



City of Takoma Park

**Board of Elections and  
City Clerk's Office**

# **Information Session for Takoma Park Candidates and Prospective Candidates**

**Presented by:**

Board of Elections, Ethics Commission, and City Clerk  
Tuesday, July 16, 2024

# Getting Started

- **Introductions**
  - **Board of Elections**
  - **Ethics Commission**
  - **City Clerk**
  - **Assistant City Clerk**
- **Goals for the Evening**
  - **Provide candidates and the public with information about the electoral process.**
  - **Explain the requirements for candidacy.**
  - **Help candidates know what to expect from now through the end of the election.**



# Meeting Management

- **Questions**
  - **We will pause at the end of each section for questions**
  - **Raise your hand if you have a question**
- **Please mute your microphone if you are not speaking**
- **This Powerpoint presentation and the recorded video of this workshop will be posted on the City website.**



## Where to find information about the Takoma Park election?

It is the candidate's responsibility to understand and follow the requirements and obligations when running for elected municipal office in Takoma Park.

- The City website should be your first stop:

<https://takomaparkmd.gov/news/city-election-information/>

- Municipal Code and Charter

<https://www.codepublishing.com/MD/TakomaPark/#!/TakomaPark05/TakomaPark05.html>

[https://www.codepublishing.com/MD/TakomaPark/#!/TakomaParkCH/TakomaParkCH06.html#CH\\_VI](https://www.codepublishing.com/MD/TakomaPark/#!/TakomaParkCH/TakomaParkCH06.html#CH_VI)

- Contact the City Clerk ([clerk@takomaparkmd.gov](mailto:clerk@takomaparkmd.gov), 301-891-7267)
- Contact the Board of Elections ([elections@takomaparkmd.gov](mailto:elections@takomaparkmd.gov))



# Municipal Elections in Takoma Park

- Municipal elections in Takoma Park are run by the City Clerk's Office and the Takoma Park Board of Elections. Members of the Board of Elections are resident volunteers appointed by the City Council.
  - **The Takoma Park Board of Elections and the City Clerk have no part in the administration of the County, State, and Federal elections, which are run by the Montgomery County Board of Elections and Maryland State Board of Elections.**
  - **Conversely, the Montgomery County Board and the State Board are NOT involved with the administration of Takoma Park Municipal elections. The County does provide certain support for our election.**
- Board Members and designated City staff serve as election judges. [Charter § 607](#).
- Under the Municipal code, Board Members “shall not hold or be a candidate for any elective office in government (Federal, State, County, or local) during their term on the Board. Members of the Board of Elections also shall not serve as the treasurer or campaign manager for any candidate for City elective office or be an advocate for or against any campaign or ballot referendum question in a regular or special City election.” [§ 5.24.020\(A\)](#).
- There is one vacancy on the Board.



# Important 2024 Dates: Up to and Including the Election

Full calendar link: <https://documents.takomaparkmd.gov/government/elections/2024/2024-city-election-calendar-v2.pdf>

- **Tuesday, Sept. 10, 7:30 pm** – Nominating Caucus for City Election
- **Friday, Sept. 13, 5:00 pm** – Nominated Candidates must file Campaign Finance Registration (if not already filed); Deadline for declining nomination
- **Monday, Sept. 16, 5:00 pm** –
  - **Financial Disclosure Statement (*Ethics Requirement*)**
  - **Candidate's 150 Word Statement and Photo for City Newsletter**
    - Please submit a nice, high-resolution headshot!
- **Monday, Sept. 23, 4:00 pm** – First Campaign Finance Report
- **Monday, Oct. 14, 4:00 pm** – Second Campaign Finance Report
- **Tuesday, Nov. 5, 7:00 am - 8:00 pm** – **Election Day**



## Important Dates: After the Election

- **Tuesday, Nov. 12, 4:00 pm** – Any anonymous campaign contributions should be contributed to the City of Takoma Park general fund.
- **Wednesday, Nov. 13, 7:30 pm** – Certified Results reported to the City Council
- **Friday, Nov. 15, 5:00 pm** – Deadline for filing City election challenge or appeal.
- **Monday, Nov. 18, 7:30 pm** – Swearing in of new City Council
- **Monday, Nov. 25, 4:00 pm** – Third Campaign Finance Report
- **Friday, Jan. 31, 4:00 pm** – Annual Report on Retention or Disposition of Surplus Campaign Funds



## Important Dates: Ballot Mailing and Receipt

- **Sunday, Oct. 6, 5:00 pm** – First day that mail-in voting ballots may be sent out to voters by Takoma Park
- **Monday, Oct. 21, 7:30 pm** – Last day that mail-in voting ballots may be sent out to voters by Takoma Park
- **Tuesday, Nov. 5, 8:00 pm** – All Ballot Drop Boxes are closed and sealed at 8:00 pm
- **Tuesday, Nov. 12, 5:00 pm** – Deadline for receipt of ballots arriving by U.S. mail. To be accepted, ballots must be postmarked on or before Election Day.





# Qualifications for Candidacy

- Registered Maryland or Takoma Park Voter
- At least 18 years old by Election Day
- For **City Council** – reside in the ward for 6 months prior to the election. Remain resident of the ward during the term.
- For **Mayor** – reside in the city for 6 months prior to the election. Remain resident during the term.
- To have your name on the ballot, you must receive a nomination and a second at the Nominating Caucus on Sept. 10.
- **Write in candidacy**
  - **Registered write-in (name listed on the website as a write-in candidate)**
  - **Unregistered write-in**



# Nominating Caucus

- Takes place at **7:30 pm on Tuesday, Sept. 10 in the Community Center Auditorium**
- **Participation on Zoom is an option for nominators or those seconding a nomination – In this case, Zoom registration by 5:00 pm is required.**
- You must have **at least two eligible voters**: one to nominate you; one to second the nomination. (You can have more than one person speak to second the nomination.)
- Speakers are limited to **three (3)** minutes each.

