



Complaint Against Howard County Councilmember Christiana Rigby's Attempted Use of the Citizens Election Fund - Part 2

December 1, 2021

Maryland State Board of Elections
151 West Street Suite 200
Annapolis, MD 21401

To Mr. Jared DeMarinis (Director of the Division of Candidacy and Campaign Finance at the Maryland State Board of Elections), and Mr. William G. Voelp (Chairman of the Maryland State Board of Elections),

I. Introduction

As the Maryland Board of Elections is aware, I, as a representative of Progressive Democrats of Howard County, submitted a [complaint](#) against Howard County Councilmember Christiana Rigby's attempted use of the Citizens Election Fund on November 6, 2021, arguing that she should not be considered eligible for participation in the public fund. This complaint was grounded in the fact that Councilmember Rigby has taken over \$3,000 of impermissible contributions during the current 4 year election cycle in the form of contributions from LLCs and businesses, which is clearly against the rules of the CEF for applicant candidates. This new complaint should be considered an addition to the original complaint, though still a separate complaint in and of itself, as it turns out that businesses and LLCs were not the only impermissible entities Councilmember Rigby took contributions from in the current election cycle.

The Maryland Board of Elections may recall that the original complaint was addressed both to the Board of Elections, and to the Howard County Citizens Election Fund Commission. What the Board of Elections may not be aware of, however, is that the County CEF Commission responded to the complaint on November 15, 2021, dismissing it, on the grounds that the CEF rules only allow the County CEF Commission to rule on complaints filed against *participating candidates*. Participating candidates are defined as “a certified candidate who has received a public contribution from the Fund for a primary or general election” (Page 7 of CEF Summary Guide). In other words, the County CEF Commission can only get involved if a candidate violates the CEF *after* they’ve already become a certified candidate. For this reason, this new complaint is addressed solely to the Maryland State Board of Elections, as it is they who have the sole judgement in determining whether Councilmember Rigby meets the eligibility for CEF certification. For similar reasons as listed in the first complaint (e.g. maintaining the integrity of the CEF, protecting it from candidates trying to bend the rules and game the system and double dip in both funds in complete contradiction to the language and spirit of the Fund, stopping a terrible precedent from being set for other County CEFs to follow, etc.), it is of the utmost importance that the State Board of Elections takes this decision very seriously, and now sees it as even more serious of a violation since it is a violation in multiple ways, and for thousands of more dollars. If Councilmember Rigby is allowed to raise and spend a few thousand dollars of impermissible contributions in the same election cycle as she is allowed to participate in the CEF and use public funds, then what is to stop a candidate in the future from raising and spending \$100,000 of impermissible contributions in an election cycle, and then participating in the CEF later in that same cycle? Or \$1 million? This is the dangerous precedent that could potentially be set if Councilmember Rigby is allowed to participate in the CEF this election cycle! Who can honestly say that that was supposed to be the intention of those who crafted the CEF?

As a reminder, according to Page 5 of the CEF Summary Guide, “The Howard County Council stated that the goal and intent of establishing the program was to encourage greater voter participation in County elections, increase opportunities for more residents to run for office, and reduce the influence of large contributions from wealthy individuals, corporations, businesses, political action groups, and other large organizations.”

II. The “New” Impermissible Contributions

As cited in the November 6, 2021 complaint, Councilmember Christiana Rigby had accepted \$3,444 impermissible contributions over 9 contributions from 8 different businesses/LLCs. These rules outlining impermissible contributions for CEF or applicant CEF candidates can be found on Section IX of Page 14 of the CEF, and were cited partially in the November 6 complaint. The rules state “An applicant candidate must not accept the following contributions:”, and lists “▪ A private contribution from a sole proprietor, LLC or LLP.”, and that is what was cited in the first complaint. However, in addition to contributions from businesses

and LLCs being considered impermissible contributions, the rules also state that CEF candidates/applicant candidates can not accept contributions from “▪ A private contribution from any group or organization, including a political action committee, a corporation, labor organization or a State or local central committee of a political party.” and “▪ A private contribution or contributions from an individual in an aggregate greater than \$250.00 during a four (4) year election cycle.” Unfortunately, Councilmember Rigby has accepted thousands of dollars of impermissible contributions from *both* of these groups of prohibited entities this election cycle, which is all the more reason why she should not be allowed to participate in the CEF this election cycle.

