



HOWARD COUNTY DEPARTMENT OF FINANCE

3430 Court House Drive Ellicott City, Maryland 21043

410-313-2195

Rafiu O. Ighile, CPA, CGMA, MBA
Director of Finance
rihile@howardcountymd.gov

FAX 410-313-4064
TDD 410-313-2323

January 18, 2022

Sue Geckle, Chair
Citizens' Election Fund Commission

RE: Response to CEF Commission Letter to Reconsider Disbursement Request

Ms. Geckle,

Thank you for your letter dated January 11, 2022 requesting reconsideration of the decision not to disburse public contributions from the Citizens' Election Fund (CEF) to the Committee to Re-Elect Deb Jung at this time.

As the Director of Finance, I have a fiduciary duty to administer all programs and government functions of our Department in accordance with the laws set forth in the Howard County Code. Despite the frustration that some have expressed to our office and statements related to the perceived intent of the legislation, as a department director I am duty bound to administer the law as written.

Section 10.306(a)(3)(i) of the Howard County Code provides that "whether an election is contested shall be determined on the first Tuesday in August preceding the election." Further, Section 10.306(a)(3)(ii) states that "The Director shall not disburse a public contribution to a certified candidate in an election in which the candidate is the sole individual who has filed a certificate of candidacy for that office." Based on my interpretation of these two provisions of the Howard County Code, I am currently unable to disburse public contributions from the CEF for the primary election because the first Tuesday in August preceding the election has past and at that time no race was contested.

In your role as Chair of the Citizens' Election Fund Commission, you have been aware of this issue and the limitations it sets on the Director of Finance's administration of the CEF since at least October 19, 2021, when you requested emergency legislation to amend Section 10.306(a)(3) of the Code. In your October 19, 2021 letter, you noted that Section 10.306(a)(3) "provides that the Director of Finance cannot disburse a public contribution to a candidate unless it is a contested election," and further explained that "As written, there could be no contested election for the Council/Executive primary, which is scheduled to take place on June 28, 2022." You also indicated a sense of urgency in addressing the issue, stating that Section 10.306(a)(3) "needs immediate correction in order to successfully implement the Citizens Election Fund Program."

Additionally, Councilmember Deb Jung, whose Committee to Re-Elect Deb Jung has subsequently requested a disbursement of public contributions from the Citizens' Election Fund, has been aware of the limitations placed on the timing of disbursement of funds established in Section 10.306(a)(3) since at least October 30, 2021. In an email sent to my office on October 30, 2021, Councilmember Jung acknowledges receipt of the October 19, 2021 letter from the CEF commission, stating "Thank you for discovering the error in the legislation that would prevent candidates from accessing CEF funds after having declared that they will be utilizing the CEF." Councilmember Jung also identifies the need for legislation in order for public contributions to be disbursed by the Director of Finance prior to the first Tuesday in August preceding the election, asking "would you like me to file the legislation to fix this issue? Would that be considered a conflict of interest since I have declared myself as a CEF candidate?"

While I appreciate the spirit of your request and your interest in the successful implementation of the CEF program, I cannot reverse my decision to deny disbursement of public contributions to the Committee to Re-Elect Deb Jung at this time. To make a disbursement at this time would conflict with Section 10.306(a)(3) of the Howard County Code as you and Councilmember Jung previously noted. Reversing my decision would breach my fiduciary duty to uphold the laws of Howard County as written.

I am aware that Councilmember Yungmann has filed CB6-2022 seeking to amend the Howard County Code by striking Section 10.306(a)(3)(i) in its entirety, and that this legislation is currently under consideration by the County Council. Any efforts to address the timing of when public contributions can be disbursed from the CEF as currently established in the Code should occur through the legislative process. If CB6-2022 becomes law and the Code governing the CEF is amended, I will administer the CEF program as directed by law and disburse public contribution from the CEF as soon as I am legally permitted.

Thank you for your attention to this matter.

Sincerely,



Rafiu O. Ighile
Director of Finance

CC: Dr. Calvin Ball, County Executive
Opel Jones, Chair, County Council
Citizens' Election Fund Commission
County Council