**For more information, please visit the [Nominating Caucus 2024](#) web page.**

**Link: <https://takomaparkmd.gov/news/city-election-information/2024-nominating-caucus/>**



# Ethics: Conflict of Interest and Role of the Ethics Commission

- Ethics Commission – Up to 7 residents appointed by the City Council
  - **Ethics Ordinance** ([Takoma Park Code, Title 3](#))
  - **The Commission provides advisory opinions and adjudicates complaints of violations of the Ethics Ordinance**
  - **Reviews financial disclosure forms**



# Ethics: Financial Disclosure Form

- Required by the State of Maryland and the [Takoma Park Ethics Code](#)
- A candidate's name cannot be placed on the ballot if the Financial Disclosure Statement is not timely filed.
- A write-in candidate must file the statement by 5 p.m. on the Friday prior to the election.
- ***Complete the form early.***

For more information please visit the [Information for Candidates](#) web page

Link: <https://takomaparkmd.gov/news/city-election-information/2024-candidate-information/>



# Election Transparency: Poll Watchers

- All intake, processing, counting, and tabulation of ballots will happen in a publicly accessible place, likely at the main auditorium in City Hall, during regular business hours. The City Clerk will announce in advance the time and place of those work sessions.
- The Board encourages visitors and candidates to visit during those hours and observe the process of verifying and scanning ballots. Board Members are eager to answer any questions that may come up.
- The public can watch most election activity.
- On Election Day, Candidates may designate “poll watchers” to observe the polling location.



# Issues During the Election Cycle

- Many issues may arise as the Board begins to receive and process ballots.
  - **For example, one common issue is the failure to sign the Oath Envelope.**
- If you are hearing from a voter that they are having an issue with their ballot, please have them contact the Board and the City Clerk, preferably by email. It might be 24-48 hours before the Board or City Clerk can respond.
- Report any concerns of potential Election Code violations by emailing the Board and the City Clerk.



## Election Day: “Electioneering”

“A. In General. Except as specified in §B of this regulation, an individual, including any candidate, watcher, or challenger, may not enter the No Electioneering Zone outside a polling place while visibly wearing or carrying any clothing, button, sticker, sign, or other paraphernalia that indicates support or opposition to a candidate, question, or contest.

B. Exception. This regulation does not apply to clothing, buttons, or stickers worn by a voter who, without lingering, enters the polling place, votes, and then leaves.”

[Md. Code Regs. 33.07.09.03.](#)



## After Election Day: Reporting Results

- All election results that are released prior to the Board's certification of the election on Wednesday, Nov 13, are **TENTATIVE** and **INCOMPLETE**. The official result is only that which is certified by the Board and presented to the City Council.
- On the evening of Election Day, we expect to be able to report results for most ballots received by mail or dropbox prior to Election Day.
  - These results may be released late in the evening, possibly later than 10 or 11pm.
  - These results may not include the ballots received by mail or dropbox on the Monday before Election Day. These results will not include the ballots cast on Election Day. And of course, these results will not include the ballots that were mailed before or on Election Day but are not yet received by the Board.
  - These results will not include the full ranked choice results, but will reflect only the first choices marked on the ballots.





# Ranked Choice Voting

Takoma Park elections use ranked choice voting. You can rank candidates in order of preference: first choice, second choice, and so on. Ranking additional candidates will not affect your first choice. Your other choices are only considered if your first choice is eliminated. How votes are counted in ranked choice voting:

- All first-choice votes are counted. If a candidate gets more than 50% of the votes, they win.
- If not, the candidate with the fewest votes is eliminated. Ballots for that candidate are counted for their next choice.
- If there is still no candidate with a majority, the process repeats until a candidate has more than 50% of the remaining votes and is declared the winner.

Additional information: <https://takomaparkmd.gov/ranked-choice-voting-how-to-mark-a-ballot/>



## Ranked Choice Voting: Charter

“The Mayor and Councilmembers shall be elected using a ranked choice voting system allowing voters to rank in order of their preference the candidates for each office appearing on the ballot. If, after counting all voters’ first choice listed on their ballots for an office, no candidate receives a majority of votes cast, the candidate with the fewest votes shall be eliminated. Each ballot shall be tallied again for that office counting the vote from each ballot for the highest ranked candidate who has not been eliminated. If still no candidate for that office receives a majority, the process shall be repeated until a candidate receives a majority of the votes for that office. The candidate receiving a majority of votes for Mayor shall be declared elected. The candidate for Council receiving a majority of votes in each ward shall be declared elected.”

[Takoma Park Charter § 606\(b\)](#)

“If a ballot has no more available choices ranked on it, that ballot shall be declared “exhausted” and not counted in that round or any subsequent round. Ballots skipping one number shall be counted for that voter’s next clearly indicated choice, but ballots skipping more than one number shall be declared exhausted when this skipping of numbers is reached. Ballots with two or more of the same number shall be declared exhausted when such duplicate rankings are reached unless only one of the candidates with the duplicate ranking is an advancing candidate.”

[Takoma Park Charter § 606\(d\)](#).



