



# REPORT ON THE LIMITED PUBLIC FINANCING SYSTEM FOR STATEWIDE CAMPAIGNS IN MASSACHUSETTS FOR THE 1990 ELECTION

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On or before January thirtieth of any year next following a year in which elections are held for statewide elective office, the director shall prepare and submit a report relating to the matters entrusted to him under this chapter to the clerk of the senate and to the commission established by section three of chapter fifty-five and shall make copies of such report available to any person...

In accordance with M.G.L. Chapter 55A section 3, this report summarizes the Massachusetts limited public financing system of campaigns for statewide elective office during the 1990 election.

Chapter 774 of the Acts of 1975 established the public financing system in Massachusetts by creating the State Election Campaign Fund (SECF) and outlining the statutory responsibilities of the five agencies involved in administering the system. This report outlines the functions of each agency and specifies the financing available to and received by each participating candidate. In addition, this report contains a review of past state practices as well as the federal system and concludes by proposing alternatives to the current program.

The efficiency of the public financing system during the 1990 election was due in large part to the coordination between the Office of Campaign and Political Finance (OCPF), the Office of the Secretary of State, the Department of Revenue, the Office of the Comptroller and the Office of the State Treasurer. The work of each of these agencies contributed to the system's effectiveness and therefore each deserves appreciation for their efforts. The Elections Division of the Secretary of State's office was particularly helpful with the early certification of the names of candidates. OCPF was provided with periodic updates on the status of the State Election Campaign Fund by the Department The staffs at the Comptroller's office and the of Revenue. State Treasurer's office deserve special recognition for their assistance in processing the public financing payments to candidates in record time. The Office would like to acknowledge the professionalism and cooperation shown by these agencies during this election season.

The process of reviewing candidates' submissions of qualifying contributions requires an overwhelming effort on the part of the OCPF staff. Their willingness to undertake this additional work during an already very busy election season is an example of their competence and dedication. The education of candidates and their campaign staffs, the

approval of thousands of individual qualifying contributions, the coordination of agencies discussed above and the assurance of strict adherence to every aspect of the law was carried out by one individual who deserves special recognition. Mr. Bradley Balzer, OCPF's Public Financing recognition. Mr. Bradley Balzer, occassary to administer this officer, provided the expertise necessary to administer this public financing system and is responsible for its success during the 1990 state election.

I am indebted to these individuals and agencies as well as the candidates and their committees who participated in this program. Although there were limited public funds available, I am pleased to report on the administration of the public financing system.

Respectfully submitted,

Mary F. McTigue
Director

### HISTORICAL REVIEW

Chapter 774 of the Acts of 1975 established the public financing system in Massachusetts, which was one of the first such systems in the country. Modeling some aspects of our program after the federal presidential system administered by the Federal Election Commission, Massachusetts undertook the first application of limited public financing for statewide offices in the 1978 election. The total sum of public funds available for all candidates at that time was \$175,161.

The funding mechanism outlined in the enacting statute provides for the creation of the State Election Campaign Fund which is the account where all taxpayers contributions The enabling statute also specified the level of funding available for the primary election and the (The SECF and these procedures are detailed in section III and section IV of this report.) state election. funds available for the last four elections and the allocation between primary and state elections are contained in the following table.

	<u>1978</u> \$105.094.00	<u>1982</u> \$407,958.11	<u>1986</u> \$533,098.95	1990 \$270,002.16
60% to Primary Election Account*	70,067.00	00		
40% to State Election Account* Total Funds:			\$888,498.25	\$450,003.85

Amounts certified by Comptroller

Given the timing of the passage of the public financing system, the 1978 election only had the benefit of two years of taxpayer contributions. Consequently, the significant growth of the SECF in 1982 was due in part to the fact that the 1982 balance represented a full four years of activity. A review of the 1986 fund balance indicates that the SECF continued to grow at approximately the same rate as the previous four years. The increase in the balance is due to unused monies of approximately \$200,000 which remained after the 1982 election and was retained in the fund, accruing interest, until the 1986 election.

Unfortunately, the significant decrease in funds available during the 1990 election is based both on a lack of any significant carry-over from the 1986 election and a continued decrease in the taxpayer participation rate. The decline in taxpayer participation is discussed in more detail in section IV of this report.

