candidates for governor seeking public financing shall file the statement on or before the Friday that is 11 days preceding said eighth Tuesday and other candidates seeking public financing shall file said statements on or before the Friday next preceding said eighth Tuesday.

[§8.55C.5.](#) *Maximum financing available; primary election.*

Any candidate eligible to receive limited public financing of his primary election campaign shall, on determination and certification by the director, be entitled to an amount equal to \$1 for each one dollar of qualifying contributions as defined by section 1, subject to the following limitations:

(a) no candidate shall be entitled to receive any amount in excess of the balance then remaining in the primary candidate account established for that candidate under section 42 of chapter 10

(b) nor shall any candidate be entitled to receive any amount in excess of the following maximum amounts for the following statewide elective offices:

Governor \$750,000

Lieutenant Governor 312,500

Attorney General 312,500

Secretary 187,500

Treasurer and Receiver General 187,500

Auditor 187,500

Only amounts appearing in statements of qualifying contributions filed with the director, in such form as he shall prescribe, shall be considered in determining amounts to which candidates are entitled. Determinations and certifications of the amounts to which eligible candidates are entitled shall be made by the director on or before the eighth, sixth, fourth and second Tuesday before the primary election and shall be based solely upon information contained in such statements as have been filed prior to such dates.

[§8.55C.6.](#) *Minimum financing available; state election.*

Any candidate for statewide elective office certified by the state secretary under section two as qualifying for the ballot and having opposition in the state election shall be eligible to receive limited public financing of his state election campaign, to the extent provided by section 7, on determination and certification by the director that the candidate

(a) has filed a request for public financing with the director together with the bond required by section 8

(b) has filed with the director a statement under subsection (a) of section 1A agreeing to abide by the expenditure limits provided thereby; and

(c) has received qualifying contributions as defined by section 1 in at least the following minimum amounts for the following statewide elective offices:

Governor and Lieutenant Governor \$125,000



Attorney General 62,500

Secretary 25,000

Treasurer and Receiver General 25,000

Auditor 25,000

Only amounts appearing in statements of qualifying contributions filed with the director, in such form as he shall prescribe, shall be considered in determining whether any such minimum amount has been met. Determination and certification of the eligibility of candidates shall be made by the director on the fourth Tuesday before the state election and shall be based solely upon information contained in such statements as have been filed by candidates. Candidates for governor and lieutenant governor seeking public financing shall file the statement on or before the Friday that is 11 days preceding said fourth Tuesday and other candidates seeking public financing shall file said statements on or before the Friday next preceding said fourth Tuesday.

The fact that a qualifying contribution has previously been considered in determining eligibility for, or the extent of, public financing of a candidate's primary election campaign shall not prevent consideration of the same contribution in determining eligibility for public financing of such candidate's state election campaign.

[§8.55C.7.](#) *Maximum financing available; state election.*

Any candidate eligible to receive limited public financing of his state election campaign shall, on determination and certification by the director, be entitled to an amount equal to \$1 for each one dollar of qualifying contributions as defined by section one subject to section nine and subject to the following limitations:

(a) no candidate shall be entitled to receive any amount in excess of the balance then remaining in the state election candidate account established for that candidate under section 43 of chapter 10

(b) nor shall any candidate be entitled to receive any amount in excess of the following maximum amounts for the following statewide elective offices:

Governor and Lieutenant Governor \$750,000

Attorney General 312,500

Secretary 187,500

Treasurer and Receiver General 187,500

Auditor 187,500

Only amounts appearing in statements of qualifying contributions filed with the director, in such form as he shall prescribe, shall be considered in determining amounts to which candidates are entitled.

Determinations and certifications of the amounts to which eligible candidates are entitled shall be made by the director on or before the fourth and second Tuesday before the state election and shall be based solely upon information contained in such statements as have been filed prior to such dates.