# Sample Ranked Choice Voting Result from 2017

City Council Ward 2*						
	First Round		Instant Runoff	Final Round		Result
<b>Dyballa</b>	410	46.8%	+49	<b>459</b>	<b>54.5%</b>	<b>Elected</b>
Edgell	123	14.0%	-123			
Nugent	342	39.0%	+41	383	45.5%	
Write-in	2	0.2%	-2			
TOTAL VALID VOTES	877	100%		842	100%	
Blank/Invalid/Exhausted	6		+35	41		
TOTAL VOTES	883			883		



# Voter Lists: What is Available and How to Get It

- **Takoma Park uses two lists to determine who is eligible to voter: the voter list from the State of Maryland and the supplemental Takoma Park voter list.**
  - Eligible residents who register to vote with the State of Maryland (including 16 year olds) are automatically registered to vote in Takoma Park municipal elections.
  - Takoma Park maintains its own supplemental voter list for individuals who are eligible to vote in Takoma Park municipal elections but *not* eligible to vote in County, State, or Federal elections, or who choose not to register with the State.
- **Most recent list of residents of Takoma Park registered to vote with the State of Maryland.**
  - **Available from the Montgomery County Board of Elections**
    - Link: [https://elections.maryland.gov/voter\\_registration/data.html](https://elections.maryland.gov/voter_registration/data.html)
    - Note: historically, Montgomery County provides a list to the City Clerk that may be shared with candidates.
  - **If candidates wish to receive voter history in presidential and gubernatorial elections, the request must be made to the County Board.**
- **Voters registered only with the City of Takoma Park and Takoma Park 2022 voter history**
  - **Available from the City Clerk**
  - **Includes list of residents who voted in the 2022 City Election**
  - **Name, address, year of birth**



# Meet with the City Manager and Candidate Forums

- The City Manager (Rob DiSpirito) has offered to meet with candidates individually, or in small groups for 30-45 minutes to respond to questions or to provide information about the role of the City Council and the City Manager.
  - **Contact Jessie Carpenter to arrange a session.**
  - ***Remember that the City Clerk, Board of Elections, City Manager, and Senior City Staff will not show favoritism or partisanship for or against any candidate in a City election.***
- Eric Bond (host on Takoma Radio WOWD and former Editor of the Takoma Voice) will be contacting candidates about scheduled election forums that he will host. In this capacity, Mr. Bond is not working for the City and will not favor any candidate. The forums are editorially independent of the City.



## Attribution Requirements: Generally

- The Takoma Park municipal code requires that all campaign materials be accompanied by an authority line (also known as a disclaimer), which allows the viewer to quickly identify who is responsible for the distribution of that campaign material.
- The purpose of this requirement is to promote transparency and accountability. Specifically, it provides voters with the identification of the individuals or groups who are responsible for the distribution of said campaign materials. Without such disclosure, voters would be left in the dark, not knowing who was attempting to influence how they are going to vote.
- Therefore, any public communication made by a campaign or political committee—including communications that do not expressly advocate the election or defeat of a clearly identified federal candidate or solicit a contribution—must display an authority line. Furthermore, authority lines must also appear on campaigns' internet websites that are available to the general public, and in certain email communications.



# Attribution Requirements: Campaign Materials

## Definition of “campaign materials”

“Campaign material” means any printed or electronic statement or advertisement that contains text, graphics, or other images, including social media; relates to or concerns any candidate or prospective candidate or any matter or issue which has been submitted to a vote at an election or is in the process of being petitioned to referendum; and is published or distributed to anyone by, at the request of, or under the authority of a candidate or political committee.

[§ 5.04.020.](#)



# Attribution Requirements: Campaign Materials (cont'd)

- Examples of campaign materials:
  - Printed materials, such as flyers, signs
  - Clothing, such as t-shirts, hats
  - Accessories, such as button, pens,
  - Broadcast communications, including radio, TV, internet communications and advertising
  - Newspaper or magazine advertisements
  - Campaign mass emails
  - Mass physical mailers
  - Phone banking
  - Billboards or other outdoor advertising
  - Campaign websites
  - Text banking





## Attribution Requirements: Authority Lines

Unless otherwise stated in this chapter, each item of campaign material shall contain, set apart from any other message, an authority line that states the name and title of the candidate, political committee, person, treasurer, or campaign manager responsible for the publication or distribution of the same.

[§ 5.12.010\(A\).](#)

Any material that is published or distributed by any candidate or political committee in support of or in opposition to a campaign without being directly or indirectly authorized by the campaign should include the following statement: This message has been authorized and paid for by (name of payer or any organization affiliated with the payer). This message has not been authorized or approved by any candidate or campaign.

[§ 5.12.010\(E\).](#)



## Attribution Requirements: Authority Lines (cont'd)

- An authority line should be “clear and conspicuous” regardless of the medium in which the communication is transmitted. An authority line is not clear and conspicuous if it is difficult to read or hear, or if its placement is easily overlooked.
  - For a printed communication, it is helpful for the authority line to be contained within a printed box set apart from the contents of the communication.
  - The font size of the authority line should be of sufficient size to be “clearly readable” by the recipient of the communication, and the print must have a reasonable degree of color contrast between the background and the printed statement.
- Some examples of appropriate authority lines:
  - **“Paid for and Authorized by Roscoe the Rooster”**
  - **“Paid for and Authorized by the Committee to Elect Roscoe the Rooster”**
  - **“Paid for and Authorized by Trea Turner, Treasurer of Campaign to Elect Roscoe”**



## Attribution Requirements: Websites

“With respect to campaign material utilizing electronic media, compliance with subsection (A) of this section is achieved if the display page or information or opinion contains an internet address of the candidate or political committee responsible for the publication or distribution and allows the receiver of the display page or information or opinion to click on the internet address or hyperlink address and be taken to a landing or home page that prominently displays the authority line information.”