In spite of the varying amounts of public funds available, the interest and participation of the candidates over the years has remained high. As the chart below suggests, public financing has been viewed as an important part of the electoral process which candidates have worked hard to secure.

	197	78	1982 Primary Election	
	Primary	Election 10	<u>FI 1 mar y</u>	16
Eligible Received	22 12	8	12	3*

<u>1986</u> Primary <u>E</u>		36 Election	1990 Primary Election	
Eligible	11	10	17	14
Received	9	10	15	8*

\* During both the 1982 and 1990 state elections, there were third party candidates who were eligible for public financing but failed to submit the minimum amount of qualifying contributions and therefore did not receive any funds.

1986 was the only year since the establishment of the SECF that the concept of "matching" funds was available. In order to qualify for public financing, a candidate must order to minimum amount of "qualifying contributions". Once submit a minimum amount of "qualifying contributions".

this threshold is met, the candidate may submit additional contributions in order to exhaust the funds allocated to that candidate. In the 1986 election, there were sufficient funds to enable candidates to qualify for public monies over the minimum threshold. In the 1978, 1982 and 1990 the minimum threshold in order to receive the maximum amount of funds available to them.

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#### STATUTORY RESPONSIBILITIES

As mentioned earlier, five state agencies are involved in the administration of the public financing system. Each office has statutory responsibilities for components of the State Election Campaign Fund and the distribution of public funds to eligible candidates as outlined below.

The State Election Campaign Fund was established by section 42 of M.G.L. Chapter 10. The State Treasurer is responsible for the management and investment of the SECF as well as the disbursements of any funds to candidates. Well as the disbursements of any funds to candidates. Monies collected by the Department of Revenue through its meview of all state income tax reports provide the source of funds for the SECF. This mechanism, the so-called "add-on funds for the SECF. This mechanism, the so-called "add-on system", allows taxpayers to voluntarily contribute to the SECF by adding one dollar (two dollars if filling jointly) to their state income tax. The Department directs each taxpayer's contribution to the fund as income tax reports are processed.

The Comptroller determines the amount of funds available in the SECF on a periodic basis in order for the State Treasurer to properly invest the monies. Additionally, the Fund earns investment income as a result of these measures, and this income is added to the balance available in the Fund.

On June thirtieth of each year that elections are held for statewide office, the Comptroller determines the balance of the SECF and the State Treasurer is required to make all invested funds available for immediate withdrawal. This balance represents the total funds available for limited balance represents the total funds available for limited public financing for that election. M.G.L. Chapter 10 also requires that the Comptroller allocate the available monies of the SECF on a 60/40 basis, allocating 60% of the fund to the Primary Election Account and 40% of the fund to the State Election Account.

On or before the ninth Tuesday before the Primary Election, the State Secretary must certify to the Director the names of those candidates who qualify for the primary ballot and who are opposed by one or more candidates. Once the State Secretary has certified the names to the Director, the Comptroller subdivides the Primary Election Account into primary accounts for each candidate.

The Director of Campaign Finance is responsible for certifying to the State Treasurer that each candidate has met the statutory obligations necessary to receive the public funds. In order to receive these monies, each candidate must submit to the Director a specific amount of privately raised "qualifying contributions". A detailed review of the necessary forms, bonds and lists of contributions is conducted to insure that each candidate is

properly certified. The State Treasurer is then responsible for the disbursement to candidates of the money which the Director has certified. Once the primary election is held, the Director reviews information provided by the candidates to determine if any refunds are to be made to the SECF and oversees such payments.

A similar process is followed for the State Election Account beginning with the State Secretary certifying the names of candidates and concluding with the Director requiring appropriate refunds.

# STATE ELECTION CAMPAIGN FUND

The State Election Campaign Fund was established under M.G.L. Chapter 10 section 42. This fund is the depository for all taxpayer contributions to the public financing system.

State tax forms provide the taxpayer with an opportunity to support the public financing of statewide campaigns through a voluntary "add-on" system. This system provides for a taxpayer to contribute one dollar (two dollars if filing jointly) to the SECF by adding this amount to their state income tax liability. The identification and collection of this money is handled by the Massachusetts Department of Revenue.

The following chart indicates the level of activity by taxpayers who participate by contributing to the State Election Campaign Fund since its inception in 1976. A review of this information quickly underscores the difficulty in attaining adequate funding for this program under the current system.

