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**MARYLAND STATE BOARD OF ELECTIONS**  
**CYBERSECURITY EXPENDITURES**

Issue Date: May 16, 2019

The State Board of Elections issues this guidance for publication and inclusion as a section in the Summary Guide reaffirming its legal understanding of permissible expenditures. The Assistant Attorney General assigned as counsel to this agency has reviewed this guidance and agrees with it.

Cybersecurity has become more important in recent years. Additionally, the events of the 2016 elections underscore that foreign nationals attempted to break into campaign accounts and steal priority campaign strategies and information. Campaigns are a potential cyber target.

Maryland law requires campaign funds to be used solely for the purpose of supporting or opposing a candidate, question, or political committee. See Election Law Article §1-101(aa). Moreover, there must exist a nexus between the expenditure and the candidacy or ballot question to which the expenditure relates. In other words, the expenditure is permissible if it would not have occurred but for the fact a candidacy or ballot question is being promoted, supported or opposed. Therefore, expenditures in support of cybersecurity countermeasures to protect emails, storage of voter data and other campaign information would have to have an electoral purpose in order for them to be permissible. For example, a campaign that hires an IT specialist to activate two-factor authentication to the campaign email system makes an expenditure that would not have occurred but for the candidacy. Moreover, the expenditure has a nexus to enhancing the success of the candidacy. As result of this analysis, the expenditure for the IT specialist would be a permissible expenditure. However, securing personal accounts of the candidate would not be.

Furthermore, it is permissible for a political party or a legislative party caucus committee to provide cybersecurity protection for candidate campaigns. The political party can allocate the resources used as a coordinated in-kind contribution to the campaign in order to keep expenses at a minimum for a small campaign. Since the expenditures in this scenario would have a campaign purpose, administrative funds may not be used.