[§ 5.12.010\(C\)](#).

- Ideally, an internet public communications should include a written authority line that can be viewed without the audience taking any action!



# Attribution Requirements: Campaign Signs

- **Takoma Park sign ordinance** – applies to City rights-of-way (Title 11, Streets, Ch. 11.04 General Provisions, [Section 11.04.060 Placement of signs and advertisements](#))
- **Link:**  
<https://www.codepublishing.com/MD/TakomaPark/#!/TakomaPark11/TakomaPark1104.html#11.04.060>
- **Do not place signs on private property without the explicit permission of the owner!**
- **Signs are NOT allowed on City property, around City buildings, or in City Parks**
- **Signs are allowed on City rights of way (typical campaign signs)**
  - Maximum width or height (26”)
  - Must have **authority line** and **date of posting**
  - Signs may be in one location for **up to 14 days** and must then be removed, moved, or re-dated.
  - City rights of way are generally the grass area between the road and sidewalk



# Campaign Finance: Registration

- Takoma Park law requires that you register with the City Clerk before raising and spending money for your campaign. [§§ 5.10.010\(A\)-\(B\)](#).
  - **Candidates are NOT allowed to accept contributions or make expenditures until they have registered.**
  - **Political committees must also register with the City Clerk before raising and spending money to influence a campaign for City office.**
- Complete the [Campaign Finance Registration Form](#).



# Campaign Finance: Summary of core concepts

- Contributions
  - **Monetary**
  - **In-Kind**
  - **Loans**
- Exceptions to contributions
  - **Volunteering**
  - **Safe harbor events**
  - **Bank loans**
- Who can't contribute?
- Expenditures
  - **Prohibited uses**
- Campaign Finance Reporting
  - **Reporting Contributions**
  - **Reporting Expenditures**



# Campaign Finance: Generally

- Takoma Park's campaign finance laws require candidates to track and disclose campaign contributions and expenditures.
  - **Contributions: where did the money come from?**
  - **Expenditures: how was the money spent?**
- The primary purpose of these campaign finance laws is to ensure transparency and accountability of money in our local elections.
- As a candidate, campaign finance reporting is your friend! Campaign finance reporting helps candidates reassure voters and donors about where the money came from and that they are spending it wisely!
- Hint: Save your receipts! And if you go to the store to purchase goods for both your personal use and for your campaign, do separate transactions so you receive two different receipts!



# Campaign Finance: What is a Contribution/Donation?

- Under the Takoma Park municipal code, a contribution is defined as: “**any gift, subscription, loan, advance, deposit of money, transfer of money, or transfer of anything of value made by any person to any candidate or political committee for the purpose of influencing any election for City office.**” [§ 5.04.020](#).

Examples:

- **Gifts of money**, in any form, such as cash, check, credit card, or payment using an online payment vendor like Venmo, PayPal
- **Loans**
- **“In-kind”** contributions





## Campaign Finance: Contribution Limits

- “[N]o person shall make contributions, either directly or indirectly, including in-kind contributions, to any candidate or political committee with respect to any election for City office which, in the aggregate, exceed \$1,000.00 during a single election cycle.” [§ 5.12.020\(A\)](#).

One exception:

- “Contributions made by a candidate from their personal funds, or from assets jointly owned with their spouse or domestic partner, are not subject to any limits on the amount contributed.” [§ 5.12.020\(B\)](#).



## Campaign Finance: Contribution Limits (examples)

- OK
  - **Jane donates \$400 to Candidate Roscoe's campaign on October 1st. Jane then purchases \$400 of office supplies and donates them to Candidate Roscoe's campaign on October 15th. Jane's aggregate amount of contributions to Roscoe is \$800, which is under the limit.**
  
- Not OK
  - **John donates \$500 to Candidate Roscoe's campaign on October 1st and another \$600 to Candidate Roscoe's campaign on October 15th. John's aggregate amount of contributions to Roscoe is \$1,100, which is over the limit. Roscoe must refund John \$100.**



# Campaign Finance: Loans

- The Takoma Park Municipal Code was recently amended to include the regulation of campaign loans. The Code on the current website may not reflect these changes, so please see the amended Takoma Park Municipal Code § 5.12.020(I) in the link below.  
<https://documents.takomaparkmd.gov/government/city-council/ordinances/2024/Ordinance-2024-19.pdf>
- Under the new law, **“the total amount of all loans to a candidate for any election shall not exceed \$5,000, and no one person or entity may loan a candidate more than \$1,000.”** § 5.12.020(I)(1).
- **One exception: candidate loans to their campaign.** There is no limit to the amount of campaign loans made by a candidate from their personal funds or from assets jointly owned with their spouse. § 5.12.020(B) and § 5.12.020(I)(1).
  - **A candidate may loan personal funds to their campaign and reimburse themselves from campaign contributions as long as the information is recorded on the campaign finance form.**



## Campaign Finance: Loans (cont'd)

- A loan, including a loan to the campaign from a member of the candidate's family, is considered a contribution to the extent of the outstanding balance of the loan. Municipal Code § 5.12.020(I)(2).
- All loans (other than the exceptions described in the previous slide) are **still subject to the contribution limitations**.
- An unpaid loan, when added to other contributions from the same contributor, must not exceed the contribution limit.
- Repayments made on the loan reduce the amount of the contribution. Once repaid in full, a loan no longer counts against the contributor's contribution limit.
- Besides being reported as a contribution, a loan must be continuously reported on the campaign finance reports until it is fully repaid. § 5.12.020(I)(4).
- **Bank loans** are **not** considered contributions if made in the ordinary course of business and on a basis that assures repayment. § 5.12.020(I)(2)(a).