The participation rate on the state level has decreased from a high level of 4.91% to the lowest rate of 1.73%, with final figures for the last year not available at this time. Given this trend, the public financing system in Massachusetts will not be able to provide any meaningful level of funding for the 1994 state election.

It is important to note that Massachusetts is not alone in this dilemma. Many other states as well as the federal public financing system are experiencing similar declines in participation. This problem is reviewed further in section V of this report.

Any future success of the public financing system is being jeapordized by the lack of funds available to the program. Immediate attention should be given to this problem. A review of alternative funding mechanisms is contained in section IX of this report.

# TO THE STATE ELECTION CAMPAIGN FUND

Calendar Income Tax Year <u>Due</u>	Number of Returns Eligible : April Contributo	* Amount **	Contributors as a Percent of Those Eligible
176 19 177 19 178 19 179 19 180 19 181 19 182 19 183 19 184 19 185 19 186 19 187 19	0.44 1.00	99,330 99,593 133,020 142,070 110,817 105,930 96,178 104,403 82,585	3.25% 4.91% 2.98% 2.84% 2.84% 3.57% 3.81% 2.89% 2.69% 2.40% 2.56% 2.06% 1.73% N/A

# N/A Not available as of this date

- The number of eligible contributors is the total resident returns filed plus the number of jointly filed resident returns.
- The amount contributed is the same as the total number of individuals contributing \$1.

Massachusetts Department of Revenue

# COMPARATIVE FEDERAL STATISTICS

Although the federal system of public financing for presidential campaigns is somewhat different, it is useful to compare funding mechanisms, taxpayer participation rates and other trends of the two programs.

The Federal Election Commission administers the publication of presidential campaigns. The source of funding is from the federal income tax "check-off" system, which enables taxpayers to voluntarily contribute one dollar (two dollars if filing jointly) to support public financing of presidential campaigns without increasing their tax presidential campaigns without increasing their tax liability. Simply checking the appropriate box on the federal tax form indicates an individual's desire to contribute to the fund.

As you can see from the statistics below, the participation rate at the federal level is much higher. The obvious advantage of a "check-off" system compared to current "add-on" mechanism is significant in dollar terms. At the 1988 federal participation rate, the Massachusetts At the 1988 federal participation rate, the Massachusetts SECF would have had a total of \$3,750,000 available in the 1990 election compared to the \$450,003 resulting from the 1990 election compared to the \$450,003 resulting from the add-on system. Even utilizing a conservative estimate of half of the federal participation rate, approximately 10%, the SECF would have yielded \$1,900,000 for the 1990 election. This would have been a substantial increase from the current level of funding.

The decline in participation in both programs is significant. The federal system decreased from a high rate of 28.7% in 1980 to the current level of 20.1%. Likewise, the state program has seen participation decline from 4.91% the state program has seen participation decline from 4.91% in 1977 to the most recent 1.73% in 1988. As dramatic as in 1977 to the most recent 1.73% in 1988. As dramatic as the falloff in taxpayer participation is at the federal level (approximately 26% decrease over eight years), the decrease in participation by Massachusetts taxpayers is much decrease in participation by Massachusetts taxpayers is much greater. The 11-year period witnessed a 65% decline of participation in the voluntary add-on program. This participation in the voluntary add-on program. This represents a drop that is two and one half times greater than that experienced by the federal program.

While this report will not attempt to decipher what has led to this precipitous decline in taxpayer participation, several factors may be contributing to this trend. One factor may be that, in the 1970's when the Massachusetts factor may be that, in the 1970's when the Massachusetts state Election Campaign Fund was created, it was the only such fund to which taxpayers could elect to contribute. Since that time there have been several additional funds established utilizing the state income tax forms as a established utilizing the state income tax forms as a mechanism for funding. The Endangered Wildlife Conservation fund was created in 1983, the Organ Transplant Fund was established in 1984 and the Massachusetts AIDS Fund was recently enacted in 1990. Massachusetts taxpayers now have

an array of options when contemplating making voluntary contributions via the state income tax add-on system.

