

STATE BOARD OF ELECTIONS

P.O. BOX 6486, ANNAPOLIS, MD 21401-0486 PHONE (410) 269-2840

William G. Voelp, Chairman
Vacant, Vice Chairman
Severn E. S. Miller
Justin Williams
T. Sky Woodward



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

To: State Board Members
From: Nikki Charlson
Date: October 5, 2022
Re: Proposed Changes to Regulations

At the October 26 meeting, I will present for final adoption the following proposed regulations and proposed changes to existing regulations.

1. 33.07.04.02 – Election Day Activities – Order and Decorum: Allows a voter to use an electronic device to provide proof of residency or identification. This change was approved for publication and public comment at the June 23, 2022, meeting. At the same meeting, this regulation was also adopted by emergency regulation; the emergency regulation was effective July 18, 2022.
2. 33.11.03.06 – Absentee Ballots – Issuance and Return: Revises the signature curing process to align the regulations with HB 862 and SB 163 of the 2022 Legislative Session. This change was approved for publication and public comment at the June 23, 2022, meeting. At the same meeting, this regulation was also adopted by emergency regulation; the emergency regulation was effective July 18, 2022.
3. 33.11.05.04 and 33.16.06.04 –Rejecting Ballots – Multiple Ballots from the Same Individual: Requires the local board to accept in most cases a mail-in ballot and reject a provisional ballot if the voter votes and returns both ballots. The exception is if the local board receives the mail-in ballot after the provisional ballot is counted; in this case, the local board rejects the mail-in ballot since the provisional ballot has already been counted. This change was approved for publication and public comment at the June 28, 2022, meeting. At the same meeting, this regulation was also adopted by emergency regulation; the emergency regulation was effective July 18, 2022.
4. 33.15.03.03 & .04 – Polling Places – Reassignments: Updates the circumstances when a voter can be reassigned to another polling place to reflect the use of precinct-level ballot styles. This change was approved for publication and public comment at the June 2, 2022, meeting.

October 5, 2022

5. 33.15.03.07 – Polling Places – Alcohol Beverage License: Creates a new regulation for the use of a facility with an alcohol license as a voting location. This change was approved for publication and public comment at the June 2, 2022, meeting. At the same meeting, this regulation was also adopted by emergency regulation; the emergency regulation was effective July 18, 2022.

All of these proposed changes or newly proposed regulations were published in the August 26, 2022, issue of the *Maryland Register* (Vol. 49, Issue 18). The public comment period closed on September 26, 2022, and no public comments were received.

If you have any questions before the next meeting or would like the documents we provided before the meeting at which they were considered, please contact me.

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Memorandum

To: State Board Members
From: Jared DeMarinis
Date: October 12, 2022
Re: Final Adoption of Regulations

At the next board meeting, I will present for final adoption proposed changes to the following COMAR provision¹ (see enclosure):

- 33.14 -Administration of the Public Financing Act
 - .01 (Definitions, General Provision)
 - .02 (Definitions)
 - .03 (Agency Responsibilities- Comptroller)
 - .04 (Agency Responsibilities- State Board)
 - .02 (Eligibility Requirements and Procedures)
 - .01 (In General)
 - .02 (Special Circumstances)
 - .03 (Deadline for Notice and Certification- Primary Election)
 - .04 (Deadline for Notice and Certification- General Election)
 - .05 (Requests for *Public* Contribution [- General])
 - .06 ([Requests for Contribution- Primary Elections] *Withdrawal from Public Financing*)
 - .07 ([Request for Contributions- General Election] *Candidate Contributions or Loans*)
 - .08 (Determination of Eligibility)
 - .09 (Distributions)
 - .10 (Post Election [Returns])
 - .11 ([Seed Money] *In-Kind Contributions and Candidate Contributions*)
 - .12 (Eligible Private Contributions)
 - .13 (*Electronic Signatures*)
 - .03 ([Limitations on] Campaign Expenditures)
 - .01 (In General)

¹ Italicized text is new section or language.

- .02 (Central Committee)
- .03 ([Political Committee])
- .06 (In-Kind Contributions)
- .07 (Prior Expenditures)
- .04 (Disbursement and Expenditure of Public Contributions)
 - .03 ([Supplemental Public Contributions])
 - .04 Single Campaign Fund Required
 - .05 (Prohibited Uses of Public Contribution)
 - .06 (Reports)
- .05 (Outstanding Obligations)
 - .01 Outstanding Obligations
 - .02 ([Post-Primary Election] *Fundraising*)

The 2021 Legislative Session of the General Assembly completely overhauled the public financing program for Governor. The law modeled after the successful County program features a robust tiered matching for small dollar contributions and the elimination of an expenditure limit. Additionally, the program has for the first time in its existence a secured source of funds to maintain its viability as a program in future years. The program no longer distinguishes between the primary and general election. Once a candidate intends to participate, the candidate must participate for all elections that candidate is eligible to appear on the ballot. The regulations proposed reflect the changes in the law.

The proposed changes to the regulations were adopted at the April 27, 2022 meeting. They were published in the August 26, 2022 edition of the *Maryland Register* (Vol. 49, Issue 18), and the public comment period closed on September 26, 2022. No public comments were received.

If you have any questions before the next meeting, please contact me. I will, of course, be available at the board meeting to answer any questions.

Attachment.

Title 33 STATE BOARD OF ELECTIONS
Subtitle 14 ADMINISTRATION OF PUBLIC FINANCING ACT
Chapter 01 Definitions; General Provision

Authority: Election Law Article §§2-102(b)(4) and 15-109(b), Annotated Code of Maryland

.02 Definitions.

A. [text unchanged]

B. Terms Defined.

(1) *“Account Book” means the records and documents the treasurer is required to keep pursuant Election Law Article, §13-221, Annotated Code of Maryland on all assets received, expenditures made, and obligation incurred by or on behalf of the Gubernatorial ticket candidate committee.*

(2) [(1)] “Candidate” means a Governor-Lieutenant Governor unit that:

(a) *Establishes a Gubernatorial ticket candidate committee with the State Board; and*

(b)(1) Files a certificate of candidacy in a party primary; or

(2) Becomes a general election candidate by any means other than nomination in a party primary.

(3) *“Certified gubernatorial ticket candidate committee” means a gubernatorial ticket candidate committee that has been certified by the State Board that it meets the qualifications under Election Law Article, § 15-104 for receiving public contributions.*

[(2)] (4) – [(3)] (5) [text unchanged]

[(4)] (6) “Eligible gubernatorial ticket” has the meaning stated in Election Law Article, §15-102[(c)] (d), Annotated Code of Maryland.

[(5)] (7) “Eligible private contribution” has the meaning stated in Election Law Article, §15-102[(d)] (e), Annotated Code of Maryland.

[(6)] (8) “Fund” has the meaning stated in Election Law Article, §15-102[(e)] (f), Annotated Code of Maryland.