## Campaign Finance: Loans (example)

- OK
  - **The Takoma Park Bank makes a loan of \$1,000 to Candidate Roscoe's campaign. The terms of the loan (repayment period, interest rates and fees) are standard market rates. The Takoma Park Bank's loan does not count as a contribution to Candidate Roscoe's campaign and is under the \$1,000 limit for loans.**
- Not OK
  - **Logan contributes \$500 to Candidate Roscoe's campaign. Logan then makes a personal loan of \$1,000 to Candidate Roscoe's campaign at a zero-percent interest rate with no monthly payments and a 1 year repayment term. Logan's aggregate amount of contributions to Roscoe is \$1,500, which exceeds the contribution limit. Roscoe must refund \$500 to Logan, either from the loan or the contribution.**



# Campaign Finance: “In-Kind” Contributions

- Under the Takoma Park Municipal Code, an “in-kind” contribution is defined as: **“any non monetary contribution, such as goods or services offered free or at less than the usual and normal charge, including expenditures made by any person or entity in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate or an agent of a candidate.”** [§ 5.02.020](#).
- Goods or services offered free or at less than the usual charge result in an in-kind contribution.
- When a person pays for goods or services on the campaign’s behalf, the payment is an in-kind contribution.
- An expenditure made by any person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate’s campaign is also considered an in-kind contribution to the candidate.
- **Coordinated communications.** When a committee, group or individual pays for a communication that is coordinated with a campaign or a candidate, the communication is an in-kind contribution.



# Campaign Finance: “Independent” expenditures

- Individuals and groups may support or oppose candidates by making independent expenditures. Independent expenditures are not contributions and are not subject to limits.
- An independent expenditure is an expenditure for a communication, such as a printed flier or an advertisement through a website, digital device, advertising platform, newspaper, or direct mail that:
  - **Expressly advocates the election or defeat of a clearly identified candidate or referendum; and**
  - **Is not made in consultation or cooperation with, or at the request or suggestion of any candidate or his or her authorized committees or agents.**
- Non-candidate individuals and groups that wish to make independent expenditures must register with the City Clerk. [§ 5.10.035](#).
- Non-candidate individuals and groups must follow the authority line requirements when making independent expenditures. [§ 5.12.010\(E\)](#).



## Campaign Finance: “In-Kind” (cont’d)

- **Aggregate limits apply to in-kind contributions.** The value of an in-kind contribution—the usual and normal charge—counts against the contribution limit as a gift of money does. [§ 5.12.020\(A\)](#).
- **Valuation of in-kind contributions.**
  - **Goods** (such as facilities, equipment, supplies or mailing lists) are valued at the price the item or facility would cost if purchased or rented at the time the contribution is made. For example, if someone donates a personal computer to the campaign, the contribution equals the ordinary market price of the computer at the time of the contribution.
  - **Services** (such as advertising, printing or consultant services) are valued at the prevailing commercial rate at the time the services are rendered.





## Campaign Finance: Exceptions to “in-kind”

- “The term ‘contribution’ does not include the value of services provided without compensation by an individual who volunteers on behalf of a candidate as a campaign worker and it does not include safe harbor events.” [§ 5.04.020](#).
- Under limited exemptions, persons may provide certain goods and services to a candidate’s campaign without making contributions. For example, when services are volunteered—not paid for by anyone—the activity is not considered a contribution.
  - **Volunteering**
  - **“Safe harbor” events**



## Campaign Finance: Volunteering

- An individual may volunteer **personal services** to a campaign without making a contribution as long as the individual is not compensated by anyone for the services. Volunteer activity is not reportable.
- If volunteers are, in fact, paid by any person for their services, then the activity is no longer considered volunteer activity. If the payment is made by someone other than the campaign itself, then an in-kind contribution results and the campaign must report it.
- **Discounts in the ordinary course of business.** Discounts given in the ordinary course of business and on the same terms and conditions offered to the vendor's other (nonpolitical committee) customers do not result in contributions.



# Campaign Finance: Volunteering (examples)

- OK
  - **Alex is an attorney. Alex volunteers their time to Candidate Roscoe's campaign, providing \$2,000 worth of legal work.**
  - **Candidate Roscoe's campaign spends \$100 on baking supplies and gives it to Bob, who is a baker. Bob volunteers his time to Candidate Roscoe's campaign by using those supplies and baking cookies for Candidate Roscoe's campaign event.**
  
- Not OK
  - **Christina is a professional cater. Christina purchases \$500 worth of catering supplies. Christina donates her time, valued at \$1,000, to Candidate Roscoe's campaign by using those supplies for Candidate Roscoe's campaign event. While the \$1,000 value of Christina's volunteer time is not a contribution, the \$500 value of catering supplies is an in-kind contribution.**



# Campaign Finance: Safe Harbor Events

“Safe harbor events” means:

1. The use of real or personal property, including a church or community room used on a regular basis by members of a community for noncommercial purposes, when said real or personal property is used for a candidate-related or political-committee-related activity, and the cost of invitations, food, and beverages, voluntarily provided by an individual to any candidate or any political committee on the individual’s residential premises or in the church or community room for candidate-related activities, to the extent that the cumulative value of such invitations, food, and beverages provided by such individual on behalf of any single candidate does not exceed \$200.00 with respect to any single election; or
2. The sale of any food or beverage by a vendor for use in any candidate’s campaign or for use by or on behalf of any political committee of a political party at a charge less than the normal comparable charge, if such charge is at least equal to the cost of such food or beverage to the vendor, to the extent that the cumulative value of such activity by such vendor on behalf of any single candidate does not exceed \$200.00 with respect to any single election; or
3. Any unreimbursed payment for travel expenses made by any individual on behalf of any candidate or any political committee, to the extent that the cumulative value of such activity by such individual on behalf of any single candidate does not exceed \$200.00 with respect to any single election.

