

Chapter 4 – Candidate Committees and Slates

4.1 Candidate Committees

1. Generally

- An authorized candidate campaign committee is any combination of two or more individuals authorized by the candidate to assist or attempt to assist in promoting the success or defeat of the candidate.
- A candidate may serve as the chair for his/her/their candidate committee. However, the candidate may not serve as the treasurer.
- In order to establish an authorized candidate campaign committee, a Statement of Organization must be filed at the State Board before:
 - Engaging in campaign financial activity; or
 - Filing a Certificate of Candidacy or Declaration of Intent.

- §§ 1-101(c), 13-207, and 13-215 of the Election Law Article

2. Authorized versus Unauthorized

All candidate campaign committees must be authorized by the candidate. If the committee is unauthorized or formed to oppose particular candidates, the committee should be formed as a political action committee (PAC).

3. Closing a Candidate Committee

A candidate campaign committee does not automatically close after the election in which the candidate appeared on the ballot regardless of the outcome of the election. The candidate committee will remain open and active until a final report is filed with the State Board.

4. Candidate Contribution Limits

A candidate or candidate's spouse may make unlimited contributions or loans from personal funds to his/her/their own campaign. That contribution, however, must pass through the hands of the Treasurer of the candidate's campaign finance entity and be reported in accordance with campaign finance reporting requirements.

-§ 13-231 of the Election Law Article

A candidate's business, even if wholly owned by the candidate, is a separate legal entity and not considered the personal funds of the candidate. Therefore, the candidate's business is subject to the contribution limits.

Testing the Waters/Exploratory Committees

1. Generally

There are no statutory provisions that expressly authorize exploratory committees. However, the Office of the Attorney General has advised that some exploratory, or “testing the waters” activities, are permissible, but only for non-candidates. Exploratory Committees may not file a Statement of Organization with the State Board and may not engage in campaign finance activities. Monies raised exclusively for exploratory activities, and before the individual becomes a candidate, are not considered contributions for this limited purpose.

After an authorized candidate campaign committee is established, the exploratory committee must cease all its activities. The exploratory committee may contribute up to \$6,000 to the authorized candidate campaign committee. No other surplus funds from the exploratory committee may be used or expended on behalf of the candidate.

- COMAR 33.13.23.01-11

2. Scope

Exploratory committees are limited in their scope and purpose to raising and spending funds for conducting surveys, polls, mailings, or other activities in an effort to determine if the individual is a viable candidate. Once the exploratory committee exceeds these limitations and engages in campaign finance activity, registration of an authorized candidate campaign committee is required, i.e. by filing the Statement of Organization with the State Board. While the establishment of an authorized candidate campaign committee does make the individual a candidate under Maryland law, the individual considering a run is not required to file a Certificate of Candidacy at that time. Instead, the potential candidate may raise funds and make expenditures out of the authorized candidate campaign committee until he or she finally makes the decision whether to run for office. If the candidate decides to run and files a Certificate of Candidacy, the candidate may continue to use the authorized candidate campaign committee throughout the campaign. If not, the political committee should close by filing a final report.

But, note, so long as the political committee continues to exist, the individual remains a candidate under Maryland law.

3. Draft Committees

An exploratory committee that is organized to encourage a potential candidate to run for office but is not authorized by the potential candidate, i.e. Draft Candidate X for office is subject to restrictions that are similar to those applicable to an exploratory committee authorized by a potential candidate. Both would be limited to only exploratory activities. If the individuals involved in the exploratory draft committee later intend to engage in campaign finance activity, a political committee must be established with the State Board. Additionally, if coordination exists between the draft committee and the candidate, the candidate must treat any campaign expenditures made by the draft committee as an in-kind contribution subject to the contribution limits.

4. Authority Line Requirements

It is important to note that any material published or distributed by the exploratory

committee would be considered as campaign material because it features a potential candidate, and must include an authority line. The authority line must the name and address of person/individual responsible for the publication or distribution of the material. For example, if a potential candidate sends out letters from personal funds that indicate an interest in running for office, the authority line on the letter must include the potential candidate's name and address. ***See Section 12.1 of the Summary Guide on authority line requirements.***

4.3 Slates

1. Generally

- A slate is a political committee of two or more candidates who join together to conduct and pay for joint campaign activities.
- Slate campaign funds can support any member of a slate and do not have to be equally divided.
- In order to form a slate the candidates must separately file Statements of Organization in order to create separate authorized candidate campaign committees. This must be done before any financial activity occurs. Afterwards, the candidates will separately complete Slate Designation Forms to join a slate together¹²

-§ 1-101 of the Election Law Article; § 13-209 of the Election Law Article

2. Requirements

- A slate is required to have at least two candidate members at all times.
- The slate candidate member must have filed a Certificate of Candidacy for the election in which the slate is participating; or be an incumbent office holder and the deadline for filing a Certificate of Candidacy has not passed.
- If there are less than two members, the slate is required to close the committee and file a final report.
- Prior to joining a slate, the candidate must establish a separate individual candidate committee.

- § 13-209 of the Election Law Article

Note: A candidate will remain a member of the slate until the slate closes or the candidate resigns from the slate (using the Slate Designation/Resignation Form prescribed by the State Board or electronically using MD CRIS). If a candidate closes out his/her own candidate committee, then the candidate has effectively resigned from the slate. Additionally, if the candidate no longer meets the qualifications to remain a member of the slate, SBE will remove the candidate as a member on the slate.

Unless a central committee candidate has established a candidate committee, central committee candidates may not be a member of a slate.

3. Special Campaign Finance Limits

¹² If filed electronically, MD CRIS will send out an email to the candidate for authorization to join the slate.

Unlimited transfers can occur from a member's authorized candidate campaign committee to the slate.

A slate may only transfer up to \$24,000 in an election cycle to a member's authorized candidate campaign committee.

Please note that member to member transfers are limited to \$6,000 in an election cycle.

-§ 13-227 of the Election Law Article

Coordinated in-kind contributions limits for a central committee of a political party may not be applied to slate committees.

A person may not make a contribution to a slate committee if the equally proportioned contribution among the candidate members of the slate would exceed the aggregate contribution limit of the person to a single candidate member of the slate when aggregated with contributions made by the person to the authorized candidate campaign committee of the candidate.

Earmarked Contributions:

A person may designate or earmark a contribution to a slate for the exclusive use or benefit of individual candidate members if:

- (1) The designation or earmark is in writing from the person making the contribution;
- (2) The aggregate contribution limit of the person to the designated or earmarked candidates does not exceed the contribution limits; and
- (3) The slate committee maintains a copy of the earmark document as a part of its account book records.