

MARYLAND

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MARYLAND STATE BOARD OF ELECTIONS

Guidance- 2008-02

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Participation in the Presidential Election and Reporting Requirements

In 2006, the General Assembly enacted legislation requiring a political committee to designate the election year (*Baltimore City, Presidential* and/or *Gubernatorial*) in which the political committee plans to participate. This is a change from the old system that deemed a continuing political committee to be participating in every election year.¹ Now, the political committee, in addition to the *Annual Campaign Finance Report*, only needs to file the election-related campaign finance reports in the election year it has designated for participation. Due to the numerous offices on the ballot, the majority of the political committees usually participate in the *Gubernatorial* election year.

If a political committee does participate in a non-designated election, it must begin to file the election-related campaign finance reports for that election year. Participation in an election means receiving contributions or making expenditures in connection with a candidate or question on the ballot that election year. For example participation in the *Baltimore City* election includes transferring money to a candidate for mayor or making an expenditure on behalf of a city council candidate.

Participation in the current *Presidential* election year includes any transfer or independent expenditure made to or on behalf of the slots referendum question on the ballot. Once the transfer occurs, the political committee shall notify the State Board of Elections and immediately file the next campaign finance report due in the Presidential election year and all subsequent election related campaign finance reports. Failure to file will result in late fee penalties.

¹ Under the prior law, a political committee was required to file election related campaign finance reports for all election years. The only exception to the filing requirement was if the political committee filed an Affidavit of Non-Participation stating that the political committee did not receive contributions or made expenditures with respect to an election held in that year. The political committee that filed the Affidavit was relieved of filing election related campaign finance reports for that election year. The Affidavit had to be filed prior to the first election related campaign finance report and renewed every election year. The legislative intent of the change in the law was to remove the burden of filing the Affidavit only and not to change what constitutes participation in an election year.

Participation in an election does not encompass the political committee receiving contributions or making expenditures in connection with its own election. For example, a candidate campaign committee designated for the Gubernatorial election year may host fundraisers and make expenditures for the benefit of its own campaign during the off years without triggering the participation threshold to file campaign finance reports. Furthermore, participation does not include making transfers to a candidate outside the scope of the Election Law Article. Therefore, a political committee making an expenditure to or on behalf of a federal candidate would not trigger participation in the *Presidential* election year.²

² Any expenditures made to a federal committee is subject to federal law restrictions. Please contact the Federal Election Commission for any contribution limits and reporting requirements at (800) 424-9530.