[§ 5.04.020](#)



## Campaign Finance: Safe Harbor Events (cont'd)

- Individuals, in the course of volunteering personal services, may use their homes—or the recreation room of the residential complex where they live—for campaign-related activities without making a contribution. A nominal fee paid by an individual volunteer for the use of a recreation room is not considered an in-kind contribution to the campaign and is not, therefore, reportable.
- Volunteers may use a church or community room for campaign activities as long as the facility is regularly used for noncommercial purposes by members of the community, without regard to political affiliation. Again, a nominal fee paid by an individual volunteer for the use of the room is not a contribution.
- **Food, drink, invitations for home, church or community room event.** When holding a campaign-related activity in a home, church or community room, an individual may spend up to \$200 per candidate, per election, for food, beverage and invitations for the event without making a contribution. (For example, two individuals living together may spend up to \$400 per candidate, per election.) Any amount spent in excess of \$200, however, must be reported by the campaign as an in-kind contribution. If an individual co-hosts an event held in someone else's home, any expenses paid by the nonresident co host are considered contributions to the campaign benefiting from the event.



# Campaign Finance: Who can and can't contribute?

No candidate or political committee shall knowingly accept or solicit a contribution from:

1. An anonymous contributor;
2. A corporation, including labor unions and political committees;
3. A person making a contribution in the name of another; or
4. A foreign national, which includes:
  - a. A person outside of the United States who is not a citizen of the United States;
  - b. An individual within the United States who is not a citizen of the United States and who is not lawfully admitted for permanent residence;
  - c. A government of a foreign country;
  - d. A political party of a foreign country;
  - e. Any partnership, association, corporation, organization, or other combination of persons organized under the laws of, or having its principal place of business in, a foreign country; or
  - f. Any other foreign person that is prohibited from making contributions by Federal law, including 52 U.S.C. § 30121 and 11 C.F.R. § 110.20, which may be amended from time to time.

[§ 5.12.020\(D\)](#).



# Campaign Finance: Anonymous Contributions

- Campaigns are prohibited from receiving contributions from anonymous sources. [§ 5.12.020\(D\)](#).
- If a campaign inadvertently receives an anonymous contribution, the campaign should attempt to identify the source of the contribution.
  - If the campaign is able to identify the contributor, the campaign should contact them and ask them whether it is acceptable to that individual to attribute that contribution to them, which means including their name and the amount of the contribution on the campaign finance reports which are publicly accessible.
  - If the individual refuses to have their contribution attributed to them, the campaign must either: (1) refund the contribution or (2) report anonymous contribution and contribute it to the City's general fund no later than 4:00pm on the Monday following the election. [§ 5.12.020\(E\)](#).



## Campaign Finance: Contributions (cont'd)

- A candidate may authorize an individual to accept contributions on their behalf. Contributions that are collected by that person will not be considered contributions by the authorized person, but rather by the original source.
  - “Contributions to a named candidate or political committee made to any person authorized by such candidate or political committee to accept contributions on the candidate’s or political committee’s behalf shall be considered to be contributions made to such candidate or political committee[.]” [§ 5.12.020\(C\)\(1\)](#).
  - “All contributions made by a person, either directly or indirectly, on behalf of a particular candidate or political committee, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to said candidate or political committee, shall be treated as contributions from such person to said candidate or political committee, and the intermediary or conduit shall report the original source and the amount contributed to said candidate or political committee.” [§ 5.12.020\(C\)\(3\)](#).
- If a candidate directs a person to make an expenditure on the campaign’s behalf, such expenditure will be considered a contribution.
  - **“Expenditures made by any person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, political committee, or their agents shall be considered to be a contribution to such candidate or political committee[.]”** [§ 5.12.020\(C\)\(2\)](#).





# Campaign Finance: Expenditures Definition

“Expenditure” means any purchase, payment, distribution, loan, advance, deposit, or gift of money or transfer of anything of value, made by any person **for the purpose of influencing any election for City office**, including any promise or agreement to make an expenditure.

The term “expenditure” does not include:

1. Any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate;
2. Activity designed to encourage individuals to vote or to register to vote that is not done for the purpose of influencing any election for City office; or
3. Any communication by any membership organization or corporation to its members, stockholders, or executive or administrative personnel, if such membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to City office.

