§ 14-203. Eligibility. 1. Terms and conditions. To be eligible for public matching funds under this title, a candidate must:

(a) be a candidate in a covered election;

(b) meet all the requirements of law to have their name on the ballot, subject to the requirements of subdivision three of section 1-104 and subdivision one of section 6-142 of this chapter;

(c) in the case of a covered general or special election, be opposed by another candidate on the ballot who is not a write-in candidate;

(d) submit a certification in the form of an affidavit, in such form as may be prescribed by the PCFB, that sets forth their acceptance of and agreement to comply with the terms and conditions for the provision of such funds in each covered election and such certification shall be submitted at least four months before a primary election, or in the case of a substitution, no later than one week after a certificate of substitution is filed for the designation or nomination of such candidate, and on the last day in which a certification of nomination is filed in a special election pursuant to a schedule promulgated by the PCFB;

(e) be certified as a participating candidate by the PCFB;

(f) not make, and not have made, expenditures from or use their personal funds or property or the personal funds or property jointly held with their spouse, or unemancipated children in connection with their nomination for election or election to a covered office, but may make a contribution to their authorized committee in an amount that does not exceed three times the applicable contribution limit from an individual contributor to candidates for the office that such candidate is seeking;

(g) meet the threshold for eligibility set forth in subdivision two of this section;

(g-1) not owe any payments, repayments, or civil penalties pursuant to this title or any regulations promulgated thereunder, or any similar payments, repayments, or civil penalties under any local public campaign finance program within the previous ten years;

(h) continue to abide by all requirements during the post-election period; and

(i) not have accepted contributions in amounts exceeding the contribution limits set forth for candidates in paragraphs a and b of

subdivision one of section 14-114 of this article during the election cycle for which the candidate seeks certification;

(i) Provided however, that, if a candidate accepted contributions exceeding such limits, such acceptance shall not prevent the candidate from being certified by the PCFB if the candidate in a reasonable time, as determined by rule, pays to the fund or returns to the contributor the portion of any contribution that exceeded the applicable contribution limit.

(ii) If the candidate is unable to return such funds in a reasonable time, as determined by rule, because they have already been spent, acceptance of contributions exceeding the limits shall not prevent the candidate from being certified by the PCFB if the candidate submits an affidavit agreeing to pay to the fund all portions of any contributions that exceeded the limit no later than thirty days before the general election. If a candidate provides the PCFB with such an affidavit, any disbursement of public funds to the candidate shall be reduced by no more than twenty-five percent until the total amount owed by the candidate is repaid.

(iii) Nothing in this section shall be interpreted to require a candidate who retains funds raised during any previous election cycle to forfeit such funds. Funds raised during a previous election cycle may be retained and used by the candidate for the candidate's campaign in the next election cycle but funds shall not qualify for satisfying the threshold for participating in the public campaign finance program established in this title nor shall they be eligible to be matched. The PCFB shall adopt regulations to ensure that contributions that would satisfy the applicable contribution limits authorized in this title shall be transferred into the appropriate campaign account.

(iv) Contributions received and expenditures made by the candidate or an authorized committee of the candidate prior to the effective date of this title shall not constitute a violation of this title. Nothing in this recommendation shall be construed to limit, in any way, any candidate or public official from expending any portion of pre-existing campaign funds for any lawful purpose other than those related to their campaign.

(v) A candidate who has raised matchable contributions but, in the case of a covered primary, general or special election, is not opposed

by another candidate on the ballot who is not a write-in candidate, or who chooses not to accept matchable funds, may retain such contributions and apply them in accord with this title to the candidate's next campaign, should there be one, in the next election cycle.

(vi) The total amount of public matching funds available to a participating candidate and their authorized committee for a covered general election pursuant to subdivision two of section 14-204 of this title shall be reduced by any unexpended public matching funds received by such candidate and their authorized committee for a covered primary election.

2. Threshold for eligibility. (a) The threshold for eligibility for public funding for participating candidates shall be in the case of:

(i) governor and lieutenant governor (combined), not less than five hundred thousand dollars in contributions including at least five thousand matchable contributions shall be counted toward this qualifying threshold;

(ii) attorney general and comptroller, not less than one hundred thousand dollars in contributions including at least one thousand matchable contributions shall be counted toward this qualifying threshold;

(iii) state senator, except as otherwise provided in paragraph (c) of this subdivision, not less than twelve thousand dollars in contributions including at least one hundred fifty matchable contributions shall be counted toward this qualifying threshold; and

(iv) member of the assembly, except as otherwise provided in paragraph (c) of this subdivision, not less than six thousand dollars in contributions including at least seventy-five matchable contributions shall be counted toward this qualifying threshold.

(b) For purposes of achieving the monetary thresholds and the contributor thresholds in paragraph (a) of this subdivision, the first two hundred fifty dollars of any contribution of more than two hundred fifty dollars to a candidate or a candidate's committee is deemed to be a matchable contribution and shall count toward satisfying such thresholds.

(b-1) The first two hundred fifty dollars of any contribution or contributions totaling up to a maximum of one thousand fifty dollars in

the aggregate to a candidate or candidate's committee shall be considered a matchable contribution provided that such contribution is otherwise determined to be valid for public matching funds by the PCFB; provided, however, that only the portion of any such contribution which is in excess of two hundred fifty dollars in the aggregate shall not be deemed matchable; and provided further, that any contributions totaling over one thousand fifty dollars in the aggregate shall not be matchable in any amount.

(c) With respect to the minimum dollar threshold for participating candidates for state senate and state assembly, in such districts where average median income ("AMI") is below the AMI as determined by the United States Census Bureau three years before such election for which public funds are sought, such minimum dollar threshold for eligibility shall be reduced by one-third. The PCFB shall make public which districts are subject to such reduction no later than two years before the first primary election for which funding is sought.

(d) Any participating candidate meeting the threshold for eligibility in a primary election for one of the foregoing offices shall be applied to satisfy the threshold for eligibility for such office in any other subsequent election held in the same calendar year. Any participating candidate who is nominated in a primary election and has participated in the public financing program set forth in this title, shall not be required to participate in the public financing program for the general election for such office should they choose to run in the general election.