(9) *“Gubernatorial ticket” has the meaning stated in Election Law Article, § 15-102(g), Annotated Code of Maryland.*

[(7)] (10) *“Gubernatorial ticket candidate committee” means a political committee that is a public financing campaign slate committee established and authorized by the gubernatorial ticket to receive private contributions;[, including a public contribution, and to]*

make expenditures[.]; *incur outstanding obligations; and if certified by the State Board that it meets the qualifications under Election Law Article § 15-104, receive a public contribution*

[(8)] (11) - [(11)] (14) [text unchanged]

(15) *"Private contribution" has the meaning stated in Election Law Article, §15-102 (h), Annotated Code of Maryland.*

[(12)] (16) *"Public contribution" has the meaning stated in Election Law Article, §15-102[(g)] (i), Annotated Code of Maryland.*

[(13)] (17) [text unchanged]

[(14)] *"Seed money" has the meaning stated in Election Law Article, §15-102(h), Annotated Code of Maryland.]*

[(15)] (18) *"Treasurer" has the meaning stated in Election Law Article, §§1-101 [and 15-102(i)], Annotated Code of Maryland.*

.03 Agency Responsibilities- Comptroller

The Comptroller shall:

A. – C. [text unchanged]

D. Submit to the State Board a statement of the balance in the Fund *on the first Monday of each month* [:

(1) On May 15 of each year, and

(2) When requested by the State Board];

E. When ordered by the State Board, promptly disburse any public contribution from the Fund; *and*

F. Make the disbursement required by §E of this regulation to a single campaign depository of [an eligible candidate] *a certified gubernatorial ticket candidate committee*, as provided in Election Law Article, §13-[202] 220(a), Annotated Code of Maryland[; and

G. Provide a final disbursement of any surplus in the Fund in accordance with the Public Financing Act].

.04 Agency Responsibilities—State Board

The State Board shall:

A. [text unchanged]

[B. Determine the limitation on campaign expenditures for candidates seeking a public contribution using the criteria specified in the Act;

[C.] *B.* Provide full information to the public, to candidates, and to any other interested party on the process of administering the Public Financing Act and on the requirements for obtaining public contributions under the Act;

[D.] *C.* [text unchanged]

[E.] *D.* Order any disbursement to be made from the Fund; *and*

[F. As soon as practicable after a gubernatorial primary election, declare the candidates for Governor and Lieutenant Governor in the general election; and]

[G.] *E.* Promptly after the [gubernatorial primary or general election] *filing of the final campaign finance report by the gubernatorial ticket candidate committee*, audit all campaign finance reports, *the* account book, records and other documents submitted by [an eligible candidate] *a certified gubernatorial ticket candidate committee* [for that election].

Title 33 STATE BOARD OF ELECTIONS
Subtitle 14 ADMINISTRATION OF PUBLIC FINANCING ACT
Chapter 02 Eligibility Requirements and Procedures

Authority: Election Law Article §§2-102(b)(4) and 15-109(b), Annotated Code of Maryland

.01 In General.

To be eligible to receive a public contribution under the Public Financing Act, [a] the candidates for the offices of Governor and Lieutenant Governor seeking to form a gubernatorial ticket shall:

A. [First, file a certificate of candidacy that meets the requirements of law, establish a gubernatorial ticket candidate committee, and file a notice of intent to qualify for public contributions;] *Establish a gubernatorial ticket candidate committee and file a notice of intent to participate in public financing at the time of establishment;*

B. File certificates of candidacy for the offices of Governor and Lieutenant Governor, respectively; and

[B.] *C.* [Then, file] *Authorize the gubernatorial ticket candidate committee to file a campaign finance report with the State Board within the deadlines specified in this subtitle with a certification, signed by the [candidate]gubernatorial ticket candidate committee's treasurer, that [the seed money required by the Act has been raised] the gubernatorial ticket candidate committee raised a minimum of \$120,000 from at least 1,500 private eligible contributions.*

.02 Special Circumstances.

A. [First Request for General Election. A candidate who did not receive a public contribution in the primary election, but who is a nominee in the general election, may become eligible for a public contribution in the general election if the:

(1) Candidate's expenditures in the primary election did not exceed the limitations established by the Public Financing Act, if applicable;

(2) Candidate raised seed money in accordance with law; and

(3) Candidate meets all other eligibility requirements under Election Law Article, Annotated Code of Maryland, to be a candidate and receive a public contribution.] *Qualification for the General Election. A gubernatorial ticket that qualifies for a public contribution remains eligible for public contributions for all elections in which the gubernatorial ticket appears on the ballot that election year.*

B. Unopposed [Candidates] *Gubernatorial Tickets.*

[(1)] An eligible *gubernatorial ticket that* [candidate who] is unopposed in a primary election is entitled to receive a public contribution in the amount provided in the Act [as long as the:

(a) Candidate's expenditures in the primary election do not exceed the limitations established by the Public Financing Act; and

(b) Candidate otherwise meets the requirements of this subtitle within the applicable deadlines.

(2) A candidate who is unopposed in a general election may not receive a public contribution].

C. Unaffiliated [Candidates] *Gubernatorial Tickets.*

(1) [text unchanged]

(2) A *gubernatorial ticket that* [candidate who] is not affiliated with a political party is entitled to receive a public contribution if the *gubernatorial ticket* [candidate:

(a)] [M]meets the requirements of the Act and this subtitle[; and

(b) Raised seed money in accordance with law].

D. Write-In *Gubernatorial Tickets*[Candidates]. A write-in *gubernatorial ticket* [candidate who has filed a certificate of candidacy] that meets the requirements of law is entitled to receive a public contribution if the *gubernatorial ticket* [candidate:

(1) M] *meets* the requirements of the Act and this subtitle[; and

(2) Raised seed money in accordance with law].

.03 Deadline for Notice and Certification- Primary Election.

A.- B. [text unchanged].

C. [Seed Money Deadline. Private eligible contributions may not be used for seed money certification if received after the third Tuesday in May of the year of the election.] *A request for certification pursuant to Election Law Article, § 15-107(a)(1) and an initial public contribution by a gubernatorial ticket candidate committee for a primary election shall be filed with the State Board no later than 11:59 p.m. on the first Tuesday following the first Monday in May in the year of the primary election with an ending transaction period of the first Monday in May for the corresponding campaign finance report.*

.04 Deadline for Notice and Certification—General Election.

[A. In General.] For a [candidate] *gubernatorial ticket* participating only in a general election:

A. [(1)] (text unchanged)

B. [(2) The certification and campaign finance report that seed money has been raised] *A request for certification and an initial public contribution by a gubernatorial ticket candidate committee for a general election shall be filed with the State Board no later than [5] 11:59 p.m. on the first [Monday] Tuesday following the first Monday in August in the year of the general election with an ending transaction period of the first Monday in August.*

[B. Exceptions.

(1) A candidate need not file a notice of intent for the general election if the candidate qualified for and received public funds in the primary election.