Receiving Committee	Filing Period	Contribution Date	Contributor Name	Contributor Type	Contribution Type	Contribution Amount	Employer Name
Rigby, Christiana Friends of	2020 Annual	5/7/19	Howard County Professional Firefighters PAC	PAC Committee	Transfer	500	
Rigby, Christiana Friends of	2020 Annual	11/15/19	MSEA's Fund For Children And Public Education PAC	PAC Committee	Transfer	100	
Rigby, Christiana Friends of	2020 Annual	11/13/19	Howard County Professional Firefighters PAC	PAC Committee	Transfer	500	
Rigby, Christiana Friends of	2020 Annual	5/7/19	Caplan, Roger	Individual	Ticket Purchases Check	100	Caplan Group
Rigby, Christiana Friends of	2020 Annual	11/14/19	Caplan, Roger	Individual	Ticket Purchases Cash	30	Caplan Group
Rigby, Christiana Friends of	2020 Annual	5/7/19	Caplan, Roger	Individual	Ticket Purchases Cash	25	Caplan Group
Rigby, Christiana Friends of	2020 Annual	11/6/19	Caplan, Roger	Individual	Card	100	Caplan Group
						\$255	
Rigby, Christiana Friends of	2020 Annual	11/14/19	Jacobson, Jonas	Individual	Card	500	Perry White Ross & Jacobson
						\$500	
Rigby, Christiana Friends of	2020 Annual	5/7/19	Patel, Lalit R.	Individual	Ticket Purchases Check	100	Self
Rigby, Christiana Friends of	2020 Annual	11/14/19	Patel, Lalit R.	Individual	Ticket Purchases Check	501	Self
						\$601	
Rigby, Christiana Friends of	2020 Annual	5/3/19	Guzzone, Pam	Individual	Card	250	NASA/Goddard
Rigby, Christiana Friends of	2020 Annual	11/14/19	Guzzone, Pam	Individual	Card	250	NASA/GSFC
						\$500	

As can be seen in the (admittedly slightly blurry) image above, Councilmember Rigby has taken \$1,100 in impermissible contributions from PACs this current election cycle, from 2 different PACs across 3 total contributions. In addition to that, Councilmember Rigby has also taken impermissible contribution amounts from 4 different individuals over \$250 this current election cycle, for an additional total of \$856 extra in impermissible contributions. All of these contributions can be found publicly on the MD CRIS campaign finance database. Adding up the total impermissible contribution amounts between all 3 categories (business and LLC contributions, PAC contributions, and cumulative donations of \$250+ from individuals in a single election cycle) results in a grand total of \$5,400 of impermissible contributions.

Councilmember Rigby can not be allowed to participate in the CEF now that she has accepted these impermissible contributions during the current election cycle! It is bad enough that she took these impermissible contributions at all, but it’s even worse knowing many of the entities she took impermissible contributions from were the very same industries the CEF was

created to combat the influence of - namely, local real estate and development interests that enjoy an outsized influence in County politics, and largely through campaign donations. For example, one of the individuals Councilmember Rigby took impermissible contribution amounts from via individual donations was Roger Caplan, of Caplan Consulting, which is a consulting firm for recent Howard Hughes Corporation (main developer in Columbia in Howard County) and Rouse Company owner GGP Inc, and another was Pam Guzzone, wife of MD State Senator Guy Guzzone, who has a reputation for taking quite a bit of developer money himself (also verifiable on MD CRIS).

III. Rebutting a Theoretical “Loophole” Argument

Councilmember Rigby would likely try to argue that what she is doing is technically not a violation of the letter of the CEF law, but regardless of how someone may feel on that question, I think it is indisputable that what she is trying to do here by participating in the CEF despite having accepted these impermissible contributions during this election cycle is 100% against the intended spirit of the CEF. But as will be explained below, any such theoretical technicality or “loophole” Councilmember Rigby may try to fabricate and exploit to justify her participation in the CEF despite having taken those impermissible contributions is misguided, cynical, and nonexistent, and she is clearly in violation of both the spirit *and* the letter of the CEF rules and guidelines. Councilmember Rigby should be denied certification for participation in the CEF based off these explicit rule violations in the form of the *many* impermissible contributions she’s taken this current election cycle.