The fact that a qualifying contribution has previously been considered in determining eligibility for, or the extent of, public financing of a candidate's primary election campaign shall not prevent consideration of the same contribution in determining the extent of public financing of such candidate's state election campaign.

## **Minnesota**

### [§10A.25](#). SPENDING LIMITS.

Subdivision 1. Limits are voluntary.

The expenditure limits imposed by this section apply only to a candidate who has signed an agreement under section [10A.322](#) to be bound by them as a condition of receiving a public subsidy for the candidate's campaign.

Subd. 2. Amounts.

(a) In a year in which an election is held for an office sought by a candidate, the principal campaign committee of the candidate must not make campaign expenditures nor permit approved expenditures to be made on behalf of the candidate that result in aggregate expenditures in excess of the following:

- (1) for **governor and lieutenant governor, running together, \$2,577,200;**
- (2) for **attorney general, \$429,600;**
- (3) for **secretary of state and state auditor, separately, \$214,800;**
- (4) for **state senator, \$68,100;**
- (5) for **state representative, \$34,300.**

(b) In addition to the amount in paragraph (a), clause (1), **a candidate for endorsement for the office of lieutenant governor at the convention of a political party may make campaign expenditures and approved expenditures of five percent of that amount to seek endorsement.**

(c) If a special election cycle occurs during a general election cycle, expenditures by or on behalf of a candidate in the special election do not count as expenditures by or on behalf of the candidate in the general election.

(d) **The expenditure limits in this subdivision for an office are increased by ten percent for a candidate who is running for that office for the first time and who has not run previously for any other office whose territory now includes a population that is more than one-third of the population in the territory of the new office.**

Subd. 2a. Aggregated expenditures.

If a candidate makes expenditures from more than one principal campaign committee for nomination or election to statewide office in the same election year, the amount of expenditures from all of the candidate's principal campaign committees for statewide office for that election year must be aggregated for purposes of applying the limits on expenditures under subdivision 2.

Subd. 3. Governor and lieutenant governor a single candidate.

For the purposes of sections [10A.11](#) to [10A.34](#), a candidate for governor and a candidate for lieutenant governor, running together, are considered a single candidate. Except as provided in subdivision 2, paragraph (b), all expenditures made by or all approved expenditures made on behalf of the candidate for lieutenant governor are considered to be expenditures by or approved expenditures on behalf of the candidate for governor.

Subd. 3a. Independent expenditures.

The principal campaign committee of a candidate must not make independent expenditures.

Subd. 4.

[Repealed by amendment, [1999 c 220 s 30](#)]

Subd. 5. Contested primary races.

Notwithstanding the limits imposed by subdivision 2, the winning candidate in a contested race in a primary who received fewer than twice as many votes as any one of the candidate's opponents in that primary may make expenditures and permit approved expenditures to be made on behalf of the candidate equal to 120 percent of the applicable limit as set forth in subdivision 2, but no more than 100 percent of the limit until after the primary.

Subd. 6. Limit in nonelection year.

During an election cycle, in any year before the election year for the office held or sought by the candidate, a candidate must not make campaign expenditures nor permit approved expenditures to be made on behalf of the candidate that exceed 20 percent of the expenditure limit set forth in subdivision

History:

[1974 c 470 s 25](#); [1975 c 271 s 6](#); [1976 c 307 s 21-23](#); [1978 c 463 s 67-74](#); [1986 c 444](#); [1987 c 214 s 5,6](#); [1988 c 686 art 1 s 41](#); [1988 c 707 s 2](#); [1990 c 608 art 3 s 11-15](#); [1991 c 349 s 13-15](#); [1993 c 318 art 2 s 20-25](#); [1996 c 459 s 2](#); [1999 c 220 s 30,50](#); [2002 c 363 s 23,24](#)

NOTE: See section [10A.255, subdivision 3](#).

[§10A.255](#). ADJUSTMENT BY CONSUMER PRICE INDEX.

Subdivision 1. Method of calculation.