(2) A candidate need not file a certification for the general election if the candidate filed a certification for the primary election.

C. Withdrawal.

(1) A candidate that qualified for and received public contributions in the primary election may decline to receive public funds for the general election

(2) A candidate declines to receive public funds for the general election by filing a written notice with the State Board not later than 5 days after the State Board certifies the gubernatorial primary election].

.05 Requests for *Public Contribution*[- General]

A. Requests. To receive public contributions, an eligible *gubernatorial ticket* [candidate] shall file a request *at the time of filing a campaign finance report* with the State Board, as provided in this chapter.

B. *Deadlines for Request. The request for a public contribution may be filed:*

(1) According to the campaign finance reporting schedule in Election Law Article, §13-309, Annotated Code of Maryland, for an authorized candidate campaign committee; and

(2) At these additional time periods:

(a) The first and third Tuesdays in February, March, April, July, and September; and

(b) The first Tuesday in January, May, August, October, and November.

C. Contents of Request. Each request shall be made under penalty of perjury and include:

(1) The date of the preceding request, if any;

(2) The amount of public contribution received to date, if any;

(3) The transaction period covered for the request of public contributions;

(4) The total number of eligible private contributions received;

(5) The total amount of public contributions requested for the transaction period; and

(6) A campaign finance report for the transaction period detailing:

(a) All contributions received, including:

(i) Any in-kind contributions received; and

(ii) The designation of eligible private contributions;

(b) All expenditures made including any in-kind contributions received as an authorized expenditure;

(c) All outstanding obligations incurred;

(7) A contribution card for every contribution received; and

(8) A receipt associated with every expenditure made.

D. Fund Allocations.

(1) Distributions from the Fund will be made only after January 1 of the year of the election.

(2) Distributions will occur on a first-come, first-served basis and will continue in that manner.

(3) By the first Tuesday following the first Monday in May of the year of the election, the State Board shall determine whether there is sufficient money available to provide a full public contribution to all eligible gubernatorial tickets.

(4) If the State Board determines that there are insufficient funds for a full public contribution to all eligible candidate, then at the time of its determination the State Board shall allocate the remaining available money in the Fund so that all gubernatorial tickets receive a pro rata share of the full contribution to which they would otherwise be entitled from that time forward;.

.06 [Requests for Contribution—Primary Elections]. *Withdrawal from Public Financing*

A. [Deadlines for Request. For a primary election, the request shall be filed:

(1) According to the campaign finance reporting schedule in Election Law Article, §13-309, Annotated Code of Maryland, for an authorized candidate campaign committee; and

(2) For subsequent optional requests these additional time periods:

(a) The first and third Tuesdays in January, February, March, April, May, and June; and

(b) Not later than the second Tuesday after the primary, which will cover contributions received from the date of the candidate's last request for public contribution through the primary election.

B. Contents of Request. Each request shall be under the penalty of perjury and include:

(1) The date of the preceding request, if any;

(2) The amount of public contribution received to date, if any;

(3) The transaction period covered for the request of public contributions;

(4) The total number of eligible private contributions received;

(5) The total amount of public contributions requested for the transaction period; and

(6) A campaign finance report for the transaction period detailing:

(a) All contributions received, including:

(i) Any in-kind contributions received by the political committee; and

(ii) Designating contributions eligible for a full or partial public fund match request;

(b) All expenditures made including any in-kind contributions received by the political committee as an authorized expenditure by the political committee; and

(c) All outstanding obligations incurred.

C. Fund Allocations.

(1) The State Board interprets the Act to require that a candidate file a certificate of candidacy before establishing a gubernatorial ticket candidate committee, filing a notice of intent to qualify or a request for public contribution

(2) The deadline for filing a certificate of candidacy is established by Election Law Article, §5-303(a)(1), Annotated Code of Maryland.

(3) The State Board does not interpret these provisions to mean that all eligible candidates must file a certificate of candidacy on or before the first date of distribution of public contributions. Rather, the State Board interprets the law to permit eligible candidates using the Fund in the primary election to file certificates of candidacy at any time up until the deadline established under the Election Law Article, §5-303, Annotated Code of Maryland.

(4) Pursuant to Election Law Article, §§15-103, 15-106, and 15-109, Annotated Code of Maryland, the State Board shall allocate the available money in the Fund so that all candidates receive a pro rata share of the full contribution to which they would otherwise be entitled [at the time candidates file their certificates of candidacy and request for public contribution.

(5) This interpretation may result in a later filed candidate receiving a lesser portion of public money if there is not sufficient money in the Fund to distribute a full contribution to all the candidates who ultimately filed a request under the Act.

(6) The deadline to submit a certification that seed money required by the Act has been raised for the primary election is the first Tuesday in June.]

An eligible gubernatorial ticket candidate committee may withdraw from receiving future public contributions if the gubernatorial ticket candidate committee:

- 1. Files a Notice of Withdrawal signed by the gubernatorial ticket revoking the Notice of Intent to Participate;*
- 2. Repays the Fund the full amount of the public contribution received plus interest computed from the date of the first distribution; and*
- 3. Files a final campaign finance report for the gubernatorial ticket candidate committee.*

.07 [Request for Contributions- General Election] Candidate Contributions or Loans.

[For a general election, the request shall be filed with the State Board no later than 5 days after the State Board declares the candidates for Governor and Lieutenant Governor in the general

election.] A. *Contributions by Candidate.* A contribution by the candidate or the spouse of the candidate who is part of a gubernatorial ticket shall count towards the qualifying contributor and aggregate contribution thresholds pursuant to the Election Law Article §15-104(c), Annotated Code of Maryland

B. *Loan by Candidate.* A loan by the candidate or the spouse of the candidate who is part of a gubernatorial ticket may not count towards the qualifying contributor and aggregate contribution thresholds pursuant to the Election Law Article §15-104(c), Annotated Code of Maryland.

.08.Determination of Eligibility.

The State Board shall determine whether a [candidate] *gubernatorial ticket candidate committee* is eligible to receive a public contribution [as follows:

A. For a primary election,] not later than [5] *10 business* days after [receiving the candidate's] the filing of *the gubernatorial ticket candidate committee's* initial request for public contribution[; and

B. For a general election, not later than 5 days after the State Board identifies the candidates for Governor and Lieutenant Governor].

.09.Distributions.

A. [text unchanged]

B. Qualification in January or earlier. If the State Board determines that a *gubernatorial ticket candidate committee* is eligible [in or] before January of the year of the election, the distribution of the initial public contribution shall occur [no later than February 1] *on January 2* of the year of the election.

C. Continuing Distributions. *Except as provided in §B of this Regulation,* [W]within 5 business days of receiving a *timely* request from an eligible gubernatorial ticket *candidate committee* for a public contribution, the State Board shall authorize an additional distribution of a public contribution *to that gubernatorial ticket candidate committee* [on a continuing basis during the election].

