

STATE BOARD OF ELECTIONS

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MARYLAND STATE BOARD OF ELECTIONS

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COORDINATION AND COOPERATION

The State Board of Elections issues this guidance for publication and inclusion as a section in the Summary Guide as a clarification on the application of the standards regarding coordination and cooperation between candidates, campaign finance entities and other persons.

Factors to be considered by the State Board of Elections in determining whether a candidate, covered official under Election Law Article §13-235, a campaign finance entity, or a person making independent expenditures act, organize or operate in coordination and cooperation with each other, include the following.

- Acting at the request or suggestion of the candidate.
- Sharing of campaign material, strategies, or information that is not generally available to the public, such as advertising, messaging, strategy, polling, research, or allocation of resources.
- Publishing or distributing campaign material prepared by the candidate.
- Whether the candidate made an agreement with another candidate or person on the payment of expenses or receipt of contributions, for example designs or schemes to evade Election Law disclosure requirements or contribution limits.
- Whether the candidate is substantially involved in, or had more than incidental discussions with respect to, decisions regarding the content, targeted or intended audience, means or mode of a public communication, specific media outlet used, the timing or frequency or size or prominence of a communication or fundraising event for another candidate.
- The extent to which a candidate shares operations, responsible officers, staff, consultants and other third party vendors with another candidate or person.
- Whether the candidate directs or controls access to funds of a political committee or directs or controls the activity of the political committee.
- Whether the candidate's name or photo is featured on a solicitation or at the fundraiser event.

The term "candidate" as referenced above will typically be understood to mean the following:

- A candidate as defined by Election Law Article §1-101
- An official under Election Law Article §13-235
- A campaign finance entity, or
- Agents on their behalf.