



# Supplemental Summary Guide Maryland Candidacy & Campaign Finance Laws

**Published by:**  
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## 1.1 Message From the Director

*This is a supplement to the Blue Book Summary Guide on Maryland Candidacy & Campaign Finance Laws. Since the Blue Book was published, the legislature and the courts have changed some of the election laws. This reference guide updates you with the changes for the upcoming election year. Every section has had a correction, addition or clarification. Some sections have barely changed from the Blue Book; other sections are entirely new. The sections in Supplemental Guide replace the sections in Blue Book. It is important that you familiarize yourself with the laws and regulations because failure to comply may mean substantial fines and penalties.*

*My staff and I are available by telephone, fax or email to respond to your questions.*

*-Jared DeMarinis*

## 1.5 Division of Candidacy and Campaign Finance Staff

- Jared DeMarinis, Director
- Terry Harris, Deputy Director
- Peggy Wilkerson
- Ruth Maynard
- Victoria Molina
- Veronica Brake

## 2.4 Filing Requirements – Unaffiliated Candidates

### 1. Generally

A candidate who is not affiliated with a recognized political party must be nominated by petition as a general election candidate. To qualify, the candidate must file the following with the appropriate election board by certain deadlines:

- Declaration of Intent (*Deadline: July 3, 2006*);
- Petition containing the requisite number of signatures (*August 7, 2006*);
- Certificate of Candidacy and filing fee (*August 7, 2006*);
- Statement of Organization to form a campaign finance entity (except federal candidates) (*August 7, 2006*); and
- Financial Disclosure Statement (except federal candidates) (*August 7, 2006*).

*- § 5-703 of the Election Law Article*

The Statement of Organization and Financial Disclosure Statement are required no later than the time for filing the Certificate of Candidacy.

### 2. Qualifications

To be nominated by petition an individual must:

- a) Meet the legal qualifications for the public office sought;

- b) Register to vote as:
  - Unaffiliated (decline to join a party); or
  - Other (specifying a non-recognized partisan organization); and
- c) File, with the appropriate board, petitions signed by not less 1% of the total number of registered voters in the district for the office for which the nomination is sought.
 

- § 5-703 of the Election Law Article

### 3. Nominating Petition Format

The petition form prescribed by the State Board of Elections must be used, and each registered voter signing the petition must complete all required information.

Upon written request, a candidate may seek an advance determination of the sufficiency of the completed nominating petition form from the State Board of Elections or the appropriate county board of elections.

#### **Contact the Election Offices for Further Details**

- If you are running for a *county office*, contact the appropriate county board of elections for detailed information concerning the candidacy and petition process.
- If you are running for a *State or federal office*, contact the State Board of Elections for detailed information concerning the candidacy and petition process.

### 2.4.1 **Filing Requirements –Third- Party Candidates**

#### 1. Generally

A candidate who is affiliated with a recognized political party other than the two principal parties must be nominated by the party as a general election candidate. To qualify, the candidate must file the following with the appropriate election board by certain deadlines:

- Declaration of Intent (**must be filed in person**) (*Deadline: July 3, 2006*);
- Statement of Organization to form a campaign finance entity (except federal candidates)(*July 3, 2006*).  
(*These forms and the filing fee may be filed in person or by mail*)
- Filing fee (*August 7, 2006*);
- Certificate of Nomination (*August 7, 2006*); and
- Financial Disclosure Statement (except federal candidates) (*August 7, 2006*).

#### 2. Nomination by Convention

A recognized political party other than the two principal parties can nominate its candidate by convention.

-§4-102(f)(2) of the Election Law Article

To be a recognized political party, the party needs to collect 10,000 signatures of registered voters.

## 4.2 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.

- *§1-101(pp) of the Election Law Article*

- A slate, like other committees, may register as either a continuing or non-continuing committee. (*See Section 3.5 of the Blue Book Summary Guide*)
- A slate requires the appointment of both a committee chairman and a treasurer.
- A slate is required to have 2 candidate members at all times. If there are less than 2 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 campaign finance entity.

- *§13-209 of the Election Law Article*

- Unlimited transfers between a slate and the campaign finance entities of its members are permitted.

- *§13-227 (b)2(ii) of the Election Law Article*

### 4.4 Testing the Waters/Exploratory Committee:

In considering running for elective office in Maryland, an individual may want to “test the waters” or form an exploratory committee to conduct surveys, polls, mailings in an effort to see if the individual is viable. Maryland does not recognize the existence of an exploratory committee. There is no registration or reporting required for an exploratory committee; nevertheless, it is important to keep detailed records of all financial activity.