.10 Post Election [Returns].

A. Reports. [Not later than the eighth Monday after a primary or general election,] [an] An eligible gubernatorial ticket *that received any public contribution* shall file a campaign finance report with the State Board *on the first Wednesday after the 90th day after that gubernatorial ticket candidate appeared on the ballot for the election for which the gubernatorial ticket received the public contribution* that includes:

(1) [The aggregate amount of the public contribution that was received] *Payment of any unspent portion of the public contribution to the Fund;*

- (2) All contributions received since the last filed report;
- (3) All expenditures made since the last filed report; and
- (4) All outstanding obligations.

B. Return of Excess.

(1) Except as provided in §C of this regulation, not later than the [eighth Monday] 90th day after [a primary or general election,] a [candidate who] *gubernatorial ticket* that received a public contribution *last appeared on the ballot* [for that election], *the gubernatorial ticket candidate committee* shall return to the [Comptroller] *Fund* any unspent portion of the *public* contribution.

(2) *In determining whether surplus funds of a gubernatorial ticket candidate committee are unspent public contributions that must be returned, all private contributions raised shall be deemed to have been spent before any public contributions are deemed to have been spent, regardless of when any expenditure occurred.*

C. Outstanding Obligations. If an outstanding obligation was incurred not later than [30] 45 days after the election for which [the obligation counted against the expenditure limit] *the gubernatorial ticket appeared on the ballot* and has not been paid, the eligible gubernatorial ticket candidate committee shall:

(1) (text unchanged)

(2) File campaign finance reports pursuant to Election Law Article, §13-309, Annotated Code of Maryland, for an authorized candidate campaign committee; [and]

(3) Return *to the Fund* any excess [funds raised] *public contributions remaining* after payment of [an] *the* outstanding obligation *simultaneously* with the filing of the final campaign finance report of the eligible gubernatorial ticket candidate committee[.]; and

(4) *Only receive private contributions.*

D. Late Fee Penalty. If an eligible gubernatorial ticket candidate committee fails to file the campaign finance report required under §A of this regulation, the State Board shall assess a late fee [of \$10 for each day or part of a day that the campaign finance report is overdue, up to \$500] *in the same method and manner as prescribed by Election Law Article 13-331(b), Annotated Code of Maryland.*

.11 [Seed Money] In-Kind Contributions and Candidate Contributions

A. [In-Kind Contributions Allowed. An eligible candidate may include an in-kind contribution in the seed money required by the Act].

In-Kind Contributions.

1. *A gubernatorial ticket candidate committee may receive an in-kind contribution from any individual.*
2. *The in-kind contribution counts towards the individual's private contribution limit pursuant to Election Law Article, §15-102(h), Annotated Code of Maryland.*
3. *An in-kind contribution:*

(a) May not be considered an eligible private contribution; and

(b) Is not subject to matching dollars from the Fund.

[B. Refund on Withdrawal. If an eligible candidate withdraws from a campaign, dies, or becomes disqualified, any surplus seed money shall be disposed of in accordance with Election Law Article, §13-247, Annotated Code of Maryland].

B. Candidate Contributions. A contribution or loan by the candidate or the spouse of the candidate who is part of a gubernatorial ticket is not subject to matching dollars from the Fund.

.12 Eligible Private Contributions

A. Permissible Contributions. After filing a notice of intent, a *gubernatorial ticket candidate committee* [candidate] may [use any contributions received by the authorized candidate campaign established under Election Law Article, Title 13, Annotated Code of Maryland, for the candidate if the contributions were received after March 1 of the year immediately preceding the year of the election] *receive contributions of no more than \$250 in an election cycle from an individual.*

B. [Exemption. Notwithstanding §A of this regulation, a candidate shall include any contributions received by the authorized candidate campaign established under Election Law Article, Title 13, Annotated Code of Maryland, for the candidate after the candidate publicly declares to seek the office of Governor]. *Prior Contributions Received. Contributions received before the gubernatorial ticket files a notice of intent count towards the aggregate contribution limit in §A of this regulation if the contribution was received in the election cycle in which the gubernatorial ticket will appear on the ballot.*

C. *Returned Contributions.*

(1) Prior to filing a notice of intent, an authorized candidate campaign committee of a candidate may return contributions received within the election cycle to contributors on a pro-rata basis.

(2) A returned contribution to a contributor will lower the aggregate amount that the contributor gave to the gubernatorial ticket in the election cycle by the returned amount.

.13 Electronic Signatures.

A. Electronic signatures. An individual may place an electronic signature on the contributor card.

B. Electronic signatures—Process. An electronic signature:

(1) Shall be affixed or entered directly by the signer onto an electronic copy of the contributor card; and

(2) May not be pre-populated or otherwise entered by the signer by way of a check box, radio button, drop-down list, or other similar device, but instead must be entered or affixed by the signer by making affirmative marks into an empty field.

C. Electronic Signatures—Restrictions. An individual may not sign a contribution card with an electronic signature unless that individual affirms that the contribution:

(1) Is being made from personal funds of the individual;

(2) Is not being reimbursed or is not intended to be reimbursed in any manner;

(3) Is not being made as a loan; and

(4) If applicable, in the case of a credit card contribution, is made from a personal credit card account of the individual that has no corporate or business affiliation.

Title 33 STATE BOARD OF ELECTIONS
Subtitle 14 ADMINISTRATION OF PUBLIC FINANCING ACT
Chapter 03 [Limitations on] Campaign Expenditures

Authority: Election Law Article §§2-102(b)(4) and 15-109(b), Annotated Code of Maryland

.01 In General.

[A candidate who accepts a public contribution may not expend, in the applicable election, any amount in excess of that permitted by the Public Financing Act, as determined by the State Board under COMAR 33.14.01.04B.]

A. In General. A gubernatorial ticket candidate committee shall make expenditures:

(1) In accordance with § 13–218 of the Election Law Article;

(2) To further the gubernatorial ticket’s nomination or election;

(3) For expenses incurred not later than 45 days after the election that the gubernatorial ticket last appeared on the ballot; and

(4) For purposes that do not violate State law.

B. Receipt Required. Every expenditure made by the gubernatorial ticket candidate committee shall be accompanied by a receipt.

C. Failure to Have Receipt. An expenditure made by the gubernatorial ticket candidate committee without an accompanying receipt is considered an impermissible expenditure.

.02 Central Committees.

A. [Expenditures made on behalf of the candidate by a State or local central committee of a political party are not subject to the expenditure limitation imposed by the Act.] *Expenditures by a State or local central committee of a political party coordinated with the gubernatorial ticket candidate committee are considered coordinated in-kind contributions.*

B. *Coordinated in-kind contribution limits.* [Expenditures by a State or local central committee of a political party coordinated with the candidate are in-kind contributions and subject to the limitations of Election Law Article, §13-226(c), Annotated Code of Maryland]

(1) A State central committee may not make a coordinated in-kind contribution in excess of \$150,000 per election to a gubernatorial ticket candidate committee in that election.

