

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Board of Elections
(DLS Control No. 14-005)**

Overview and Legal and Fiscal Impact

These regulations clarify requirements for candidates that choose to participate in public financing of elections that is available to any eligible Governor and Lieutenant Governor ticket under the State election law.

The regulations present no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Board of Elections:

Administration of Public Financing Act: Definitions; General Provisions:
COMAR 33.14.01.04

Eligibility Requirements and Procedures: COMAR 33.14.02.01, .02, .04, and .06

Limitations on Campaign Expenditures: COMAR 33.14.03.02

Legal Analysis

Background

Title 15 of the Election Law Article establishes the Public Financing Act. Under the Act, an eligible Governor and Lieutenant Governor ticket that chooses to participate in public financing for their election campaign receives a specified level of public contributions in exchange for an agreement to limit the aggregate amount of their campaign expenditures. The Act establishes a Fair Campaign Financing Fund that is administered by the State Board of Elections (SBE) in coordination with the Comptroller; specifies qualifications that a participating gubernatorial ticket must meet; sets an expenditure limit for the gubernatorial ticket for the election campaign; establishes criteria for the distribution of money to eligible gubernatorial tickets by SBE; places limitations on the use of any public contribution received by an eligible gubernatorial ticket; and gives SBE broad authority to adopt comprehensive regulations to implement the Act.

Summary of Regulations

The regulations (1) clarify the authority of SBE to audit all campaign finance reports of any eligible candidate in both the primary and general election; (2) clarify that an eligible ticket must establish a gubernatorial ticket candidate committee to conduct its campaign finance activity and file a notice of intent to qualify for public contributions with SBE; (3) clarify that a gubernatorial ticket that did not receive a public contribution in the primary election may nonetheless apply and qualify for a public contribution in the general election if the ticket meets eligibility requirements specified under the law, including raising the prescribed amount of seed money to qualify for a public contribution; (4) specify that a gubernatorial ticket that qualified for and received a public contribution in the primary election may decline to receive a public contribution in the general election on written notice to SBE by a specified date after the primary election; (5) specify deadline dates for gubernatorial tickets to request a public contribution for the primary election and the information concerning a ticket's campaign fundraising activity that must be submitted to support the request; and (6) clarify miscellaneous requirements regarding the establishment of a gubernatorial ticket candidate committee and the deadline date for the filing of a certificate of candidacy.

Legal Issue

The regulations present no legal issue of concern.

Statutory Authority and Legislative Intent

The board cites §§ 2-102(b)(4), 13-604.1, and 15-109(b) of the Election Law Article as authority for the regulations. Specifically, § 2-102(b)(4) grants SBE broad authority to adopt regulations to implement its powers and duties, and § 15-109(b) grants SBE broad authority to adopt comprehensive regulations to implement the requirements of the Public Financing Act (Title 15 of the Election Law Article). This authority is correct and complete. The regulations comply with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

SBE advises that the regulations have no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

SBE advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

Legal Analysis: Theodore E. King, Jr. – (410) 946/(301) 970-5350

Fiscal Analysis: Scott D. Kennedy – (410) 946/(301) 970-5510