It is highly recommended that the individual establish a campaign finance entity. Establishment of the campaign finance entity does not require the potential candidate to file a certificate of candidacy. The potential candidate may raise funds and make expenditures out of this account and then, if he or she decides to run for office, may use this campaign finance entity as the candidate’s committee.

If the individual chooses not to establish a campaign finance entity and wants to “test the waters”, the potential candidate is not required to file a campaign finance report for any financial activity. But, by not establishing a campaign finance entity, any monies used are precluded from actual campaign activity once the candidate declares his/her candidacy. Monies raised for testing the waters can only be used for legitimate exploratory activities. The potential candidate can not make a loan to his or her exploratory committee. To be considered a loan and thus eligible for reimbursement, the loan (1) must be related to the campaign and (2) a committee must be filed. Additionally,

any monies in the account of the exploratory committee can only contribute \$4,000 to the authorized campaign finance entity of the candidate.

It is important to note that regardless of the reporting requirement, certain activities fall within the purview of the campaign finance regulations. For example, a potential candidate sending out personal letters, while not soliciting but only indicating his/her interest in running for office and resume, must include an authority line of the candidate's name and address.

## **5.1 Political Action Committees (PACs)**

### **3. Financial Activity**

PACs may transfer funds to other campaign finance entities up to the transfer limit of \$6,000. (*See Section 7.3 of the Blue Book Summary Guide.*)

A Maryland PAC may contribute to an out-of-state PAC or candidate, provided the expenditure is an isolated one and not more than the Maryland transfer limits if transfer limits are greater than Maryland.

## **5.2 Ballot Issue Committees**

### **5. Financial Activity**

The primary function of a ballot issue committee is to promote the success or defeat of one or more questions appearing on the ballot. If the members of a ballot issue committee want to collect or spend money to support or oppose candidates, they must establish a separate campaign finance entity with the election office and a separate bank account. The funds may not be co-mingled. However, if a ballot issue committee wants to make a contribution to a candidate, it may do so without establishing a separate campaign finance entity, provided that:

- The committee does not collect money for the purpose of supporting candidates;
- The contribution is an isolated occurrence; and
- The amount of the contribution is minor in comparison to money spent supporting or opposing the ballot issue and in no case greater than the \$6,000 transfer limits discussed in Chapter 7.

### **6. Money Given to Ballot Issue Committees**

A ballot issue committee can receive unlimited contributions from an individual, business entity, or any other organization. In addition, there is no restriction on the amount that a campaign finance entity may transfer to a ballot issue committee. However, candidate committees, personal treasurer, and slates may only transfer amounts that are de minimus in comparison to their campaign funds, isolated in occurrence and supports the candidate's candidacy.

## 7. Reporting Responsibilities

A ballot issue committee must file campaign finance reports just like any other political committee. However, if the ballot issue committee is a non-continuing committee, its first report is not due until the second Friday preceding the general election. (**Note:** If the non-continuing ballot issue committee is established a year or more before the election, it is required to file an Annual Report each year until the year of the election). The ballot issue committee will remain open and responsible for filing reports until it files a final report with the election office.

### 6.5 **How to Resign**

#### 1. Written and Signed Resignation Required

- A chairman or treasurer may resign by submitting a written and signed resignation to either the State Board or a local board, depending on where the Statement of Organization was filed.

*- §§ 13-206(e) and 13-207(d) of the Election Law Article*

- A resignation will not be accepted if it will leave the campaign finance entity with no officers.

- A resignation should be filed on the form prescribed by the State Board.

#### **CAUTION!**

Many officers make the mistake of giving their resignations to the candidate or to another committee officer. While the candidate or officer should certainly be informed of the officer's decision to resign, the resignation will not be effective, and the officer will remain liable under the law until the resignation is received by the appropriate election office.

### 7.2 **Contribution Limits**

#### 4. Duty of the Committee

Every committee has a duty to assist contributors to ensure compliance with Maryland law. The campaign finance entity must issue a receipt upon receiving a contribution. It is unlawful for a committee to knowingly accept a contribution over the legal contribution limits. The contributor has a duty to inquire about contribution limits.

### 7.3 **Transfer Limits**

#### 3. Transfers to and from Ballot Issue Committees

- a) Transfers between ballot issue committees are unlimited.
- b) Transfers from ballot issue committees to non-ballot issue committees are permissible, but cannot be made regularly and cannot account for a significant amount of the transferor's funds. The maximum transfer can be no more than \$6,000.