The logic behind the theoretical technicality/loophole that Councilmember Rigby would be trying to argue exists is that it is okay for her to have taken the Impermissible Contributions during this current Election Cycle, because the Impermissible Contributions were taken from her campaign finance Committee Friends of Christiana Rigby, which is not the Committee she is using to participate in the CEF (the Committee she’s using for that is the newly established Neighbors for Christiana Rigby, created on June 21, 2021). Councilmember Rigby would further argue that the prohibition against impermissible contributions only applies to the campaign finance Committee being used for the CEF, and that the ban on impermissible contributions only begins once a candidate has filed a notice of intent to be a CEF candidate. If Councilmember Rigby’s premise were true, then Rigby’s collection of impermissible contributions during this current election cycle in her Friends of Christiana Rigby account would be perfectly acceptable and allowed by the rules of the CEF, since she had not yet filed her notice of intent or opened up a CEF Committee this election cycle when she took those impermissible contributions in Friends of Christiana Rigby. Following the logic of this theoretical loophole further, Councilmember Rigby would argue that as long as she does not and did not spend any impermissible contributions previously raised this election cycle in her Friends of Christiana Rigby campaign account from the point where she filed her notice of intent to participate in the CEF and opened

the Neighbors for Christiana Rigby account (June 21, 2021) and onwards, that the initial collection and expenditures of the impermissible contributions in Friends of Christiana Rigby during this current election cycle was then not a violation of CEF rules, and was perfectly permissible.

However, the entire premise that Councilmember Rigby's theoretical loophole/technicality relies on is false, and she should therefore not be allowed to participate in the CEF. The whole foundation of Councilmember Rigby's theoretical justification of her use of the CEF despite having taken impermissible contributions this election cycle would be that what matters is not the period of time when an impermissible donation was taken by a candidate (e.g. the 4 year election cycle), but rather which entity the impermissible donation was taken by (e.g. the Committee being used for the CEF vs. the previously established non-CEF Committee), and whether the impermissible contribution was taken before the notice of intent was filed and before the CEF account was established. However, as will be explained further, the actual language of the CEF rules and guidelines makes it very clear that the *only thing* that matters when it comes to a candidate accepting impermissible contributions and being able to participate in the CEF is whether the impermissible contributions occur during the 4 year election cycle or not. The CEF rules make no exemption - implicit or explicit - for impermissible contributions to be accepted by CEF applicant candidates if they were taken in a non-CEF account that was active before a candidate filed a notice of intent to participate in the CEF or opened up a CEF account later in that same election cycle. The CEF rules are very clear: **if a candidate accepts impermissible contributions during the 4 year election cycle, they will not qualify to participate in CEF funding, regardless of which Committee the impermissible contributions were accepted from, or when during the 4 year election cycle the impermissible contributions were taken!** If we allowed a candidate to accept and spend (theoretically unlimited amounts of) impermissible contributions in one Committee, and then participate in the CEF during the very same election cycle using another Committee, then how would that be reducing "the influence of large contributions from wealthy individuals, corporations, businesses, political action groups, and other large organizations" as is one of the CEF's stated purposes?

Luckily there is specific language in the various official CEF rules and guidelines documents that show in no unclear terms that impermissible contributions are indeed banned for CEF candidates during the *entire* 4 year election cycle full-stop, regardless of whether those contributions are taken from a CEF account or non-CEF account. With this in mind, it is clear that what Councilmember Rigby is trying to do is game the system in a way that is against both the spirit and letter of the CEF. There is no such "loophole" or technicality in the CEF rules that allow what Councilmember Rigby is trying to do - the language just simply does not exist. It is my hope that after seeing these clear rules that show what Councilmember Rigby is trying to do is not allowed, that the State Board of Elections will do the right thing by upholding the rules and integrity of the CEF by denying her certification as a CEF candidate.