Calendar Income Year	Federal Participation Rate*	State Participation Rate**
1976 1977 1978 1979 1980 1981 1982 1983 1984 1985 1986 1987	27.5% 28.6 25.4 27.4 28.7 27.0 24.2 23.7 23.0 23.0 21.7 21.0 20.1	3.25% 4.91 2.98 2.84 2.84 3.57 3.81 2.89 2.69 2.40 2.56 2.06 1.73

- The federal system for presidential public finance funding is the federal income tax "check-off" method. This participation rate reflects taxpayer contributions as a percentage of those eligible.
- \*\* The state system for Massachusetts public finance funding is the state income tax "add-on" method. This participation rate reflects taxpayer contributions as a percentage of those eligible.

#### 1990 PRIMARY ELECTION

on June 11, 1990, the Secretary of State certified to the Director the names of 17 candidates who qualified for the primary ballot and who were opposed by one or more candidates in the primary election.

Of those 17 individuals, there were 5 candidates for the Office of Governor, 5 candidates for the Office of Lieutenant Governor, 4 for the Office of Attorney General and 3 for the Office of State Treasurer. In addition, these 17 candidates represented a total of 11 democrats and 6 republicans.

15 of the 17 candidates certified by the Secretary of State requested public financing and filed the necessary forms, including a bond in the appropriate amount depending on office sought and a list of qualifying contributions. The following table details the amount of funds available to each of the eligible primary election candidates, the amount of money certified by the Director and amount received by each candidate.

The total amount of public money available in the primary Election Account was \$270,002.16. \$248,025.24 was certified and received by eligible candidates leaving a balance of \$21,976.92. This balance was carried over to the State Election Campaign Fund in accordance with section 44 of M.G.L. Chapter 10.

M.G.L. Chapter 55A provides a formula for refunds to the SECF. Specifically, candidates who received public financing and who retain a surplus balance of campaign funds at the time of the primary election would be required to refund a portion of the public money received. All refund a portion of the public money received. All participating candidates from the primary election filed the participating candidates from the primary election filed the appropriate documentation. OCPF staff conducted a thorough review of this material and determined that the following refund payments be made to the SECF:

Candidate

Total Received ...

Refund

Francis Bellotti

\$31,395.60

\$ 1,261.96

#### 1990 PRIMARY ELECTION

Candidate	Q Office Co	Minimum Amounts ualifying ntributions Required	1990 Actual Amounts Available	1990 Actual Amounts Certified by Director
	Governor	\$75,000	\$31,395.60	\$31,395.60
Francis Bellotti	Governor	75,000	31,395.60	31,395.60
Evelyn Murphy	Governor	75,000	31,395.60	31,395.60
John Silber	Governor	75,000	31,395.60	31,395.60
William Weld	Governor	75,000	31,395.60	31,395.60
Stephen Pierce	Lt. Governor	15,000	6,279.12	6,279.12
Paul Cellucci	•	15,000	6,279.12	6,279.12
Marjorie Clapprood	Lt. Governor	15,000	6,279.12	6,279.12
William Golden	Lt. Governor	15,000	6,279.12	6,279.12
Nicholas Paleologos		15,000	6,279.12	6,279.12
) eter Torkildsen	Lt. Governor		15,697.80	<b>- 0 -</b>
Guy Carbone	Attorney Genera		15,697.80	15,697.80
Scott Harshbarger	Attorney Genera		15,697.80	15,697.80
William Sawyer	Attorney Genera		15,697.80	15,697.80
James Shannon	Attorney Gener		6,279.12	_
William Galvin	Treasurer	15,000	6,279.12	6,279.12
George Keverian	Treasurer	15,000		6,279.12
Richard Kraus	Treasurer	15,000	6,279.12	
			\$270,002.16	\$248,025.24
ing the state of t	and the state of t	unclaimed	Towns on the second of	21,976.92

#### 1990 STATE ELECTION

On September 27, 1990, the Secretary of State certified to the Director the names of 3 "teams" and 11 individual candidates who qualified for the state ballot and who were opposed by one or more candidates in the state election.

In the state election, the candidates for Governor and Lieutenant Governor of the same political party appear on the ballot as a team. M.G.L. Chapter 55A provides for funding of their state election campaign on that basis.

Of the 17 names, there were 3 teams of candidates for the Office of Governor, 3 individual candidates for the Office of State Secretary, 2 candidates for the Office of Attorney General, 3 candidates for the Office of Treasurer and 3 candidates for the Office of Auditor. In addition, there were 6 democratic candidates, 6 republican candidates and 5 candidates from the High Tech party.