## 7.4 In-Kind Contributions and Independent Expenditures:

### 1. In-Kind Contributions

An in-kind contribution includes anything of value (except money). *For example:* a person may contribute bumper stickers to a candidate's committee. The amount of the contribution equals the fair market value of the bumper stickers. An in-kind contribution counts toward the donor's contribution limits.

Services provided to a campaign can also be considered an in-kind contribution if an individual or entity normally charges for the services provided.

#### *Example*

- Ms. Daisy Designer, a commercial artist, designs a logo for John D. Candidate, free of charge. Since Daisy would normally charge \$1,000 for designing logos, Daisy has made an in-kind contribution of \$1,000 to John D. Candidate's committee. This \$1,000 counts toward Daisy's contribution limits discussed in Section 7.2 of this Summary Guide.
- Daisy Designer volunteers to stuff envelopes and answer phones at John D. Candidate's campaign headquarters. Since Daisy Designer does not normally charge for stuffing envelopes and answering, her activities are not considered to be an in-kind contribution to the campaign.

### 2. Independent Expenditure

Personal expenditures by individuals incurred in expression of purely personal political views are not subject to the contribution limits. The individual must act independently and the expenditure may not be made in coordination with or at the request or suggestion of the candidate, a campaign finance entity of the candidate or an agent of the candidate.

- §13-102 and 1-101(z) of the Election Law Article

## 7.6 Contributions by Business Entities

- a) Contributions by different corporations\*\* are considered made by one contributor if:
- The corporations that made the contributions were owned by the same stockholders; or
  - One of the corporations wholly owns the other.

\*\*Under current law, only corporations are required to attribute contributions made by identically owned corporations. This rule does not apply to other business entities such as partnerships.

-§ 13-226(e) of the Election Law Article

## 7.8 Form of Payment (cash, check, or charge)

- a) *Transfers.* All transfers must be made by check.

- b) *Contributions.* A person may not make a contribution of money in excess of \$100 except by check or credit card.

*-§ 13-226 of the Election Law Article*

**Note:** A person can make cash contributions up to \$100 for an election cycle. Once the threshold is reached, the person is prohibited from making further cash contributions for the remainder of the election cycle to any campaign finance entity.

## **7.17 Administrative Contributions**

### a) Persons making Administrative Contributions

A person may make an unlimited administrative contribution to a party central committee. The contribution will not count against the person's \$4,000/\$10,000 contribution limit. The contribution must be expressly earmarked as an administrative contribution; otherwise it will be considered a normal campaign contribution subject to the limits.

Only contributions can be earmarked for administrative purposes; campaign finance entities are prohibited from making transfers for an administrative purpose.

### b) Receipt and Use of an Administrative Contribution

A central committee may not co-mingle administrative contributions with campaign funds and must be maintained in a separate account and may not be directed for any other use.

Administrative funds can only be used for non-campaign related expenses such as rent, utilities, office equipment, office supplies, routine building maintenance, bank charges, accounting fees and other operating costs not attributable to a specific candidate.

The maintenance of a normal headquarters office and staff is permissible. However, enlarging the headquarters space, opening satellite offices and increasing staff in an election year or in preparation for an election is not a proper administrative expense but relates to the campaign.

### c) Corporate Administrative Contributions

A corporation may make an unlimited administrative contribution to its affiliated political action committee. Administrative expenditures may be used for the initial startup, such as modifying the payroll computers and legal advice for establishment of the PAC. The funds may also be used for yearly costs of maintaining records, filing reports and salaries.



## **7.18 Contributions by Minors**

Contributions by minors are permissible. However, the financial independence of the minor should be established. For example, a parent cannot contribute \$4,000 to a campaign finance entity and then give \$4,000 to his 8-year-old child so the child may also make a contribution. This scenario would be considered an attempt to circumvent the contribution limitations by arranging for another to make a contribution in that person's name.

## **8.4 Expenditures to Federal Candidates and Committees**

It is permissible for a campaign finance entity to make an expenditure to support a federal candidate or federal PAC. In order to make an expenditure, the campaign finance entity's account must have received federally permissible contributions equaling the amount of expenditure made to the federal candidate or federal PAC. Please contact the Federal Election Commission for the contribution limits and reporting requirements.

The expenditure must be isolated in occurrence and cannot exceed the State contribution limit if federal limits are greater.