## [§ 5.04.020](#)



## Campaign Finance: Expenditures Definition (cont'd)

- Candidates may use contributions to pay for campaign expenditures. [§ 5.12.021\(A\)\(1\)](#).
- What are some examples of acceptable expenditures?
  - Campaign website services
  - Staff salaries
  - Rent of space or equipment
  - Staff travel expenses (only for campaign purposes)
  - Advertising, such as radio, internet, printed materials
  - Campaign promotional materials, such as T-shirt, buttons, hats, signs
  - Office supplies and equipment
  - Fundraising expenses
  - Campaign event expenses, such as catering
  - Purchasing the voter list
  - Payment of campaign consulting services
  - Service fees, such as those for banks or online vendors such as PayPal



## Campaign Finance: Expenditures Definition (cont'd)

- A candidate may also use contributions for the following purposes:
  - “For ordinary and necessary expenses incurred in connection with duties of the individual as a holder of City office[.]” [§ 5.12.021\(A\)\(2\)](#).
  - “For donations to an organization that is classified as a 501(c)(3) nonprofit organization under 26 U.S.C § 501, or to an organization which has received City grant funding within the last two years[.]” [§ 5.12.021\(A\)\(3\)](#).
  - “For transfer to another authorized political committee for the purpose of nominating or electing said candidate to any local, State, or Federal office[.]” [§ 5.12.021\(A\)\(4\)](#).



## Campaign Finance: Prohibited Uses

- A candidate is prohibited from using campaign contributions in the following ways:
  - Transferring contributions to the account of another candidate or political party, whether national, state, or local. [§ 5.12.021\(D\)](#).
  - Personal use. [§§ 5.12.021 \(B\)-\(C\)](#).
- What constitutes “personal use”?
  - Personal use is any use of funds in a campaign account of a candidate (or former candidate) to fulfill a commitment, obligation or expense of any person that would exist irrespective of the candidate’s campaign or responsibilities as a officeholder.
  - That is, if the expense would exist even in the absence of the candidacy or even if the officeholder were not in office.



## Campaign Finance: Examples of personal use

- While campaign funds may be used to pay for meals during face-to-face fundraising events, a candidate may not use campaign funds to take his or her family out to dinner.
- Campaign funds may be used to pay for the costs of travel for a candidate (and the candidate's spouse and minor children) to functions directly related to the campaign, but campaign funds may not be used for personal expenses collateral to that travel (e.g., a headrest pillow at the airport or a magazine to read while traveling).
- The candidate cannot use campaign funds to pay for food purchased for daily consumption inside the home or supplies needed to maintain the household. The campaign may, however, pay for food and supplies for fundraising activities and campaign meetings (even when they take place in the candidate's home).
- The campaign cannot pay for attire for political functions (for example, a new tuxedo or dress), but it can pay for clothing of *de minimis* value that is used in the campaign, such as T-shirts or caps imprinted with a campaign slogan.



## Campaign Finance: Examples of personal use (cont'd)

- The campaign may not pay for mortgage, rent or utilities for the personal residence of the candidate or the candidate's family even if part of the residence is being used by the campaign.
- The campaign may not pay for admission to sporting events, concerts, theater and other forms of entertainment. Campaign funds may be used, however, if the entertainment is part of a specific campaign activity. They may not be used for a leisure outing at which the discussion occasionally focuses on the campaign or official functions.
- **Note:** Generally, when a third party (not the candidate or the candidate's committee) pays for personal use expenses, the third party makes a contribution subject to the reporting requirements of the Takoma Park code. However, no contribution will result if the payment would have been made irrespective of the candidacy.



## Campaign Finance: Expenditures (examples)

- Candidate Roscoe spends \$200 of their personal money on the creation and maintenance of a website for his campaign.
  - **Candidate Roscoe must report a \$200 contribution from himself to his campaign.**
  - **Candidate Roscoe must report a \$200 expenditure on the website, listing the website company.**
  - **Candidate Roscoe must ensure that the campaign website contains an authority line on each page of the website.**
- Candidate Roscoe asks their friend Francisco to print up and distribute flyers that criticize their opponent's record. Francisco spends \$200 printing the flyers and distributes those flyers around town.
  - **This is a coordinated communication.**
  - **Candidate Roscoe must report a \$200 in-kind contribution from Francisco.**
  - **Candidate Roscoe must report a \$200 expenditure on printed materials, listing the vendor from whom Francisco purchased the flyers.**
  - **Candidate Roscoe must ensure that the flyers contain a printed authority line.**



# Campaign Finance: Political Committees

- A political committee is defined as “any combination of two or more persons formed in any manner which independently collects or expends a cumulative amount of \$100.00 or more to assist in the promotion of the success or defeat of any candidate for City elective office or any cause to be submitted to the voters.” [§ 5.04.020](#).
  - **This definition does not include a group of people who post an endorsement of a candidate on a website such as Facebook.**
  - **However, the registration requirement *would* apply to this group if they spent an aggregate amount over \$100 to promote that endorsement and for other expenditures to influence that election.**
- Political committees must follow all of the same rules as candidates!
  - **Political committees must register with the City Clerk before they can raise contributions and make expenditures for the purpose of influencing a City election. [§ 5.10.035](#).**
  - **Political committees must ensure their campaign materials contain authority lines. [§ 5.12.010\(A\)](#).**
  - **Political committees are subject to the same contribution limits and contributor restrictions as candidates. [§ 5.12.020\(A\)](#) and [§ 5.12.020\(D\)](#).**
  - **Political committees must follow the same reporting requirements as candidates. [§ 5.12.022](#).**