In addition to the language outlining what defines an impermissible contribution, Page 6 of the CEF FAQ document also makes it quite clear what would disqualify a candidate from being certified to participate in the CEF, in response to the question “Can a candidate use contributions and funds that were raised by them prior to qualifying for the Program and becoming a Certified Candidate?” In the answer to this question, the FAQ states “To qualify to participate in the Citizens’ Election Fund Program, a candidate must become certified by meeting the required contribution thresholds (contribution number and dollar amounts) as well as not accepting contributions outside of the Qualified Contribution guidelines (e.g. \$5 - \$250, made by County resident, etc.)” Note that the language here makes no exception for contributions outside of the Qualified Contribution guidelines that were accepted before a notice of intent was filed or before a CEF account was opened, but it is rather a blanket ban on **ALL** contributions outside of the Qualified Contribution guidelines if a candidate wants to participate in the CEF that particular election cycle. Councilmember Rigby’s many impermissible contributions accepted during this election cycle clearly are in violation of these CEF Qualified Contribution guidelines referred to here, and should thus disqualify her from participation in the CEF this election cycle.

There is also another section in the CEF FAQs that makes it clear that impermissible contributions and expenses are banned during the entire 4 year election cycle full-stop, and not just once a notice of intent has been filed and a CEF Committee has been opened up for a candidate. On Page 7 of the CEF FAQ, one question asked is “During the period that I am obtaining qualified contributions, but prior to becoming a certified candidate, am I subject to the Program’s regulations over campaign expenditures?”. The answer makes it clear that yes, a candidate *does* have to abide by CEF rules and regulations even before they become a certified candidate! However, the way that the question is phrased does not make it clear whether a candidate has to begin abiding by the CEF rules and regulations at the beginning of the current 4 year election cycle, or just once they’ve filed their notice of intent and opened up a CEF account to start collecting qualifying contributions. Luckily though, the answer to that FAQ *does* make it clear that the CEF rules and guidelines apply for the **entire 4 year election cycle** - even retroactively to before a candidate filed a notice of intent to qualify and opened up a CEF account!

Specifically, in the answer to that FAQ on Page 7, the document says that in order for an applicant candidate for the CEF to become certified to participate, they must submit a campaign finance report which includes, among other things, “A list of each expenditure made by the candidate during the qualifying period”, and that “Any expenditure items not in compliance with these regulations will disqualify the potential candidate from becoming certified and participating in the Citizens’ Election Fund Program”. That answer to the FAQ makes it explicit that the impermissible contribution guidelines for CEF candidates apply during the **entire 4 year election cycle**, and not just for CEF accounts after a notice of intent has been filed, because it states that expenditures for the “qualifying period” need to be reviewed and certified for

compliance, and “Qualifying Period” is defined on Page 8 of the CEF Summary Guide as “the time beginning on January 1 following the last election for the office the candidate seeks and ending 45 calendar days before the date of the primary election; or for a special election, the time that the County Council sets by Resolution.” In other words, the answer to that FAQ on Page 7 of the CEF FAQ makes it clear that expenditures (and contributions, assumedly) from the entire 4 year election cycle “qualifying period” are relevant and must be in compliance with CEF rules and guidelines when certification is being considered, and not just expenditures and contributions from the CEF account established after the notice of intent was filed.

If none of those specific examples of language directly from the official CEF documents is convincing enough, perhaps the strongest argument for why what Councilmember Rigby is doing here should not be allowed is common sense. If the CEF was introduced in part to “reduce the influence of large contributions from wealthy individuals, corporations, businesses, political action groups, and other large organizations”, then why would candidates like Councilmember Rigby be allowed to raise and spend unlimited amounts of money from prohibited entities for 3 out of the 4 years of the election cycle, only to then switch over to a CEF account during the final year and participate in the public funding, after having already been influenced by the special interest donations the CEF was meant to combat? How could any reasonable person look at what she is trying to do here and think that that is what the crafters of the CEF had in mind when creating this? Allowing Councilmember Rigby to have her cake and eat it too by letting her accept and spend impermissible contributions while participating in the CEF during the exact same election cycle seriously threatens the integrity of the CEF, as well as its future, since this would set a terrible precedent for other candidates to cynically exploit, which would make citizens lose confidence in the CEF, and not level the playing field for grassroots underdog candidates in the way that it was intended to. This will have disastrous effects on Howard County and other Counties democracies if this is allowed to stand - it goes against both the language and spirit of the law.