### **8.4.1 Expenditures to a Municipal Candidate and Committee**

Generally, campaign funds may not be used to support a municipal candidate. However, a treasurer may make an expenditure in support of such a candidate if the expenditure is an isolated occurrence, is minimal in comparison to other expenditures made by the treasurer on behalf of the candidate or committee, and in no case exceeds \$4,000.

*Remember*, Baltimore City is not considered a municipality for this purpose.

## **8.6 Prohibited Expenditures**

A permissible expenditures by a candidate-related campaign finance entity is any lawful expense that enhances a candidate's election chances and would not be incurred if there were no potential candidacy. However, use of funds by a candidate does not automatically make it a permissible expenditure.

Examples of prohibited expenditures of campaign funds are:

- For personal use or expenses related to holding office.
- Paying for a personal endorsement.  
- §13-245(c)(1) of the Election Law Article
- Paying late filing fees.  
- §13-331(d) of the Election Law Article

The above is not a comprehensive list. If you have any questions regarding expenditures, please contact State Board of Elections.

## 10.1 When Reports Must Be Submitted

### 1. Continuing Committees

- a) In each year in which there is an election governed by the Election Law Article (including a Baltimore City election, but not including any other municipal election), a continuing committee is required to file all of the following election- related reports due on the dates indicated:

- Annual Report – due on the 3<sup>rd</sup> Wednesday in January
- First Pre-Primary Report – due on the 4<sup>th</sup> Tuesday before the primary election
- Second Pre-Primary Report – due on the 2<sup>nd</sup> Friday before the primary election
- Pre- General Report – due on the 2<sup>nd</sup> Friday before the general election
- Post- General Report – due on the 3<sup>rd</sup> Tuesday after the general election

- b) In a non-election year, only the Annual Report is required (on the third Wednesday in January of that year).

*-§ 13-309 of the Election Law Article*

### 3. Personal Treasurer

- c) If the personal treasurer entity does not plan to spend and/or receive more than \$1,000 aggregated in connection with the election for which the entity was formed, the responsible officers can file an Affidavit of Limited Contributions and Expenditures in lieu of all reports. The Affidavit must be filed on or before the due date of the entity's first campaign finance report. If the personal treasurer entity spends and/or receives a combined amount greater than \$1,000, the responsible officers will notify the election board and must file all subsequent campaign finance reports.

*- §13-305(a) of the Election Law Article*

## 10.12 Liability for Failure to File

### 1. Fees for late reports

- a) A late filing fee is assessed for each campaign finance report or affidavit that is not filed on or before the due date. The fee is \$20 per day for the first six days that a pre-election report or affidavit is overdue and \$10 per day thereafter. If the report is not a pre-election report, the fee is \$10 for each day the report is late. The maximum fee chargeable per report is \$250. Please note that Maryland law does not authorize an extension of the campaign finance report filing deadlines under any circumstance.

*- §13-331 of the Election Law Article*

- b) Late fees are computed from the day after the due date through and including the day the report is received by the election office.

- c) The late fee is the personal liability of the responsible officers:

<b>Late fees may <u>not</u> be paid directly or indirectly from campaign funds.</b>
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- The candidate and treasurer if the campaign finance entity is a personal treasurer; and
  - The chairman and treasurer for all other campaign finance entities.
- d) A report is not considered officially filed until all late fees have been paid.
- e) Failure to correct an incomplete report within 30 days after receipt of a written notice of deficiency from the election office will result in the assessment of daily late fees.

2. Consequences of unpaid late fees and missing reports

- a) The responsible officers of a committee (including a candidate with a personal treasurer) may not become a candidate for a public or party office in this State, or become a treasurer for a campaign finance entity if:
- There exists a failure to file a campaign finance report; or
  - A late filing fee is owed.

- § 13-332 of the Election Law Article

- b) An individual may not be sworn into office until the State Board certifies that all campaign finance reports due from or on behalf of the individual have been filed. An official of the State or any of its political subdivisions may not issue a commission or administer an oath of office to an individual until that official has received this certification from the State Board.

- § 13-333 of the Election Law Article

**11.1 Authority Lines**

4. Campaign Materials Not Produced by a Campaign Finance Entity

Campaign materials paid for by someone other than a campaign finance entity are either an *in-kind contribution* to the campaign or an *independent expenditure*. This distinction dictates the contents of the authority line.

- ***In-Kind Contribution:*** An individual or an entity pays for a sign or other item in support of a candidate with the candidate’s cooperation and coordination. The sign or other item should have the authority line of the candidate’s campaign finance entity.
- ***Independent Expenditure:*** An individual or an entity pays for a sign, giveaway item or any campaign paraphernalia in support of a candidate without the candidate’s cooperation or coordination. The authority line should include the following statement.

