

MEMORANDUM

TO: Candidates for City Office

FROM: N. Lynn Board, City Attorney

RE: Election Issues

DATE: September 10, 2015

In response to questions raised by Candidates for office in the 2015 City Election, the City Attorney's Office is issuing the following guidance:

1. May a Candidate accept a campaign contribution from someone living overseas?

Response: The Federal Election Campaign Act (FECA) prohibits any foreign national from contributing, donating or spending funds in connection with any federal, state or local election and makes it unlawful to receive or accept contributions from them. As a result, campaign contributions may not be accepted from a foreign national, which the FECA defines a foreign national as a foreign government, foreign political parties, foreign corporations, foreign associations, foreign partnerships, individuals' with foreign citizenship, and immigrants who do not have a green card. A Candidate may accept a contribution from an immigrant with a green card indicating his or her lawful admittance for permanent residence in the United States. In addition, campaign contributions may be accepted from U.S. citizens living abroad.

2. With the changes to the City's Ethics Law and the new Financial Disclosure Statement required to be completed by Candidates, what is the time period covered by the Financial Disclosure Statement?

Response: Since the revisions to the City's Ethics Law went into effect of September 6, 2015 and the intent of filing the Financial Disclosure Statement is to determine whether a Candidate has any conflicts of interest at the time he or she becomes a candidate, the Financial Disclosure Statement filed by a Candidate should include only information for the period of time from September 6, 2015 to September 18, 2015. So, for example, under Schedule G – Employment/Business Ownership, if you changed jobs in June of 2015, you would only need to report your current employer and not your prior employer. However, if you changed jobs on September 10, 2015, you have to report both your current and former place of employment.

3. Does the leaving of flyers in the space between a residence's unlocked storm door and locked front door constitute trespassing or is otherwise unlawful under city, county, or state law?

Response: The leaving of campaign materials, including flyers in between the storm door and front door at a residence does not constitute trespass under Maryland law. In order to be considered trespass under Md. Criminal Law Code Ann., §6-403, one must enter private property of another after having been notified not to do so or remain after having been told to leave. A “no solicitation” sign posted on private property would not be considered sufficient notice not to enter the private property as the law requires direct notification not to enter or to leave by the owner or the owner’s agent.

cc Board of Supervisors of Elections