IV. Councilmember Rigby’s Failure to Close Non-CEF Campaign Account

Before this complaint concludes, it is worth touching on one more thing Councilmember Rigby is in clear violation of in the CEF rules. Section I on Page 9 of the CEF Summary Guide describes the process of how a candidate is supposed to file for participation in the CEF, and it says a candidate seeking CEF status must “Open a publicly funded campaign account with a bank. The purpose of this account is to receive deposits of all contributions, matching public distributions, and to make expenditures. **Any other campaign finance entity associated with the candidate must be closed or be made inactive (no deposits made into the account and no funds withdrawn from the account) during the period the candidate seeks public funds.**” As I have attached a screenshot of below (taken on December 1, 2021), although Councilmember Rigby may not have accepted any new donations or spent any money out of her Friends of

Christiana Rigby campaign account since she registered her new CEF account Neighbors for Christiana Rigby, the Friends of Christiana Rigby account is still technically open according to MDCRIS, which is not supposed to be allowed according to the CEF rules quoted above.

Receiver

Rigby
Rigby, Christiana Friends of(Active)
Rigby, Christiana Neighbors for(Active)

However, even if this more minor violation is addressed by Councilmember Rigby, and she officially closes her Friends of Christiana Rigby account as she is supposed to according to the CEF rules, the much bigger issue of her attempted participation in the CEF in the first place despite having accepted all of those impermissible contributions this election cycle can not be ignored.

V. Conclusion

Since a separate complaint has already been submitted, and this supplemental complaint is also quite long, there is not too much else left to say. Perhaps Councilmember Rigby's collection of \$5,000+ in impermissible contributions during the current 4 year election cycle could be excused since this is the first time the program is being implemented, but that would only be valid if the program passed midway through the current election cycle and she was not aware that collecting those contributions would disqualify her because the rules did not exist yet. But the CEF program was passed by Howard County voters in 2016, and officially created by the County Council in 2017 - well before Councilmember Rigby's 2018 election - so she knew fully about the CEF rules and guidelines well before being elected and before the current election cycle, yet she still decided to violate the rules and try to participate anyways.

Again, this decision has enormous implications, as it will determine whether the CEF in Howard County and other Counties will be a loophole-filled program that allows big money-funded candidates and incumbents to double dip in public funds and which leads voters to not have faith in the integrity of the program, or whether the CEF will actually live up to its true potential in Howard County and other Counties, and truly be a big step towards reducing the influence of private and corporate money in elections and give grassroots underdog candidates a fighting chance that they've traditionally not had. I close by asking a series of questions, some of which I've already asked above: Do you really think it was the intent of the writers of the CEF to allow a candidate to raise and spend virtually unlimited amounts of impermissible contributions for 3 out of 4 years of the election cycle, only to then switch to public funding during the last year? Does that model truly reduce the influence of corporate money in politics? Would allowing that type of activity for CEF candidates truly restore faith in many citizens' views of local politics and elections, or would it end up making them even more skeptical of

politicians? Would this model truly level the playing field for grassroots-funded underdog candidates trying to take on corporate-funded establishment incumbent candidates, as was its intended purpose? Or does this seem like an obvious misuse of the CEF that the crafters did not want, and that Councilmember Rigby is trying to exploit and abuse, even though there is no explicit language enabling what she is trying to do? The answer to all of these questions for me is obvious, and it seems that the CEF would fail at *all* of its stated goals “to encourage greater voter participation in County elections, increase opportunities for more residents to run for office, and reduce the influence of large contributions from wealthy individuals, corporations, businesses, political action groups, and other large organizations” if they allow Councilmember Rigby’s abuse of the CEF to stand (Page 5 of the CEF Summary Guide).

I hope for the sake of Howard County and other MD Counties’ democracies, as well as for the sake of the integrity of the CEF, that the State Board of Elections makes the right and responsible decision here. I will look out for any future rulings on this complaint by the State Board of Elections, and am willing to assist fully if there are any questions about the details of the complaint.

For relevant Howard County CEF rules and guidelines documents referenced throughout this complaint, see below:

Howard County CEF Summary Guide

<https://www.howardcountymd.gov/finance/resource/cef-summary-guide-0>

Howard County CEF Rules of Procedure

<https://www.howardcountymd.gov/finance/resource/cef-adopted-rules-procedure>

Howard County CEF FAQ

<https://www.howardcountymd.gov/finance/resource/citizens-election-fund-faq>

Sincerely,

Jake Burdett, Howard County Resident & Progressive Democrats of Howard County President