

**POLICY REGARDING THE USE BY
POLITICAL CANDIDATES AND CAMPAIGNS OF PHOTOGRAPHS
OF THE MONTGOMERY COUNTY BOARD OF ELECTIONS MEMBERS,
ATTORNEY, OR STAFF**

The Maryland Election Law prohibits local Board of Elections members, staff (including the Election Director), and counsel from using their “official authority for the purpose of influencing or affecting the result of an election.” Maryland Election Law § 2-301(b)(1)(ii). The Montgomery County Board of Elections’ (“MCBOE”) Bylaws provide that Board members shall not publicly display (including through yard signs, bumper stickers, advertisements, online communication or otherwise publicly comment) or “show support for or opposition to any candidate or issue appearing on the ballot.” See, Montgomery County Board of Elections Bylaws, § 4.2b.6. It has been, and will continue to be, the policy of the MCBOE that its Board members and staff (including the Election Director and the Board Attorney) do not publicly take sides or otherwise publicly favor one candidate or campaign over another. For purposes of this policy, a “candidate” includes anyone who has filed for office or has publicly declared their candidacy.

In order to avoid any perception that MCBOE members or staff are showing support or opposition for any candidate or campaign, the Board hereby adopts the following policy regarding the use by political candidates and campaigns of photographs of Board members and staff:

1. The MCBOE shall not give permission for any use of a photograph of a member or staff (including the Board Attorney) of the

MCBOE in any political campaign. This includes, but is not necessarily limited to, photographs of any Board members or staff on a candidate's or campaign's (including a campaign for or against a ballot question) website, social media, campaign brochure, sample ballot, or any other campaign media, advertisement, or endorsement.

2. This policy is intended to address the perception that MCBOE members and/or staff are showing support or opposition for a campaign, candidate and/or question. The use in a non-campaign context of a photograph that does not suggest that a MCBOE member and/or staff member is demonstrating support for or opposition to a campaign, candidate and/or question is permitted. Simply by way of example, photographs of MCBOE members and/or staff testifying on proposed legislation, appearing before the County Council, and attending Central Committee meetings and party social events are permitted, as long as they are not (1) included in a candidate's election brochures and any other election material as defined under Maryland law, (2) posted on a candidate's official campaign website or (3) appearing in literature and/or on a social media site that reasonably suggests that the MCBOE and/staff is endorsing or opposing a campaign, candidate or question. The decision regarding whether a photograph can reasonably be

perceived as showing support for or against a campaign, candidate or question will be made on a case-by-case basis. Under Maryland law, a candidate must list a “voter authority line” on all election materials. However, the fact that a voter authority line is listed will not be considered dispositive because it is common practice to include a voter authority line when it may not otherwise be required.

3. The Board Attorney will be responsible for notifying anyone whose use of an image does not appear to be in compliance with this policy, and will request that the image be removed. The Board Attorney will report the request to the Board, any response received, whether the image was removed and any recommendations for further action.
4. The Board Attorney will be the official point of contact for any questions about this policy.
5. The current Board Attorney is Mr. Kevin Karpinski. Mr. Karpinski may be contacted at (410) 727-5000 and/or kevin@bkcklaw.com.

Approved at the Board of Elections Meeting on August 4, 2025, and revised at the Board of Elections Meeting on March 16, 2026.