*“This message has been authorized and paid for by (insert). This message has not been authorized or approved by any candidate.”*



- The name of the entity; and
- The name and title of the president, treasurer, or person responsible for the campaign material.

EXCEPTON: According to the Attorney General of Maryland, the authority line is not required if an individual is acting alone, i.e. without the use of vendors, consultants or other paid services, and produces campaign materials in support of a ballot issue.<sup>1</sup>

- §§13-102 and 13-401 of the Election Law Article

## 11.5 Campaigning on Election Day

### 2. Walk-Around Services

Payment for "walk-around services" on Election Day, either directly or indirectly, is permitted. Walk-around services include any of the following activities on Election Day while the polls are open: distributing campaign material; communicating a voting preference or choice in any manner; stationing any person or object in the path of any voter; or electioneering or canvassing.

Note: Walk-around services used to be a prohibited activity but the prohibition was overturned by the Maryland Court of Appeals in *State of Maryland v. Brookins* 380 Md. 345 (2004)

## 12.2 Bank Accounts

### 1. Generally

A separate bank account, registered and properly identifying the name of the campaign finance entity, must be established for the exclusive use of the campaign finance entity with a Maryland bank or other Maryland financial institution. All income (including loans), must be deposited in the campaign bank account. *Personal bank accounts may not be used.*

Campaign funds shall be invested only in accounts where the principal is not at risk, e.g. FDIC or state-insured bank accounts. Mutual funds, the stock market, and/or other investment arrangements where the principal is at risk are prohibited. Furthermore, the Treasurer must be able withdraw its funds immediately. If the campaign funds are invested in a manner where withdrawal at anytime incurs a penalty, e.g. certificates of deposit, this is also prohibited.

Interest earned must be recorded as income on the campaign finance report.

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<sup>1</sup> The opinion by the Attorney General, 80 OAG 110 (1995), is based on the Supreme Court case, *McIntyre v. Ohio Elections Commission*. In *McIntyre*, the Supreme Court ruled that Ohio's law prohibiting anonymous campaign literature, as that law applied to an individual acting independently, was unconstitutional. Accordingly, the Attorney General concluded that the Court's decision does not invalidate prohibitions on anonymous campaign materials (or the requirement that disclosures be made on campaign materials) except as applied to an individual acting independently.

## 2. Opening a Campaign Bank Account

Most banks will require the following three items before allowing you to open a campaign bank account:

- A Form SS-4, Application for Employer Identification Number (the form can be obtained by calling 800-829-3676) or at [www.irs.gov](http://www.irs.gov);  
*Note: It is not required that you be an employer to receive an EIN.*
- Personal identification of the person opening the account; and
- A Resolution of Authority (generally required to be signed by the treasurer and chairman). The Statement of Organization usually satisfies this requirement by the bank.

### **13.1 Audit**

The State Board conducts an audit for every campaign finance report to ensure compliance with its regulations. Campaign finance entities will be notified through writing of any deficiencies, errors, shortcomings or omissions on their reports. The entity has thirty (30) days to correct the deficiencies. Failure to correct the deficiencies and file a properly amended report will result in a report being considered not filed and in late fees being assessed.

*- §13-327 of the Election Law Article*

### **13.2 Penalties**

#### 4. Contributions

The responsible officers of a campaign finance entity may not knowingly receive a payment or promise of payment and enter it or cause it to be entered in an account book in a name that the responsible officers know is not the name of the person that made the payment or promise of payment.

Also, a person may not directly or indirectly pay or promise to pay a campaign finance entity in the name of another.

A person convicted of making a campaign contribution under a false name may be fined up to \$1,000 and/or imprisoned for up to 1 year and is ineligible for public or party office for 4 years.

*-\$13-602(a)(5) and (6) of the Election Law Article*

5. False Reports

A person may not willfully make a false, fraudulent, or misleading statement or entry in any campaign finance report. A person is guilty of perjury and on conviction subject to the penalty provided under the Criminal Law Article.

*-§13-601 of the Election Law Article*

6. Defraying Costs

Campaign expenditures may not be paid by another person in an effort to defray the costs. This does not apply to an individual volunteering with a campaign finance entity or independent expenditures.

*-§13-602(a)(4) of the Election Law Article*

7. Concealing the Source or Intended Recipient

A transfer is not allowed if it is intended to conceal the source of the funds or intended recipient.