The dollar amounts in section [10A.25, subdivision 2](#), must be adjusted for general election years as provided in this section. Each general election year, the executive director of the board must determine the percentage increase in the Consumer Price Index from December of the year preceding the last general election year to December of the year preceding the year in which the determination is made. The dollar amounts used for the preceding general election year must be multiplied by that percentage. The product of the calculation must be added to each dollar amount to produce the dollar limitations to be in effect for the next general election. The product must be rounded up to the next highest \$100 increment. The index used must be the revised Consumer Price Index for all urban consumers for the St. Paul-Minneapolis metropolitan area prepared by the United States Department of Labor.

Subd. 2.

[Repealed, [1999 c 220 s 51](#)]

Subd. 3. Publication of expenditure limit.

By April 15 of each election year the board must publish in the State Register the expenditure limit for each office for that calendar year under section [10A.25](#) as adjusted by this section. The revisor of statutes must code the adjusted amounts in the next edition of Minnesota Statutes, section [10A.25, subdivision 2](#).

History:

[1980 c 587 art 3 s 3](#); [1987 c 214 s 7](#); [1988 c 707 s 3](#); [1990 c 608 art 3 s 16](#); [1991 c 349 s 16](#); [1999 c 220 s 31,32,50](#); [2002 c 363 s 25](#)

[§10A.31](#). DESIGNATION OF INCOME TAX PAYMENTS.

Subd. 5. Allocation.

(a) General account. In each calendar year the money in the general account must be allocated to candidates as follows:

- (1) 21 percent for the offices of governor and lieutenant governor together;
- (2) 4.2 percent for the office of attorney general;
- (3) 2.4 percent each for the offices of secretary of state and state auditor;
- (4) in each calendar year during the period in which state senators serve a four-year term, 23-1/3 percent for the office of state senator, and 46-2/3 percent for the office of state representative; and
- (5) in each calendar year during the period in which state senators serve a two-year term, 35 percent each for the offices of state senator and state representative.

(b) Party account. In each calendar year the money in each party account must be allocated as follows:

- (1) 14 percent for the offices of governor and lieutenant governor together;
- (2) 2.8 percent for the office of attorney general;
- (3) 1.6 percent each for the offices of secretary of state and state auditor;
- (4) in each calendar year during the period in which state senators serve a four-year term, 23-1/3 percent for the office of state senator, and 46-2/3 percent for the office of state representative;
- (5) in each calendar year during the period in which state senators serve a two-year term, 35 percent each for the offices of state senator and state representative; and
- (6) ten percent or \$50,000, whichever is less, for the state committee of a political party; one-third of any amount in excess of that allocated to the state committee of a political party under this clause must be allocated to the office of state senator and two-thirds must be allocated to the office of state representative under clause (4).

Money allocated to each state committee under clause (6) must be deposited in a separate account and must be spent for only those items enumerated in section [10A.275](#). Money allocated to a state committee under clause (6) must be paid to the committee by the board as it is received in the account on a monthly basis, with payment on the 15th day of the calendar month following the month in which the returns were processed by the Department of Revenue, provided that these distributions would be equal to 90 percent of the amount of money indicated in the Department of Revenue's weekly unedited reports of income tax returns and property tax refund returns processed in the month, as notified by the Department of Revenue to the board. The amounts paid to each state committee are subject to biennial adjustment and settlement at the time of each certification required of the commissioner of revenue under subdivisions 7 and 10. If the total amount of payments received by a state committee for the period reflected on a certification by the Department of Revenue is different from the amount that should have been received during the period according to the certification, each subsequent monthly payment must be increased or decreased to the fullest extent possible until the amount of the overpayment is recovered or the underpayment is distributed.

Subd. 5a. Party account for legislative candidates.

To ensure that money will be returned to the counties from which it was collected and to ensure that the distribution of money rationally relates to the support for particular parties or for particular candidates within legislative districts, money from the party accounts for legislative candidates must be distributed as provided in this subdivision.