(2) A local central committee may not make a coordinated in-kind contribution in excess of \$15,000 per election to a gubernatorial ticket candidate committee in that election.

(3) Any monies spent by a central committee on a coordinated in-kind contribution to a gubernatorial ticket candidate committee that has accepted a public contribution in an election must be raised from permissible sources for the gubernatorial ticket candidate committee within the reporting period for which the coordinated in-kind contribution was made.

.03 [Political Committees.

For purposes of the expenditure limitation imposed by the Act, the State Board shall attribute to a candidate any expenditure by a political committee that is coordinated with:

- A. The candidate;
- B. An agent of the candidate; or
- C. An authorized committee of the candidate.] **IN RESERVE**

.04 – .05 [text unchanged]

.06 In-Kind Contributions.

A. In General. A[n eligible] gubernatorial ticket *candidate committee* shall include in-kind contributions [in meeting the expenditure limitation imposed by the Act] *received on a campaign finance report.*

B. In-Kind Contribution. An in-kind contribution includes:

(1) A contribution given to a political committee in nonmonetary form, *such as* [for] services or property; or

(2) A coordinated expenditure made on behalf of the *gubernatorial ticket* [candidate] or *gubernatorial ticket candidate committee*, where *either* [the] candidate *on the gubernatorial ticket* or *where any officer of the gubernatorial ticket candidate committee* knows of and consents to the expenditure.

C. Value. [For the purposes of the expenditure limit, t] The value of an in-kind contribution is the fair market value of the item or service provided at the time of the contribution.

D. [Expenditure Limit. Except as provided in Regulation .02 of this chapter and §E of this regulation, services provided to the eligible gubernatorial ticket for free or at a reduced cost are an in-kind contribution and subject to the expenditure limit.

E.] Exemption — Volunteer Activities.

(1) Volunteer activity is not an in-kind contribution when an individual:

(a) Volunteers the individual's own time to a campaign;

(b) Uses the individual's personal vehicle to provide transportation related to the election;
or

(c) Provides legal services associated with the election.

(2) An individual is not a volunteer when a business entity or other person compensates the individual, directly or indirectly, for working on behalf of the gubernatorial ticket *candidate committee*.

.07 Prior Expenditures.

A. *Prior Campaign Committee.* After the filing of a notice of intent to *participate*, any [expenditures made from the date of a contribution that the gubernatorial ticket seeks to be considered as an eligible private contribution shall count against the expenditure limit imposed by the Act] *authorized candidate campaign committee associated with the gubernatorial ticket members for whom the notice of intent was filed shall cease all campaign finance activities* .

B. *Prohibitions.* Expenses incurred by a candidate's authorized campaign committee prior to the filing of the notice of intent by that candidate are not allowable uses of public contributions.

C. *Pre-Paid expenses.* Except as provided in §D of this Regulation, any goods, services or campaign material paid for by a candidate's authorized campaign committee prior to the filing of a notice of intent by that candidate may not be used in the election after the candidate files the notice of intent.

D. *Allowable Transferable Services.* A candidate's authorized campaign committee may transfer, without any cost, the following to that candidate's gubernatorial ticket candidate committee after the candidate signs a notice of intent:

(1) Website and social media accounts;

(2) Phones and associated numbers with the phones;

(3) The assumption of a lease for a campaign office; and

(4) Office furniture and equipment.

E. Reports. The authorized candidate campaign committee of a candidate who has filed a notice of intent and established a gubernatorial ticket campaign committees must continue to file campaign finance reports until a final campaign finance report is filed with the State Board.

F. Final Report. The authorized candidate campaign committee of a candidate who has filed a notice of intent and established a gubernatorial ticket campaign committee may not file a final campaign finance report until the gubernatorial ticket campaign committee files a final campaign finance report.

Title 33 STATE BOARD OF ELECTIONS
Subtitle 14 ADMINISTRATION OF PUBLIC FINANCING ACT
Chapter 04 Disbursement and Expenditure of Public Contributions

Authority: Election Law Article §§2-102(b)(4) and 15-109(b), Annotated Code of Maryland

.01 – .02 [text unchanged]

.03 [Supplemental Public Contributions.]

A. Board to Determine. If an eligible candidate withdraws, becomes disqualified, or dies, the State Board shall determine whether there is money in the Fund for a supplementary public contribution.

B. Primary Elections. In a primary election, if the State Board determines that there is money in the Fund for a supplementary public contribution, the State Board shall allocate the supplementary public contribution among the remaining eligible candidates according to a formula based on:

- (1) The eligible private contribution;
- (2) Whether the eligible candidate is opposed in the primary election; and
- (3) Any other relevant provision of law.

C. General Elections. In a general election, if the State Board determines that there is money in the Fund for a supplementary public contribution, the State Board shall allocate the supplementary public contribution equally among the remaining eligible candidates.

D. Notice and Order to Distribute. Whenever the State Board decides to make a supplementary public contribution, the State Board shall:

(1) Notify the eligible candidates who will receive a supplementary public contribution; and

- (2) Order the Comptroller to disburse the supplementary public contribution.] **IN**

RESERVE

.04 Single Campaign Fund Required.

[An eligible candidate may expend a public contribution only from a single campaign fund account established by that candidate and that candidate's treasurer.]

A. Single Campaign Account. A gubernatorial ticket candidate committee shall designate only one campaign account.

B. Financial Institution. The designated campaign account shall be in a financial institution that does business within Maryland.

C. Receipt of Funds. All funds received by the gubernatorial ticket candidate committee shall be deposited into the designated campaign account.

D. Expenditures Made. All expenditures made by the gubernatorial ticket candidate committee shall be made from the designated campaign account.

.05 Prohibited Uses of *Public* Contribution.

An eligible gubernatorial ticket candidate committee may not expend a public contribution for:

A. Any purpose that violates any law or regulation of the State;

B. Any expense incurred later than [30] 45 days after the election for which that [candidate] committee received a public contribution; or

C. Any real or personal property that will be retained more than [30] 45 days[:

(1) After the primary election, by a gubernatorial ticket candidate committee that [who] has received a public contribution in the primary election and is not eligible to participate in the general election; or

(2) After] after the general election[by a candidate who has received a public contribution in:

(a) The general election, or

(b) Both the primary and the general election].

.06 Reports

[In any report required to be submitted to the State Board under the Public Financing Act or under Election Law Article, §13-304, Annotated Code of Maryland, an eligible candidate and the treasurer for the eligible candidate shall include, with respect to any expenditure of any part of a public contribution, the:

A. Date of the expenditure;

B. Name and address of the recipient of the expenditure;

C. Amount of the expenditure; and

D. Purpose of the expenditure]. **IN RESERVE**

Title 33 STATE BOARD OF ELECTIONS
Subtitle 14 ADMINISTRATION OF PUBLIC FINANCING ACT
Chapter 05 Outstanding Obligations

Authority: Election Law Article §§2-102(b)(4) and 15-109(b), Annotated Code of Maryland

.01 Outstanding Obligations.