*-§13-229 of the Election Law Article*

## **Chapter 14 – Forms**

**2006 Affidavit of Limited Contributions and Expenditures**

**2006 Affidavit of Non-Participation**

**2006 Affidavit of Non-Participation- Cancellation**

**Certificate of Nomination**

**Maryland State Board of Elections  
Division of Candidacy and Campaign Finance**

151 WEST STREET, SUITE 200, P.O. BOX 6486  
ANNAPOLIS, MD 21401-0486  
(410) 269-2880 (800) 222-VOTE, EXT. 4  
MD RELAY (800) 735-2258

**2006  
Affidavit of  
Limited Contributions and  
Expenditures**

**Applicable to Personal Treasurer Campaign Finance Entity ONLY**

Pursuant to §13-305 of the Election Law Article, Annotated Code of Maryland, we, the undersigned candidate and treasurer, hereby declare that we do not intend to **receive contributions or make expenditures of \$1,000 or more aggregated**, exclusive of the candidate's filing fee, in connection with the candidate's campaign in the 2006 elections. As such, we are not required to file any further campaign finance reports.

If the said campaign finance entity does receive contributions and/or make expenditures reaching a cumulative total of \$1,000, including personal monies of the candidate, we, the undersigned, will notify the appropriate election board and thereafter, file all campaign finance reports required by §13-309 of the Election Law Article, Annotated Code of Maryland. We understand that failure to notify the election board and file campaign finance reports constitutes a failure to file which is a misdemeanor subject to the penalties of § 13-603 of the Election Law Article, Annotated Code of Maryland.

Under penalty of perjury, we declare that the matters and facts set forth above are true to the best of our knowledge and belief.

Signature of Candidate	Date	Printed Name of Candidate
Signature of Treasurer	Date	Printed Name of Treasurer
Campaign Finance Entity Name:		Account No.:

**Filing Instructions and Deadlines**

This Affidavit must be filed no later than the due date of the first Campaign Finance Reporting deadline.

The deadline depends on when the entity was formed. If formed prior to January 1, 2006, then the first report due is January 18, 2006. If the entity was established after January 1, 2006, then the first report is due August 15, 2006.

An affidavit received after the deadline will be considered late and subject to daily late fees.

**Reporting requirements for Receipts/Expenditures of \$1,000 or more**

The following must be done if the campaign finance entity collects and/or spends a total of \$1,000 or more:

- Notify the appropriate election board; and
- Begin filing Campaign Finance Reports in accordance with the 2006 reporting schedule beginning with the report due immediately following the transaction that placed the campaign finance entity at or over the \$1,000 limit. Failure to report in this manner will result in the assessment of automatic daily late fees.

Campaign finance reports regarding contributions received and expenditures made on behalf of the candidate through other campaign finance entities, such as a slate or a political committee, are the responsibility and liability of the chairman and treasurer of those entities.

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It is recommended that the signatories keep a copy of this affidavit.



Maryland State Board of Elections  
Division of Candidacy and Campaign Finance  
151 WEST STREET, SUITE 200, P.O. BOX 6486  
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# 2006 Affidavit of Non-Participation

**NOTE:** Campaign committees not involved in supporting or opposing candidates or issues or conducting any financial activity in connection with the current election year may file an Affidavit of Non-Participation (ANP) to forego the campaign finance reporting requirements. Every continuing campaign committee is presumed to be participating in every election year. With the filing of this Affidavit, your campaign finance entity is excused from filing the Campaign Finance Reports associated with the election year. Please **READ** the instructions on the reverse **BEFORE** completing this Affidavit.

## Gubernatorial Election Year

We, the chairman and treasurer of \_\_\_\_\_,  
Account number \_\_\_\_\_, having read and understood the instructions, hereby certify that the  
Committee will not participate in the Gubernatorial election year or conduct any financial activity in  
connection with the 2006 election.

We further declare that we do not intend to raise, receive, transfer, or spend money or make in-kind  
contributions in connection with the 2006 election.

We also understand that:

- a. If the committee files this affidavit, the committee is responsible to file the Annual Campaign  
Finance Report due January 18, 2006. The Annual Report must be filed whether or not financial  
transactions occurred; and,
- b. If, subsequent to the filing of the affidavit, the committee receives contributions or makes  
expenditures in the 2006 election year, the committee must:
  - Notify the State Board of Elections (SBE) in writing within 14 days after the first financial  
transaction by filing the Cancellation of 2006 Affidavit or Non-Participation; and,
  - File all Campaign Finance Reports in accordance with the applicable reporting schedule,  
beginning with the first report due following the date of the committee's first financial  
transaction. Failure to file that report (as well as subsequent reports) will result in the  
automatic assessment of daily late fees.