Each candidate for the state senate and state house of representatives whose name is to appear on the ballot in the general election must receive money from the candidate's party account allocated to candidates for the state senate or state house of representatives, whichever applies, according to the following formula:

For each county within the candidate's district, the candidate's share of the dollars designated by taxpayers who resided in that county and credited to the candidate's party account and allocated to that office must be:

(1) the sum of the votes cast in the last general election in that part of the county in the candidate's district for all candidates of that candidate's party whose names appeared on the ballot statewide and for the state senate and state house of representatives, divided by

(2) the sum of the votes cast in the entire county in the last general election for all candidates of that candidate's party whose names appeared on the ballot statewide and for the state senate and state house of representatives, multiplied by

(3) the amount in the candidate's party account designated by taxpayers who resided in that county and allocated to that office.

The sum of all the county shares calculated in the formula above is the candidate's share of the candidate's party account.

In a year in which an election for the state senate occurs, with respect to votes for candidates for the state senate only, "last general election" means the last general election in which an election for the state senate occurred.

For a party under whose name no candidate's name appeared on the ballot statewide in the last general election, amounts in the party's account must be allocated based on (i) the number of people voting in the last general election in that part of the county in the candidate's district, divided by (ii) the number of the people voting in the entire county in the last general election, multiplied by (iii) the amount in the candidate's party account designated by taxpayers who resided in that county and allocated to that office.

In the first general election after the legislature is redistricted, "the candidate's district" means the newly drawn district and voting data from the last general election must be applied to the area encompassing the newly drawn district, notwithstanding that the area was in a different district in the last general election.

If in a district there was no candidate of a party for the state senate or state house of representatives in the last general election, or if a candidate for the state senate or state house of representatives was unopposed, the vote for that office for that party is the average vote of all the remaining candidates of that party in each county of that district whose votes are included in the sums in clauses (1) and (2). The average vote must be added to the sums in clauses (1) and (2) before the calculation is made for all districts in the county.

Subd. 6. Distribution of party accounts.

As soon as the board has obtained from the secretary of state the results of the primary election, but no later than one week after certification by the State Canvassing Board of the results of the primary, the board must distribute the available money in each party account, as certified by the commissioner of revenue one week before the state primary, to the candidates of that party who have signed a spending

limit agreement under section [10A.322](#) and filed the affidavit of contributions required by section [10A.323](#), who were opposed in either the primary election or the general election, and whose names are to appear on the ballot in the general election, according to the allocations set forth in subdivisions 5 and 5a. The public subsidy from the party account may not be paid in an amount greater than the expenditure limit of the candidate or the expenditure limit that would have applied to the candidate if the candidate had not been freed from expenditure limits under section [10A.25, subdivision 10](#).

Subd. 6a. Party account money not distributed.

Money from a party account not distributed to candidates for state senator or representative in any election year must be returned to the general fund of the state, except that the subsidy from the party account an unopposed candidate would otherwise have been eligible to receive must be paid to the state committee of the candidate's political party to be deposited in a special account under subdivision 5, paragraph (b), clause (6), and used for only those items permitted under section [10A.275](#). Money from a party account not distributed to candidates for other offices in an election year must be returned to the party account for reallocation to candidates as provided in subdivision 5, paragraph (b), in the following year.

Subd. 7. Distribution of general account.

(a) As soon as the board has obtained the results of the primary election from the secretary of state, but no later than one week after certification of the primary results by the State Canvassing Board, the board must distribute the available money in the general account, as certified by the commissioner of revenue on September 1 and according to allocations set forth in subdivision 5, in equal amounts to all candidates of a major political party whose names are to appear on the ballot in the general election and who:

- (1) have signed a spending limit agreement under section [10A.322](#);
- (2) have filed the affidavit of contributions required by section [10A.323](#); and
- (3) were opposed in either the primary election or the general election.

