

Title 33 State Board of Elections

Subtitle 13 Campaign Financing

33.13.23 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 a 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.*