Under the penalty of perjury, we, the undersigned, declare that the matters and facts set forth above are true  
to the best of our knowledge and belief.

Signature of Chairman	Date	Printed Name of Chairman
Signature of Treasurer	Date	Printed Name of Treasurer

## Instructions For Filing The Affidavit Of Non-Participation and Reporting Schedule

### 1. What is the Affidavit of Non-Participation (ANP)?

The ANP is an affidavit filed by a continuing committee stating the committee will not have any financial activity in connection with the current election.

### 2. When do I have to file the Affidavit of Non-Participation?

The ANP must be filed on or before the due date for the first campaign finance report in the election year.

### 3. If the ANP is filed, do I have to file Campaign Finance Reports?

The ANP excuses the campaign finance entity from filing reports associated with an election. It does not relieve the campaign finance entity from filing its Annual Reports. It is **IMPORTANT** for you to know that the State Board of Elections (SBE) sends Pre Report Notices to all campaign committees that our records indicate owe a Campaign Finance Report. If you receive a Pre Report Notice, you must either file the report or immediately contact SBE if you believe the notice was sent in error. If you have filed an ANP the campaign finance entity's reporting schedule is below.

Report Type	Due Date
Annual	January 18, 2006
Pre Primary 1 – (ANP filed)	August 15, 2006
Annual - 2007	January 24, 2007

### 4. Can I raise or spend money in connection with a past or future election for my campaign committee if I file the ANP?

Yes. The ANP only limits your financial activity for the current election. *For example*, your campaign committee may raise money to pay off outstanding obligations from prior elections or begin to raise money for a future election.

### 5. What if I file the ANP and change my mind?

- To cancel the ANP, the campaign finance entity must meet the following criteria:
  - Be a continuing committee; and,
  - File the 2006 Affidavit of Non-Participation with the SBE indicating that the campaign finance entity will not have any financial activity in the Gubernatorial Election Year; and,
  - Begin to participate in the Gubernatorial Election Year; and,
  - File the **Affidavit of Non-Participation- Cancellation** (included in your Supplemental Summary Guide) within 14 days after the first financial transaction related to the election for which you filed the ANP; and,
  - File all Campaign Finance Reports in accordance with the reporting schedule, beginning with the first report due following the date of the committee's first financial transaction relating to the relevant election.

*For example:* Committee A filed the ANP for the Gubernatorial Elections. On September 16, 2006 Committee A made a transfer of funds to a State Senate candidate. Committee A is required to submit the Affidavit of Non-Participation - Cancellation by September 30, 2006. In addition, Committee A is then required to file the October 27, 2006 and November 28, 2006 reports.

### 6. Can I make an expenditure to a Federal candidate if I file the ANP?

No, if an expenditure is made for a Federal candidate on the 2006 General Election ballot, it constitutes participation and the ANP must be cancelled. Generally, State campaign finance entities may only spend money on State and local candidates and businesses. It is permissible to make a contribution to a Federal candidate if isolated in occurrence and the entity has federally permissible funds equivalent to the expenditure. Please contact the Federal Election Commission (1-800-424-9530) about contribution and reporting requirements.

**Maryland State Board of Elections**  
**Division of Candidacy and Campaign Finance**  
 151 WEST STREET, SUITE 200, P.O. BOX 6486  
 ANNAPOLIS, MD 21401-0486  
 (410) 269-2880 (800) 222-VOTE, EXT. 4  
 MD RELAY (800) 735-2258

**2006**  
**Affidavit of**  
**Non-Participation - Cancellation**

You need to complete this form ONLY if your entity meets ALL of the following criteria:

1. You are a continuing committee;
2. You filed the 2006 Affidavit of Non-Participation indicating that you did not plan to participate in the Gubernatorial Election Year; and
3. You have begun participating in the Gubernatorial Election Year.

**CANCELLATION**

We, the chairman and treasurer of \_\_\_\_\_,  
 Account number \_\_\_\_\_, having read and understood the instructions, declare that:

- The committee has received contributions and/or made expenditures relating to the election referenced above and therefore is canceling the 2006 Affidavit of Non-Participation previously filed with the State Board of Elections (SBE); and,
- The date of the committee's first transaction relating to the 2006 Election was \_\_\_\_\_.  
(Date)

We also understand that:

- This cancellation must be filed with the SBE within 14 days after the occurrence of the committee's first financial transaction relating to the 2006 Gubernatorial Election; and,
- The failure to file the cancellation within the 14-day period will result in automatic assessment of daily late fees; and,
- All campaign finance reports due for the applicable election must be filed (beginning with the first report that is due after the occurrence of the committee's first financial transaction relating to the 2006 Gubernatorial Election).