(b) **The public subsidy under this subdivision may not be paid in an amount that would cause the sum of the public subsidy paid from the party account plus the public subsidy paid from the general account to exceed 50 percent of the expenditure limit for the candidate or 50 percent of the expenditure limit that would have applied to the candidate if the candidate had not been freed from expenditure limits under section [10A.25, subdivision 10](#).** Money from the general account not paid to a candidate because of the 50 percent limit must be distributed equally among all other qualifying candidates for the same office until all have reached the 50 percent limit or the balance in the general account is exhausted.

(c) A candidate must expend or become obligated to expend at least an amount equal to 50 percent of the money distributed by the board under this subdivision no later than the end of the final reporting period preceding the general election. Otherwise, the candidate must repay to the board the difference between the amount the candidate spent or became obligated to spend by the deadline and the amount distributed to the candidate under this subdivision. The candidate must make the repayment no later than six months following the general election. The candidate must reimburse the board for all reasonable costs, including litigation costs, incurred in collecting any amount due.

If the board determines that a candidate has failed to repay money as required by this paragraph, the board may not distribute any additional money to the candidate until the entirety of the repayment has been made.

History:

[1974 c 470 s 31](#); [1975 c 271 s 6](#); [1976 c 307 s 26-33](#); [1978 c 463 s 87-95](#); [1980 c 587 art 3 s 4-6](#); [1981 c 343 s 1](#); [1982 c 523 art 5 s 1](#); [1983 c 216 art 1 s 2](#); [1984 c 502 art 2 s 1,2](#); [1984 c 514 art 2 s 1](#); [1985 c 248 s 3](#); [1Sp1985 c 14 art 1 s 1,2](#); [1986 c 444](#); [1987 c 268 art 1 s 1-3](#); [1988 c 686 art 1 s 42](#); [1Sp1989 c 1 art 10 s 1](#); [1990 c 480 art 5 s 1](#); [1991 c 199 art 2 s 1](#); [1991 c 349 s 19,20](#); [1992 c 513 art 3 s 20](#); [1993 c 13 art 2 s 1](#); [1993 c 318 art 2 s 33-36](#); [1Sp1993 c 3 s 3,4](#); [1996 c 471 art 1 s 1](#); [1997 c 202 art 2 s 63](#); [1999 c 220 s 39,50](#); [2000 c 467 s 1](#); [1Sp2001 c 10 art 18 s 1,2](#); [2002 c 363 s 38](#); [2004 c 277 s 1](#); [2005 c 156 art 6 s 9,10](#); [2009 c 101 art 2 s 18](#); [2010 c 184 s 1](#); [2010 c 327 s 20](#)

[§10A.323](#). *AFFIDAVIT OF CONTRIBUTIONS*.

In addition to the requirements of section [10A.322](#), to be eligible to receive a public subsidy under section [10A.31](#) a candidate or the candidate's treasurer must file an affidavit with the board stating that between January 1 of the previous year and the cutoff date for transactions included in the report of receipts and expenditures due before the primary election the candidate has accumulated contributions from persons eligible to vote in this state in at least the amount indicated for the office sought, counting only the first \$50 received from each contributor:

- (1) candidates for governor and lieutenant governor running together, \$35,000;
- (2) candidates for attorney general, \$15,000;
- (3) candidates for secretary of state and state auditor, separately, \$6,000;
- (4) candidates for the senate, \$3,000; and
- (5) candidates for the house of representatives, \$1,500.

The affidavit must state the total amount of contributions that have been received from persons eligible to vote in this state, disregarding the portion of any contribution in excess of \$50.

The candidate or the candidate's treasurer must submit the affidavit required by this section to the board in writing by the deadline for reporting of receipts and expenditures before a primary under section [10A.20](#), subdivision 4.

A candidate for a vacancy to be filled at a special election for which the filing period does not coincide with the filing period for the general election must submit the affidavit required by this section to the board within five days after the close of the filing period for the special election for which the candidate filed.