# Campaign Finance: Campaign Finance Reports

- Takoma Park Municipal law requires candidates for municipal office to file campaign finance reports before and after the City election. [§ 5.12.022\(A\)](#).
  - **The purpose of campaign reports is to promote transparency and accountability: so voters and donors can see how campaigns are raising and spending money.**
- There are at least four reports that are mandatory for all candidates (post-nomination, pre-election, post-election, and annual report). [§ 5.12.022\(B\)](#).
- Campaign finance reports contain information about a candidate's contributions and expenditures. [§ 5.12.022\(C\)](#).
- Campaign finance reports are immediately posted to the City website shortly after they are received by the City Clerk.
  - **The City Clerk will not correct any errors on a campaign finance report before posting it to the City website. It is the campaign's responsibility to ensure that the report is final and complete before submission to the City Clerk. [§ 5.12.022\(D\)](#).**
  - **The City Clerk and Board will review the campaign finance reports and notify the candidate or treasurer of any deficiencies that are discovered.**
  - **If a deficiency is discovered, the candidate or treasurer must either explain in writing to the Board why the form is valid or must amend the report by filing a subsequent amended report.**



# Campaign Finance: Late Filings

“There is a late filing fee for each campaign report which is not filed within the time prescribed in this section. The fee is \$10.00 for each day or part of a day, excluding Saturdays, Sundays and holidays, that a report is overdue. The maximum late fee payable with respect to any single report is \$250.00.

1. The City Clerk shall receive an overdue campaign report even if any late filing fee has not been paid, but the report shall not be considered officially filed until all fees have been paid.

2. Upon receipt by the City Clerk of an overdue campaign report, no further late filing fees shall be incurred, notwithstanding the fact that the report is not considered officially filed.

3. It is the personal responsibility of the candidate or of the authorized representative of a political committee to file all reports in complete and accurate detail and to pay all late filing fees. A late filing fee shall not be paid, directly or indirectly, from contributions to the candidate or political committee.”

[§ 5.12.022\(E\)](#).



## Campaign Finance: Deficient Filings

- “A campaign report must be attested to as complete and accurate to be deemed “filed.” If there is a material or significant deficiency in a campaign report, the City Clerk shall notify the candidate or political committee, in writing, of the deficiency. The candidate or political committee shall file a corrected report within two weeks from the date of that notice. If a corrected report is not filed within two weeks or if a corrected report is not attested to as complete and accurate, then daily late filing fees will be assessed.” [§ 5.12.022\(F\)](#).
- “If the City Clerk determines that there is a material or significant deficiency in a corrected report, then the candidate or political committee must continue to correct and resubmit the campaign report to the City Clerk until such campaign report is accepted. In such case, daily late filing fees will continue to be assessed.” [§ 5.12.022\(G\)](#).



# Campaign Finance: Reporting Contributions

- For reporting purposes, you need to record and retain:
  - **the date of receipt of the contribution;**
  - **the full name of the individual contributor;**
  - **whether the contribution was monetary or in-kind;**
  - **the amount of contribution for that reporting period;**
  - **the aggregate amount of contributions from that individual.**
- If the contribution is in-kind, then you need to record and retain:
  - **the date of receipt of the goods or services provided;**
  - **the description of the good or services provided;**
  - **the value of the goods or services provided.**



# Campaign Finance: Reporting Expenditures

- For the reporting of expenditures, you must record and retain the following information:
  - **the date of the expenditure**
  - **the name of the person or entity that is receiving payment for the expenditure**
  - **the address of that person or entity**
  - **a brief description of the nature of the expenditure**
  - **the amount of the expenditure**
- Expenditures in an aggregate amount under \$50 do not have to be itemized but instead can be reported as unitemized expenditures.



## Campaign Finance: Record-keeping

- While there is no legal requirement to do so, candidates and treasurers should keep records of receipts of contributions and expenditures. Candidates should retain those records for the duration of the election and up until one year after the election.
  - **If an issue arises, such records may assist the Board if it were to audit a candidate's campaign finances.**



## Campaign Finance: Winding down a campaign

- A. Surplus campaign funds may be retained after an election and used by the candidate to support that same candidate's election or reelection to any City office or any other elected office.
- B. Surplus campaign funds of a candidate or political committee, which are not retained in accordance with this section, shall be disposed of in accordance with subsection (C) of this section.
- C. A candidate or political committee may dispose of surplus campaign funds by:
1. Returning the funds, pro rata, to the contributors; or
  2. Donating the funds to the City's general fund; or
  3. Donating the funds to an organization that is classified as a 501(c)(3) nonprofit organization under 26 U.S.C § 501 or to an organization which has received City grant funding within the last two years. In the event a candidate determines to donate surplus funds to an organization meeting the criteria in Section 5.12.021(A)(3), preference for the donation should be given to an organization providing services in the City of Takoma Park or to an organization providing services in the City of Takoma Park metropolitan area.

[§§ 5.12.030\(A\)-\(C\).](#)



## Campaign Finance: Winding down a campaign (cont'd)

D. Prohibited uses of surplus campaign funds include:

1. The personal use of the candidate, the treasurer or any member of the candidate's or political committee's staff, or the immediate family members of those individuals (however, use of surplus funds to hold a party for campaign supporters is a permitted political purpose); or
2. A transfer to a political committee or a candidate other than the political committee or candidate for whom the funds were raised.

E. A candidate or political committee, or any individual who previously was a candidate and has retained surplus campaign funds, shall report annually, no later than January 31st, on the retention or disposition of surplus campaign funds until all such funds are depleted.

[§§ 5.12.030\(D\)-\(E\).](#)





## Conclusion

### **Feedback, questions, or suggestions?**

How can we make this process easier for you as a candidate?

We'd love to hear from you throughout this election cycle.

Email us at:

[elections@takomaparkmd.gov](mailto:elections@takomaparkmd.gov)