For the State Election Account, the Comptroller determined that a total of \$201,978.62 was available. This calculation was made by taking 40% of the SECF as of June 30, 1990, and adding to it the \$21,976.92 carry-over from the 1990 primary election.

6 of the 11 individual candidates and 2 of the 3 teams who were certified as eligible for public financing provided the necessary forms, a bond in the appropriate amount and a list of qualifying contributions in order to be certified by the Director. The following table details the amount of money available to each eligible state election candidate, the amount of money certified by the Director and amount received by each candidate.

The unclaimed balance of \$69,647.80 will be retained in the State Election Campaign Fund for use in the 1994 public financing program.

A process similar to the one outlined for the primary election is used in determining refunds after the state election. All participating candidates from the state election filed the appropriate documentation itemizing the status of their accounts in order for the Director to determine if a surplus of funds was available warranting a refund of public money.

OCPF is conducting a review of this material. Based upon information filed by the candidates, our review to date has determined that the following refund payments must be made to the SECF:

<u>Candidate</u> <u>Total Received</u> <u>Refund</u>

Michael Connolly \$ 6,964.78 \$ 553.58

# 1990 GENERAL ELECTION

) didate		Minimum Amounts Oualifying ontributions Required	1990 Actual Amounts Available	1990 Actual Amounts Certified by Director
				624 022 00
William Weld Paul Cellucci	Governor Lt. Governor	\$125,000	\$34,823.90	\$34,823.90
John Silber Marjorie Clapprood	Governor Lt. Governor	125,000	34,823.90	34,823.90
Leonard Umina Lawrence DeBerry	Governor Lt. Governor	125,000	34,823.90	- 0 -
	Sec. of State	25,000	6,964.78	6,964.78
Michael Connolly	Sec. of State	25,000	6,964.78	- 0 -
Paul McCarthy	Sec. of State	25,000	6,964.78	- 0 -
Barbara Ahearn			17,411.95	17,411.95
Scott Harshbarger	Attorney Genera	·		17,411.95
William Sawyer	Attorney Genera	1 62,500	17,411.95	•
7 lliam Galvin	Treasurer	25,000	6,964.78	6,964.78
Joseph Malone	Treasurer	25,000	6,964.78	6,964.78
David Nash	Treasurer	25,000	6,964.78	- 0 -
Joseph DeNucci	Auditor	25,000	6,964.78	6,964.78
* *	Auditor	25,000	6,964.78	- 0 -
Douglas Murray Steven Sherman	Auditor	25,000	6,964.78	- 0 -
DCGACH OWNERS			2021 022 62	\$132,330.82
			\$201,978.62	
		Unclaimed		69,647.80

# PUBLIC VS. PRIVATE FUNDING OF CAMPAIGNS

The availability of public financing has had varying degrees of impact on statewide campaigns over the years. One method of determining this impact would be to analyze the amount of public funds as a percentage of total monies raised by candidates during the election cycle.

During the last public financing cycle in the 1986 election, the total amount of public money distributed, and therefore the impact on individual campaigns, was significantly greater than that experienced during the 1990 election. For example, in 1986 the percentage of public funds of the total funds raised ranged from 1.8% to 38.8%. Of the 15 candidates who received public funds in 1986, 9 candidates received at least 10% of their total funds from public financing. 6 of these 9 candidates received over 20% of their total campaign funds from this program.

Given the very limited funds available in 1990, coupled with the number of candidates receiving these limited public funds, the impact of this system during the 1990 election was negligible. As the following table suggests, only one candidate received more than 5% of their total funds from public monies.