History:



[1990 c 608 art 3 s 25](#); [1993 c 318 art 2 s 41](#); [1998 c 254 art 1 s 1](#); [1999 c 220 s 43,50](#); [2002 c 363 s 40](#); [2008 c 295 s 7](#); [2010 c 184 s 4](#); [2010 c 327 s 22](#); [2010 c 397 s 14](#)

## Nebraska

Declared unconstitutional by the Nebraska Supreme Court on [August 3, 2012](#).

~~*§32-1604. Candidates for covered elective office; qualification for public funds; filings required; prohibited acts; criminal penalty; late filing fee; civil penalty.*~~

(3)

~~(a) Except as otherwise provided in subdivision (b) of this subsection, to qualify for public funds for the election period, a candidate for Governor shall limit his or her spending, other than unrestricted spending, for the election period to two million two hundred ninety-seven thousand dollars, a candidate for State Treasurer, Secretary of State, Attorney General, or Auditor of Public Accounts shall limit his or her spending, other than unrestricted spending, for the election period to two hundred nine thousand dollars, a candidate for the Board of Regents of the University of Nebraska shall limit his or her spending, other than unrestricted spending, for the election period to one hundred thousand dollars, a candidate for the Legislature shall limit his or her spending, other than unrestricted spending, for the election period to eighty-nine thousand dollars, and a candidate for the Public Service Commission or the State Board of Education shall limit his or her spending, other than unrestricted spending, for the election period to seventy thousand dollars, and such candidates shall limit their spending, other than unrestricted spending, for the primary election period to not exceed fifty percent of the limits provided in this subsection for the election period.~~

~~(b) Beginning in 2008 and every four years thereafter, the campaign spending limits in this subsection shall be adjusted for inflation based upon the Consumer Price Index for the calendar year prior to the year in which the adjustment is made, and the adjusted spending limits shall be in effect for the elections in 2010 and subsequent election periods until further adjusted as provided in this subdivision. The Nebraska Accountability and Disclosure Commission shall use the Consumer Price Index, All Urban Consumers, All Items, United States City Average, to calculate the adjustments for the spending limits. The spending limits shall be rounded to the next highest one thousand dollar amount. If publication of the Consumer Price Index is discontinued, the most recent spending limit adjustments in effect prior to the discontinuance shall remain in effect for subsequent election periods.~~

(4) Each candidate for a covered elective office desiring to receive public funds pursuant to this section shall

~~(a) beginning the first day of the election period, raise an amount equal to at least twenty-five percent of the spending limitation for the office from persons who are residents of Nebraska and~~

~~(b) file with the Nebraska Accountability and Disclosure Commission an affidavit pursuant to section [32-1604.01](#) indicating his or her intent to abide by the spending limitations and his or her agreement to personally act as a guarantor for the lawful use of such funds and to be held personally liable to the State of Nebraska for any such funds not repaid to the state as required by law.~~

Money raised prior to filing the affidavit shall not count toward the qualifying amount established in this subsection. Money raised prior to the first day of the election period shall not count toward the qualifying amount established in this subsection. At least sixty-five percent of the qualifying amount established in this subsection shall be received from individuals. For purposes of this section, a business, corporation, partnership, limited liability company, or association shall be deemed a resident if it has an office in this state and transacts business in this state.

#### Annotations

Abiding candidates agree to spend no more than 50 percent of the total campaign spending limit during the primary. For the office of university regent, the total campaign spending limit, excluding specified unrestricted spending, is \$50,000. Therefore, the spending limit for the primary is \$25,000. Nebraska Legislature on behalf of State v. Hergert, 271 Neb. 976, 720 N.W.2d 372 (2006).

Candidates for certain elective state offices, including the office of university regent, are required to file an affidavit stating whether they intend to abide by the voluntary campaign spending limits for the office under the Campaign Finance Limitation Act. Nebraska Legislature on behalf of State v. Hergert, 271 Neb. 976, 720 N.W.2d 372 (2006).