[For the purposes of the expenditure limitation imposed by the Act, any outstanding obligation incurred by the candidate or authorized political committee of the candidate shall be counted towards the candidate's expenditure limitation at the time that the outstanding obligation was incurred] *Any outstanding obligation incurred by the gubernatorial ticket candidate committee shall be paid before that committee files a final campaign finance report.*

.02 [Post-Primary Election] Fundraising.

[A. Prohibition on General Election Funds. An outstanding obligation incurred during the primary election may not be paid with any public contribution funds for the general election.

B.] A. Eligibility to Fundraise. After [the primary] *last* election in which the gubernatorial ticket candidate committee is eligible to receive a public contribution has occurred, an eligible gubernatorial ticket *candidate committee* may solicit and receive *private* contributions[and transfers subject to Election Law Article, §§13-226 and 13-227, Annotated Code of Maryland,] for the purpose of eliminating an outstanding obligation incurred during the [primary] election[, provided that the contributor or transferor specifies that the funds are to be used exclusively for that purpose].

[C]B. [Not Counted as Eligible Private Contributions. Any contributions received after the primary election are not eligible private contributions for purposes of qualifying for public contributions] *Any invoice for services rendered or procured shall be submitted to the gubernatorial ticket candidate committee not later than 60 days after the election in which the gubernatorial ticket appeared on the ballot.*

[D.] C. [Return of Excess. Any campaign funds raised expressly for the payment of an outstanding obligation that are in excess of the amount needed to pay off the debt shall be remitted to the Fund] *Any private contributions raised in the subsequent election cycle shall:*

- (1) Count towards the qualifying threshold for the subsequent gubernatorial election;*
- (2) Count towards the contribution limit of the individual for that election cycle; and*
- (3) Be eligible for payment to satisfy outstanding obligations from the prior election.*

STATE BOARD OF ELECTIONS
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Deputy Administrator

Memorandum

To: State Board Members
From: Jared DeMarinis
Date: **October 12, 2022**
Re: Proposed Changes to Regulations

At the next board meeting, I will propose changes to the following COMAR provision¹ (see enclosure):

- 33.13 – Campaign Financing
 - .02 (Campaign Finance Report)
 - .03 (*Final Report*)
 - .10 (Prohibitions)
 - .01 (Definitions)
 - .04 (Coordinated Expenditures)
 - .20 (Contributions by Employee Membership and Membership Entities)
 - .03 (*Recurring Contributions*)
 - .22 (Legal Expenses)
 - .01 (Scope)
 - .02 ([Establishment])
 - .03 (Management)
 - .05 (Applicability of Contribution Limits)
 - .06 ([Permissible Uses])
 - .07 ([Prohibitions])
 - .23 (*Exploratory Committee*)
 - .01 (*Definitions*)
 - .02 (*Applicability*)
 - .03 (*Candidate Prohibition*)
 - .04 (*Scope*)
 - .05 (*Permissible Disbursements*)
 - .06 (*Prohibition*)
 - .07 (*Receipt of Funds*)
 - .08 (*Authority Line*)

¹ Italicized text is new section or language.

- .09 (*Bank Account*)
 - .10 (*Transfer Allowed*)
 - .11 (*Surplus Funds*)
- 33.18 – Violations
 - .01 (*Civil Penalties*)

Campaign Financing (Subtitle 13)

.02 Campaign Finance Report

.03 Final Report

The proposed regulation codifies existing practice that a political committee is officially closed upon receipt and State Board approval of a submitted final report.

.10 Prohibitions

.01 Definitions

The proposed regulations codify the definition of a firewall from an issued declaratory ruling.

.04 Coordinated Expenditures

The proposed regulations modify the existing regulation to conform with Election Law Article §13-249 by changing terms from an in-kind contribution to coordinated expenditure and substantial to non-incident for republication. Finally, it set the parameters regarding the use of the same vendor by a candidate and an independent expenditure entity supporting the candidate.

.20 Contributions by Employee Membership and Membership Entities

.03 Recurring Contributions

In 2022, the General Assembly passed House Bill 15 which requires political committees to seek authorization from donor for recurring contributions. Payroll deductions are governed by Election Law §13-241 and 242. This regulation clarifies the requirements for payroll deductions are solely governed by the provisions exclusively for payroll deductions.

.22 Legal Expenses

The 2022 Legislative Session of the General Assembly completely changed the payment of legal expenses relating to maintaining or contesting the results of elections. SB 101 repealed the provisions allowing for individuals to pay reasonable legal expenses without the payment counting towards a contribution limit. The regulations repeal outdated provisions.

.01 Scope

It is clarifying provision that the applicability of the regulation for contesting election results are for political committees.

.02 Establishment

The proposed regulation repeals outdated requirements.

.03 Management

The proposed regulation repeals unnecessary provisions. All expenses are reported on a campaign finance report.

.05 Applicability of Contribution Limits

The proposed regulation repeals outdated requirements. The proposed regulation codifies contributions received by a political committee towards the payment of a legal expense are subject to the contribution limit.

.06 Permissible Uses

The proposed regulation repeals outdated requirements.

.07 Prohibitions

The proposed regulation repeals outdated requirements.

.23 Exploratory Committee

These proposed regulations codify existing State Board policies regarding exploratory committees. The policies have been published in the Summary Guide since 2014. The policy is based upon past advice from the Office of the Attorney General.

.01 Definitions

The proposed regulation defines terms for a draft and exploratory committee.

.02 Applicability

The proposed regulation codifies who may establish a draft and exploratory committee.

.03 Candidate Prohibition

The proposed regulation codifies that a candidate may not establish an exploratory committee.

.04 Scope

The proposed regulation codifies the purpose of an exploratory committee.

.05 Permissible Disbursements

The proposed regulation codifies that an exploratory committee may make certain disbursements.

.06 Prohibition

The proposed regulation codifies that an exploratory committee may not pre-purchase services or items for use once the candidate establishes an authorized candidate campaign committee.

.07 Receipt of Funds

The proposed regulation codify that contribution limits are not applicable to draft or exploratory committees.

.08 Authority Line

The proposed regulation codifies that an exploratory and draft committee are subject to the authority line requirements.

.09 Bank Account

The proposed regulation codifies that an exploratory and draft committee need a designated bank account.

.10 Transfer Allowed

The proposed regulation codifies that an exploratory committee may make a transfer up to \$6,000 to a political committee.

.11 Surplus Funds

The proposed regulation codifies how an exploratory committee disposes of surplus funds.

Violations (Subtitle 18)

.01 Civil Penalties

In 2022, the General Assembly passed SB 15 (departmental legislation) which increased the civil penalties to a maximum of \$1,000 for certain violations. The proposed regulations increase the civil penalties commensurate with the increase in the statutory authority. Additionally, it codifies the civil penalties for new infractions under the enforcement authority of the State Board.