# Public Money as a Percentage of Funds Raised

		the second of the second second second		% Public
	Total Public Money	Total Private Contributions*	Total Public and Private Funds	Money to Total Received
<u>Candidate</u>	Received	<del>-</del>	<del></del>	
Tallotti, Yancis X.	31,395.60	3,913,775.59	3,945,171.19	0.8
Cellucci, A. Paul	6,279.12	632,652.16	638,931.28	1.0
Clapprood, Marjorie	6,279.12	506,874.18	513,153.30	1.2
Connolly, Michael	6,964.78	195,535.75	202,500.53	3.4
DeNucci, Joseph	6,964.78	391,575.30	398,540.08	1.7
Galvin, William	6,964.78	778,439.66	785,404.44	0.9
Golden, William	6,279.12	682,130.82	688,409.95	0.9
Harshbarger, L. Scott	33,109.75 **	1,145,554.99	1,178,664.74	2.8
Keverian, George	6,279.12	393,118.88	399,398.00	1.6
) aus, Richard	6,279.12	235,343.18	241,622.30	2.6
Malone, Joseph D.	6,964.78	1,783,609.15	1,790,573.93	0.4
Murphy, Evelyn	31,395.60	1,764,111.36	1,795,506.96	1.7
Paleologos, Nicholas	6,279.12	401,731.94	408,011.06	1.5
Pierce, Stephen	31,395.60	1,097,880.53	1,129,276.13	2.8
Sawyer, William	33,109.75 **	360,668.09	393,777.84	8.4
Shannon, James	15,697.80	939,435.08	955,132.88	
			4,040,890.74	
Torkildsen, Peter	6,279.12 A. J		149,738.35	•
Weld, William	66,219.50 **	3,439,739.36	3,505,958.86	1.9

Total private contributions includes all money raised from 1/1/89 or day committee organized to run for statewide office, if later, through the reporting period closest to the relevant election (primary or general)

<sup>\*\*</sup> Received public funds in both the primary and general elections

#### RECOMMENDATIONS

The findings contained in this report clearly highlight the need for an immediate review of the entire public financing system in Massachusetts.

The major obstacle to the current system's success is the funding mechanism. As indicated earlier in the report, without serious revision of the "add-on" system, the public financing program will be virtually meaningless in the next election cycle.

One should not assume that the decrease in participation under the current system indicates a lack of support for publicly financed campaigns. Rather one should review all components of the current system as a whole in order to gauge public support. For example, research of other state programs indicates that more voters would support public financing of campaigns when spending limits are combined with public funding. While spending limits have been proposed as a campaign reform, such limits have been ruled to be unconstitutional unless they are accompanied by the acceptance of public money. Only an adequately funded public finance system would encourage candidates to adhere to spending limits. Unfortunately, this Office has not conducted research on Massachusetts taxpayers' attitudes in this area due to budget constraints.

At a minimum, the proposal to change the Massachusetts system to a "check-off" program similar to that at the federal level would significantly improve the effectiveness of the public financing system. Statistics provided in an earlier section suggest that if we were to achieve half of the federal participation rate under a "check-off" system, the SECF would generate \$1.85 million dollars during its four year cycle.

Another alternative would be to allow Massachusetts taxpayers to contribute annually in excess of \$1.00 to the public financing system. Currently, the other funds utilizing the income tax forms allow unlimited contributions. The elimination of this restriction would not necessarily increase the participation rate but might increase the overall amount contributed to the SECF.

Finally, the Office has filed legislation to improve the administration of the SECF and the distribution of public funds. These proposals have been filed for several years but have failed to gain legislative approval. The following provisions are contained in the current OCPF proposal:

 Provides the Director with the overall responsibility for the operations relating to the public financing system.

- Defines what types of contributions will be considered as "qualifying" or "matching" contributions.
- 3. Changes the deadline for submission of qualifying contributions made to the Director by allowing an additional workday for OCPF review prior to certification.
- 4. Ensures that no candidate eligible for public financing must post a bond greater than the funds allocated to such candidate.
- Establishes the governor and lieutenant governor candidates as a team for the general election in order to allocate public funds.
- 6. Enables the Secretary of State to certify, with limitations, a statewide candidate as being qualified to receive public financing for those situations in which a candidate's nomination is challenged.

Several of these proposals warrant special consideration. The current statute requires the posting of a bond by any candidate who receives public funds. The OCPF proposal would allow a candidate to post a bond in the amount of maximum public funds available to that candidate. Currently, the bonding requirements have been up to 8 times the actual amount of public funds received by candidates.

Further definition of the qualifying contributions strengthens the current statute. Likewise, this proposal would move the submission of documentation by candidates seeking public funds to an earlier date thereby allowing the Director more time for thorough review of the material submitted.

Each of these proposals would improve and strengthen the administration of the system and ensure its future success.