

MARYLAND REGISTER

# Proposed Action on Regulations

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	01/31/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 3/21/2014

2. COMAR Codification

<b>Title</b>	<b>Subtitle</b>	<b>Chapter</b>	<b>Regulation</b>
33	19	01	01,.02,.03..04,.05

3. Name of Promulgating Authority

State Board of Elections

<b>4. Name of Regulations Coordinator</b>	<b>Telephone Number</b>
Erin Perrone	410-269-2845

**Mailing Address**

151 West Street

<b>City</b>	<b>State</b>	<b>Zip Code</b>
Annapolis	MD	21401

**Email**  
erin.perrone@maryland.gov

<b>5. Name of Person to Call About this Document</b>	<b>Telephone No.</b>
Jared DeMarinis	410-269-2853

**Email Address**  
jared.demarinis@maryland.gov

6. Check applicable items:  
X- New Regulations

- Amendments to Existing Regulations
    - Date when existing text was downloaded from COMAR online: .
  - Repeal of Existing Regulations
  - Recodification
  - Incorporation by Reference of Documents Requiring DSD Approval
  - Reproposal of Substantively Different Text:
    - : Md. R
    - (vol.) (issue) (page nos) (date)
- Under Maryland Register docket no.: --P.

**7. Is there emergency text which is identical to this proposal:**

- Yes  No

**8. Incorporation by Reference**

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

**9. Public Body - Open Meeting**

- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

**10. Children's Environmental Health and Protection**

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

**11. Certificate of Authorized Officer**

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Jeffrey Darsie, Assistant Attorney General, (telephone #410-576-6356) on January 22, 2014. A written copy of the approval is on file at this agency.

**Name of Authorized Officer**

Linda H. Lamone

**Title**

State Administrator

**Telephone No.**

410-269-2840

**Date**

01/30/2013

# STATE BOARD OF ELECTIONS

## Subtitle 19 VIOLATIONS

### 33.19.01 Civil Penalties

Authority: Election Law Article, §13-604.1, Annotated Code of Maryland

#### Notice of Proposed Action

□

The State Board of Elections proposes to adopt: Regulations .01, .02, .03, .04, and .05 under COMAR 33.19.01 Civil Penalties.

This action was considered by the State Board of Elections at its January 23, 2014, meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

#### Statement of Purpose

The purpose of this action is to establish violations set forth in Election Law Article, §13-604, Annotated Code of Maryland.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Erin Perrone, Administrative Assistant, State Board of Elections, 151 West Street, Annapolis, MD 21401, or call 410-269-2845, or email to [erin.perrone@maryland.gov](mailto:erin.perrone@maryland.gov), or fax to . Comments will be accepted through April 21, 2014. A public hearing has not been scheduled.

#### Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 14

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

No

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

No funds are necessary to implement these regulations.

E. If these regulations have no economic impact under Part A, indicate reason briefly:

These regulations are technical and administrative in nature.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

These regulations do not impact small businesses as they are technical and administrative in nature.

G. Small Business Worksheet:

Attached Document:

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## ***Title 33 State Board of Elections***

### ***Subtitle 19 Violations***

#### ***Chapter 01 Civil Penalties***

*Authority: Election Law Article, §13-604.1, Annotated Code of Maryland*

***.01 Scope.***

*This chapter applies to the violations set forth in Election Law Article, §13-604., Annotated Code of Maryland.*

***.02 Civil Penalties.***

	<b><i>1<sup>st</sup> Offense</i></b>	<b><i>2<sup>nd</sup> Offense</i></b>	<b><i>3<sup>rd</sup> and Subsequent Offenses</i></b>
<b><i>A. Disbursement made by unauthorized individual</i></b>			
<i>(1) If made by a person other than the responsible officers or candidate</i>	\$250	\$500	\$500
<i>(2) If made by a candidate</i>	\$500	\$500	\$500
<i>(3) If made by the chairman and not in accordance with Election Law Article §13-218(d)</i>	\$250	\$500	\$500
<b><i>B. Failure to maintain a campaign bank account</i></b>			

(1) No bank account	\$50	\$250	\$500
(2) Used personal or other account controlled by the responsible officers or candidate	\$500	\$500	\$500
<b>C. Disbursement by unauthorized methods</b>			
(1) Credit card disbursement	\$100	\$500	\$500
(2) Cash disbursement greater than \$25	\$100	\$500	\$500
(3) Non-check disbursement for walk-around services	\$100	\$250	\$500
<b>D. Failure to maintain account books and records</b>			
(1) Loan documents	\$250	\$500	\$500
(2) Bank records	\$500	\$500	\$500
(3) Expenditure records	\$100	\$250	\$500
(4) Campaign contribution records or receipts	\$100	\$250	\$500
(5) Records for lump sum entries	\$100	\$250	\$500
<b>E. Failure to report contribution(s) on a campaign finance report</b>			
(1) Less than 10 contributions	\$50	\$250	\$500
(2) Between 10 and 20 contributions	\$150	\$300	\$500
(3) More than 20 contributions	\$300	\$500	\$500
(4) Knowingly and willfully failed to disclose a contribution	\$500	\$500	\$500
<b>F. Failure to report expenditure(s) on a campaign finance report</b>			
(1) Less than 10 expenditures	\$50	\$250	\$500
(2) Between 10 and 20 expenditures	\$150	\$300	\$500
(3) More than 20 expenditures	\$300	\$500	\$500
(4) Knowingly and willfully failed to disclose a expenditure	\$500	\$500	\$500
<b>G. Failure to include authority line or authority line is insufficient</b>			
(1) No Authority Line	\$250	\$500	\$500
(2) Present but missing one or more requirements	\$50	\$150	\$350
<b>H. Failure to retain a copy of campaign material</b>			
	\$250	\$500	\$500

**.03 Additional Violation.**

A. A campaign finance entity may not receive a contribution from an anonymous source.

B. Failure to maintain contribution records under COMAR 33.19.01.02D(4) or (5) by the campaign finance entity shall deemed that contribution as from an anonymous source.

C. Pursuant to Election Law Article §13-239, the campaign finance entity may not use the contribution from an anonymous source for any purpose and shall remit the contribution to the State Treasurer.

**.04 Civil Citation.**

A. *The assessed civil penalty shall be included in the civil citation issued by the State Board in accordance with Election Law Article, §13-604.1(i), Annotated Code of Maryland.*

B. *The civil citation issued under COMAR 33.19.01.02D(4) or (5) shall include:*

*(1) The civil penalty; and*

*(2) Remittance of the contribution to the State Treasurer in accordance with Election Law Article, §13-239, Annotated Code of Maryland.*

C. *The civil citation issued may not include a civil penalty greater than \$500 for each violation.*

**.05 Payment.**

A. *Except as provided in §B of this regulation, a civil penalty imposed under COMAR 33.19.01.02 shall be paid by the campaign finance entity that received the civil citation.*

B. *If the campaign finance entity has insufficient funds to pay the full amount of the civil penalty, the remaining balance is the joint and several liability of the responsible officers.*