Attachment: Proposed Regulations

**Title 33 State Board of Elections
Subtitle 13 Campaign Financing
Chapter 02 Campaign Finance Report**

Authority: Election Law Article, §§1-101, 2-102(b)(4), 13-218(b), 13-304(b), 13-221(a)(3), 13-245, and Title 13, Subtitle 3, Annotated Code of Maryland

.03 Final Report.

A. Closeout Report Required. A campaign finance entity shall file a campaign finance report marked as final to cease future reporting obligations.

B. Approval Required. The submission of a final campaign finance report does not cease future reporting obligations until the submission is approved by the State Board.

**Title 33 State Board of Elections
Subtitle 13 Campaign Financing
Chapter 10 Prohibitions**

Authority: Election Law Article, §§1-101(o), 1-101(aa), 2-102(b)(4), 13-218, 13-220.1, 13-221, 13-225—13-237, 13-239, 13-245, 13-306, 13-307, and 13-309.1 and Title 13, Subtitle 3, Annotated Code of Maryland

.01 Definitions.

A. [Text unchanged].

B. Terms Defined.

(1)- (3) [Text Unchanged].

(4) (a) "Firewall" means a screening mechanism maintained by a person to protect confidences from improper disclosure to other persons who are not involved in a particular representation.

(B) "Firewall" includes a policy implemented to prohibit the flow of information between employees or consultants providing services for the person paying for the communication and those employees or consultants currently or previously providing services to the candidate who is clearly identified in the communication.

[(4)](5) "Person" has the meaning stated COMAR 33.13.01.01B.

[(5)](6) “Political committee organized in support of a non-federal candidate” means:

(a) An authorized candidate campaign committee;

(b) A slate;

(c) A legislative party caucus committee, except for the administrative account;

(d) A political party central committee, except for the administrative account; or

(e) A political action committee whose major purpose is to support or oppose candidates to non-federal offices.

.04 Coordinated Expenditures.

A. Prohibited. [Text unchanged]

B. Coordinated Actions. A disbursement or a promise to make a disbursement by a person or entity subject to Election Law Article, §§13-306, 13-307, and 13-309.1, Annotated Code of Maryland, shall be deemed coordinated *expenditure* [and an in-kind contribution to the candidate, political party, or ballot issue committee] if the disbursement:

(1) Is made at the request, direction, or suggestion of the candidate or agent of the candidate, political party, or ballot issue committee;

(2) Uses campaign material, strategies, or other campaign information that is not generally available to the public and was shared by a candidate or an agent of the candidate, political party, or ballot issue committee including information relating to:

(a) Messaging or content of an advertisement;

(b) Polling data;

(c) Research on a candidate or issue;

(d) Allocation of campaign resources;

(e) Targeted or intended audience; or

(f) Media plans for making a public communication, for example the specific media outlet to be used, the timing, frequency, or schedule for making the communication, and similar information;

(3) Republishes [substantial] *non-incident* portions of campaign material prepared by the candidate, ballot issue committee or political party;

(4) Is made after details of the disbursement are privately discussed or disclosed with the candidate or agents of the candidate, political party, or ballot issue committee; or

(5) Involves any agreement between the person or entity and the candidate, political party or ballot issue committee regarding payment of expenses or receipt of contributions, including designs or schemes to evade Election Law disclosure requirements or contribution limits.

C. Use of a Vendor

(1) A person or entity subject to Election Law Article, §§13-306, 13-307, and 13-309.1, Annotated Code of Maryland, is presumed to have made a coordinated expenditure if the during the 18-month period preceding the disbursement, the person has retained the professional services of a vendor, an advisor, or consultant that has provided professional services to the candidate or political party that is the beneficiary of the disbursement unless the entity employing the vendor, advisor, or consultant has established a firewall.

(2) A firewall must be set up to prevent individual employees of the vendor, consultant, or advisor from working on both accounts within the 18-month period.

**Title 33 State Board of Elections
Subtitle 13 Campaign Financing
Chapter 20 Contributions by Employee Membership and Membership Entities**

Authority: Election Law Article, §§1-101, and 2-102(b)(4), Annotated Code of Maryland
Annotated Code of Maryland

.03 Recurring Contributions

Payroll deduction contributions are not considered a recurring contribution under Election Law Article §13-244.

**Title 33 State Board of Elections
Subtitle 13 Campaign Financing
Chapter 22 Legal Expenses**

Authority: Election Law Article, §§1-101 and 2-102(b)(4) [and 13-233], Annotated Code of Maryland
Annotated Code of Maryland

.01 Scope.

A. This chapter applies to legal expenses associated with maintaining or contesting the results of an election *of a political committee.*

.02 [Establishment.

[Prior to the receipt of contributions received pursuant to Election Law Article, §13-233, Annotated Code of Maryland, a political contested election committee shall:

A. Establish a segregated checking account from the campaign accounts of the political committee, consistent with the requirements of Election Law Article, §13-220, Annotated Code of Maryland; and

B. Register the segregated account with the financial institution and the State Board in a manner that identifies it as being for legal expenses associated with maintaining or contesting the results of an election.] **IN RESERVE**

.03 Management.

The political committee shall[:

A.] Maintain account books and records for legal expenses associated with maintaining or contesting the results of an election in accordance with the requirements of Election Law Article, §13-221, Annotated Code of Maryland[; and

B. Report all contributions received, disbursements made, and outstanding obligations incurred in connection with legal expenses associated with maintaining or contesting the results of an election on a disclosure report].

.05 Applicability of Contribution Limits.

A. Contributions.

(1) All monies received from [an individual] *a person* to the political committee to pay for the legal expenses associated with maintenance or contest of the election result are contributions.

(2) All services provided by [an individual] *a person* to the political committee to offset the costs of legal expenses associated with maintenance or contest of the election result are contributions.

B. Contribution Limit. [An individual may make an unlimited contribution] *A contribution to the political committee to pay for or offset the legal expenses associated with maintenance or contest of the election result is subject to the contribution limits pursuant to Election Law Article, §13-226 Annotated Code of Maryland.*

.06 [Permissible Uses.

Permissible Use. Contributions received in accordance with Election Law Article, §13-233(b), Annotated Code of Maryland, shall be used exclusively for legal expenses associated with maintenance or contest of the election result.] **IN RESERVE**

.07 [Prohibitions.

A. Commingling of Funds. A political committee may not commingle the funds of a campaign account and the account established under Regulation .02 of this chapter.

B. Prohibited Activities. The political committee may not expend any funds received in accordance with Election Law Article, §13-233(b), Annotated Code of Maryland, for any reason other than the payment of legal expenses associated with maintenance or contest of the election result.] **IN RESERVE**

**Title 33 State Board of Elections
Subtitle 13 Campaign Financing
Chapter 23 Exploratory Committees**

*Authority: Election Law Article, §§1-101, and 2-102(b)(4), Annotated Code of Maryland
Annotated Code of Maryland*

.01 Definitions

A. In General. In this chapter, the following terms have the meanings indicated.

B. Term Defined.

(1) Draft Committee means “an entity that is organized to encourage a potential candidate to run for office but is not authorized by the potential candidate.”