Under the penalty of perjury, we, the undersigned, declare that the matters and facts set forth above are true to the best of our knowledge and belief.

Signature of Chairman	Date	Printed Name of Chairman
Signature of Treasurer	Date	Printed Name of Treasurer

## Certificate of Nomination

### Non-Principal Political Party

We, the undersigned officers of the \_\_\_\_\_ Central Committee of  
(STATE OR COUNTY)  
 the \_\_\_\_\_ Party, do hereby nominate according to the  
 party's Constitution and By-laws and/or by convention the following named person  
 as the official candidate for the ensuing named office for the November 7, 2006  
 General Election. The candidate shall be affiliated with the above referenced political  
 party on the General Election ballot.

<b>Nominee</b>	
Name of Candidate:	
Office Sought:	
District Running in: <small>(E.g., Statewide, Legislative, Congressional, Circuit, Councilmanic, Commissioner)</small>	
Residential Address:	

<b>Authorizing Party Officials</b>			
Signature and Title:		Date:	
Signature and Title:		Date:	

## CONTRIBUTIONS AND TRANSFERS LIMITS

Recipients Donors	Candidate Committee/ Personal Treasurer Committee	Political Action Committee (PAC)	Slate Committee	Party Central Committee- State	Party Central Committee- Local	Ballot Issue Committee- State & Local	<i>Aggregate or Special Limits</i>
Individual/ Corporation/Other Business entity/ Union/ Political Club	<b>\$4,000</b>	<b>\$4,000</b>	<b>\$4,000</b>	<b>\$4,000</b>	<b>\$4,000</b>	<b>Unlimited</b>	<b>\$10,000 for the four year Election Cycle</b>
Candidate Committee/ Personal Treasurer Committee	<b>\$6,000</b>	<b>\$6,000</b>	<b>Unlimited<sup>1</sup></b>	<b>\$6,000<sup>2</sup></b>	<b>\$6,000</b>	<b>Unlimited<sup>3</sup></b>	
PAC	<b>\$6,000</b>	<b>\$6,000</b>	<b>\$6,000</b>	<b>\$6,000</b>	<b>\$6,000</b>	<b>Unlimited</b>	
Slate Committee	<b>Unlimited<sup>4</sup></b>	<b>\$6,000</b>	<b>\$6,000</b>	<b>\$6,000</b>	<b>\$6,000</b>	<b>Unlimited<sup>3</sup></b>	
Party Central Committee- State	<b>\$6,000<sup>5</sup></b>	<b>\$6,000</b>	<b>\$6,000</b>	<b>N/A</b>	<b>Unlimited</b>	<b>Unlimited</b>	
Party Central Committee-Local	<b>\$6,000<sup>6</sup></b>	<b>\$6,000</b>	<b>\$6,000</b>	<b>Unlimited</b>	<b>Unlimited</b>	<b>Unlimited</b>	
Ballot Issue Committee- State & Local <sup>7</sup>	<b>\$6,000</b>	<b>\$6,000</b>	<b>\$6,000</b>	<b>\$6,000</b>	<b>\$6,000</b>	<b>Unlimited</b>	

<sup>1</sup> It is unlimited only if the transfer occurs between the candidate committee and the Slate of which the candidate is a member, otherwise it is limited to the \$6,000 transfer amount.

<sup>2</sup> When a Candidate committee is closing, it may make an unlimited transfer of surplus funds.

<sup>3</sup> Money transferred to a Ballot issue committee must be isolated in occurrence and de minimus in comparison to the amount of money in the candidates' account.

<sup>4</sup> Only between the Slate and its candidate members, otherwise a \$6,000 transfer limit applies.

<sup>5</sup> In addition to the transfer, State Central Committees can make a coordinated campaign contribution to candidates in the amount of \$1 for every two registered voters in the State.

<sup>6</sup> In addition to the transfer, Local Central Committee can make a coordinated campaign contribution to candidates in the amount of \$1 for every two registered voters in the county.

<sup>7</sup> Transfers from a ballot issue committee must be isolated in occurrence and de minimus in comparison to the overall amount of money in the ballot issue account.