For both the primary and general election periods, when the nonabiding candidate expends 40 percent of his or her estimated maximum expenditures, he or she must notify the Nebraska Accountability and Disclosure Commission via the 40-percent affidavit "no later than five days after the forty percent has been expended." Nebraska Legislature on behalf of State v. Hergert, 271 Neb. 976, 720 N.W.2d 372 (2006).

If a candidate for a covered office files an affidavit stating an intent not to abide by the voluntary spending limit, then the candidate must include in the affidavit a reasonable estimate of his or her maximum expenditures for the primary election, which estimate may be amended up to 30 days before the primary election. The nonabiding candidate must also file an estimate for the general election by the 40th day following the primary election, which estimate may be amended up to 60 days before the general election. A candidate is free to estimate expenditures at an amount greatly above or below the voluntary spending limit. Nebraska Legislature on behalf of State v. Hergert, 271 Neb. 976, 720 N.W.2d 372 (2006).

#### §32-1606. Covered elective office; request for public funds; disbursement; limitations on use; report.

(1) Any candidate for a covered elective office who has satisfied the requirements of subsection (4) of section 32-1604 may, upon making expenditures which equal or exceed twenty-five percent of the spending limitation for the election period prescribed in such section, file an affidavit with the commission setting forth these facts and requesting public funds. The candidate shall be entitled to receive the greater of:

(a) the difference between the spending limitation and the highest estimated maximum expenditures filed by any of the candidate's opponents or

(b) the difference between the spending limitation and the highest amount of expenditures reported in preelection campaign statements filed pursuant to section 32-1606.01, or subdivision (1)(a) or (b) of section 49-1459 by any of the candidate's opponents.

~~For the election period, no candidate shall be entitled to receive more than three times the amount of the spending limitation for the election period. For the primary election period, no candidate shall be entitled to receive more than three times the amount of the spending limitation for the primary election period. The commission shall compute the amount of the payment to be made to a candidate. For purposes of this section, a candidate's opponent in a partisan primary election shall include only those other candidates of the same political party running for the same office and a candidate's opponent in a nonpartisan primary election shall include all candidates running for the same office.~~

~~(2) Public funds to which a candidate is entitled under this section shall be disbursed to that candidate no earlier than the last date to amend an affidavit stating a reasonable estimate of expenditures pursuant to subdivision (5)(a) of section 32-1604 and no later than fourteen days after the election.~~

~~(3) Public funds received pursuant to this section shall be kept in a separate account in a financial institution in this state, shall be used only to make expenditures, and shall not be counted against the spending limitations prescribed in section 32-1604. Any unexpended public funds shall be repaid to the state on or before December 31 of the final year of the election period.~~

~~(4) Expenditures from public funds received pursuant to this section shall be reported to the commission on forms prescribed by the commission and in accordance with rules and regulations adopted and promulgated by the commission.~~

## **Wisconsin**

[Effective with the 2011-2013 biennial budget](#), Wisconsin **no longer has public funding of elections**. Previously, there were two public funding programs.

### *Wisconsin Election Campaign Fund (WECF)*

The Wisconsin Election Campaign Fund provided grant money for qualifying candidates running for the offices of Governor, Lieutenant Governor, Attorney General, State Treasurer, Secretary of State, Superintendent of Public Instruction, State Senator, and Member of the Assembly. Candidates completed an application and met eligibility requirements to receive funds to finance their campaigns. The Wisconsin Election Campaign Fund received contributions from a voluntary \$1 checkoff on individual tax returns filed with the State.

### *Supreme Court: Democracy Trust Fund (DTF)*

The Democracy Trust Fund provided public financing for Supreme Court candidates in Wisconsin. Candidates were required to apply and meet eligibility requirements to receive grant money to finance their campaigns. The Democracy Trust Fund received contributions from a voluntary \$3 checkoff on individual tax returns filed with the State.