(2) Exploratory committee means (a) “an entity established by a prospective candidate for a public office to determine the potential candidate’s viability for that public office.”

(b) “Exploratory committee is not a political committee”.

.02 Applicability.

A. An individual who is not candidate may establish an exploratory committee for a public office.

B. A person may establish a draft committee for a public office for an individual only if:

1. The draft committee is established not in coordination or cooperation of the individual it is intends to encourage to seek public office; and

2. the individual the draft committee intends to encourage for public office is not a candidate.

.03 Candidate Prohibition.

An individual who is a candidate may not establish an exploratory or draft committee for a public office.

.04 Scope.

Exploratory committee for an individual seeking a public office may receive funds and make disbursements to determine the individual's viability for the public office sought.

.05 Permissible disbursements

Exploratory committees may make a disbursement on the following activities:

- A. Conducting surveys or polls regarding viability of the potential candidate for the public office sought*
- B. Direct mailings and other communications to potential voters*
- C. Employ staff; or*
- D. Establish a website.*

.06 Prohibitions

An exploratory committee may not pay any expense in advance for goods or services to be used by the political committee of potential candidate once the potential candidate registers an authorized candidate campaign committee.

.07 Receipt of Funds

An exploratory or draft committee may receive an unlimited amount of funds from a person.

.08 Authority Line

A. Any material published, distributed, or disseminated to a potential voter by the exploratory committee shall:

- (1) Be considered as campaign material*
- (2) Include an authority line with the name and address of the entity*

B. Any material published, distributed, or disseminated to a potential voter by a draft committee shall:

- (1) Be considered as campaign material*
- (2) Include an authority line with:
 - (a) the name and address of the entity; and**

(b) the statement required under §13-401(b) of the Election Law Article.

.09 Bank account

A. An exploratory committee must establish a designated exploratory committee account to receive funds and make disbursements.

B. The designated exploratory committee account shall:

(1) Be in a financial institution; and

(2) Be registered in a manner that identifies it as the account of the exploratory committee.

.10 Transfer Allowed

A. An exploratory committee may transfer up to \$6,000 to a political committee.

B. Any assets of the exploratory committee given to the authorized candidate campaign committee of the candidate that the exploratory committee was established to determine viability is an in-kind contribution and may not exceed \$6,000.

.11 Surplus Funds

An exploratory committee may:

(1) Return the funds to its donors

(2) Make a disbursement to a charitable organization; or

(3) A donation to the Fair Campaign Financing Fund.

**Title 33 State Board of Elections
Subtitle 18 Violations
Chapter 01 Civil Penalties**

Authority: Election Law Article, §§2-102(b)(4), 13-235, 13-239 and 13-604.1, Annotated Code of Maryland Annotated Code of Maryland

.02 Civil Penalties.

	1st Offense	2nd Offense	3rd and Subsequent Offenses
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A. Disbursement made by unauthorized individual			
(1) If made by a person other than the responsible officers or candidate	\$[250] 500	\$[500] 1000	\$[500] 1000
(2) If made by a candidate	\$[500] 1000	\$[500] 1000	\$[500] 1000
(3) If made by the chairman and not in accordance with Election Law Article, §13-218(d), Annotated Code of Maryland	\$[250] 500	\$[500] 1000	\$[500] 1000
B. Failure to maintain a campaign bank account			
(1) No bank account	\$[50] 100	\$[250] 500	\$[500] 1000
(2) Used personal or other account controlled by the responsible officers or candidate	\$[500] 1000	\$[500] 1000	\$[500] 1000
C. Disbursement by unauthorized methods			
(1) Credit card disbursement	\$[100] 200	\$[500] 1000	\$[500] 1000
(2) Cash disbursement greater than \$25	\$[100] 200	\$[500] 1000	\$[500] 1000
(3) Non-check disbursement for walk-around services	\$[100] 200	\$[250] 500	\$[500] 1000
D. Failure to maintain account books and records			
(1) Loan documents	\$[250] 500	\$[500] 1000	\$[500] 1000

(2) Bank records	\$[500] <i>1000</i>	\$[500] <i>1000</i>	\$[500] <i>1000</i>
(3) Expenditure records	\$[100] <i>200</i>	\$[250] <i>500</i>	\$[500] <i>1000</i>
(4) Campaign contribution records or receipts	\$[100] <i>200</i>	\$[250] <i>500</i>	\$[500] <i>1000</i>
(5) Records for lump sum entries	\$[100] <i>200</i>	\$[250] <i>500</i>	\$[500] <i>1000</i>
E. Failure to report contribution(s) on a campaign finance report			
(1) Less than 10 contributions	\$50	\$[250] <i>350</i>	\$[500] <i>1000</i>
(2) Between 10 and 20 contributions	\$150	\$[300] <i>600</i>	\$[500] <i>1000</i>
(3) More than 20 contributions	\$[300] <i>600</i>	\$[500] <i>1000</i>	\$[500] <i>1000</i>
(4) Knowingly and willfully failed to disclose a contribution	\$[500] <i>1000</i>	\$[500] <i>1000</i>	\$[500] <i>1000</i>
F. Failure to report expenditure(s) on a campaign finance report			
(1) Less than 10 expenditures	\$50	\$[250] <i>350</i>	\$[500] <i>1000</i>
(2) Between 10 and 20 expenditures	\$150	\$[300] <i>600</i>	\$[500] <i>1000</i>
(3) More than 20 expenditures	\$[300] <i>600</i>	\$[500] <i>1000</i>	\$[500] <i>1000</i>

(4) Knowingly and willfully failed to disclose a expenditure	[\$500] 1000	[\$500] 1000	[\$500] 1000
G. Failure to include authority line or authority line is insufficient			
(1) No Authority Line	\$250	[\$500] 1000	[\$500] 1000
(2) Present but missing one or more requirements	\$50	[\$150] 300	[\$350] 750
H. Failure to retain a copy of campaign material	[\$250] 500	[\$500] 1000	[\$500] 1000
<i>I. Failure to receive affirmative consent by the contributor or donor for a recurring contribution or donation</i>	\$500	\$1000	\$1000
<i>J. Failure to report contribution(s) on a statement required under §14-1014 of the Election Law Article or §5-716 of the General Provision Article</i>			
<i>(1) Less than 10 contributions</i>	\$50	\$350	\$1000
<i>(2) Between 10 and 20 contributions</i>	\$150	\$600	\$1000
<i>(3) More than 20 contributions</i>	\$600	\$1000	\$1000
<i>(4) Knowingly and willfully failed to disclose a contribution</i>	\$1000	\$1000	\$1000