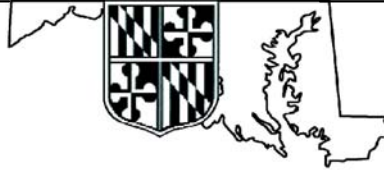


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MARYLAND STATE BOARD OF ELECTIONS

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Contribution Limits

The State Board of Elections issues this guidance for publication and inclusion as a section in the Summary Guide reaffirming its legal understanding of the contribution limits by a person in an election cycle.

A person may not make a contribution in excess of \$4,000 to a political committee during the election cycle. *See* Election Law Article §13-226(b). However, recent litigation has questioned the application and enforcement of the aggregate contribution limits by a person in an election cycle. The Supreme Court recently held in *McCutcheon v. Federal Election Commission* that aggregate contribution limits are invalid under the First Amendment. The Office of Attorney General has advised that based on the pronouncement in the *McCutcheon* decision, the aggregate contribution limit in Election Law Article § 13-226(b)(2) is unconstitutional and may not be enforced. Therefore, a person may make an unlimited aggregate amount of total contributions, but not in excess of \$4,000 to any one political committee.¹

Anti-circumvention restrictions are still enforceable for contributions. The \$4,000 contribution limit applies to all campaign finance entities formed to support and authorized by the candidate. For example, a person may make a \$4,000 contribution to Candidate X and still be prohibited from making any contributions to any slates of which Candidate X is a member unless the contribution is expressly earmarked for use by the other candidates on the slates. The reason is that the slate contribution would be partially attributed to Candidate X, and thus total contributions would exceed the \$4,000 limit to Candidate X. *See* Election Law Article §13-226(d).

Additionally, a contributor may not use political action committees to circumvent the contribution limits or to conceal the true intended recipient of the contribution. *See* Election Law Article §13-229.

The Assistant Attorney General assigned to the State Board of Elections has reviewed and approved this guidance.

¹ There are no aggregate limitations for transfers by political committees.