

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	03/04/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 4/4/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

33 13 14 01,.02,.03,.04

3. Name of Promulgating Authority

State Board of Elections

4. Name of Regulations Coordinator Telephone Number
Erin Perrone 410-269-2845

Mailing Address

151 West Street

City State Zip Code
Annapolis MD 21401

Email
erin.perrone@maryland.gov

5. Name of Person to Call About this Document Telephone No.
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 02/21/2014. 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

02/28/2014

STATE BOARD OF ELECTIONS

Subtitle 13 CAMPAIGN FINANCING

33.13.14 Public Financing

Authority: Election Law Article, §§2-102(b)(4) and 13-505(b)(7), Annotated Code of Maryland

Notice of Proposed Action

□

The State Board of Elections proposes to adopt Regulations .01, .02, .03, and .04 under COMAR 33.13.14 Public Financing.

This action was considered by the State Board of Elections at its February 27, 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 policy to address public campaign financing for elective office of county government.

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, PO Box 6486, Annapolis, MD 21401-0486, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through May 5, 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 business as they are technical and administrative in nature.

G. Small Business Worksheet:

Attached Document:

Title 33 State Board of Elections

Subtitle 13 Campaign Financing

Chapter 14 Public Financing

Authority: Election Law Article, §§2-102(b)(4) and 13-505(b)(7), Annotated Code of Maryland

.01 Scope.

This chapter applies to the administration of public campaign financing for elective office of county government.

.02 Establishment.

A. In General. A county government may establish a system of public campaign financing system to fund candidates for elective office of county government.

B. Plan Submission. No later than one year prior to the enactment of the system of public campaign financing, the county government shall submit the plan for the public financing system to the State Board for approval.

C. Approval Required. The county government may not implement a system of public campaign financing without the approval of the State Board.

D. Plan Review. Within 30 days of receipt of a plan, the State Board shall:

(1) Review the plan for conformity with State law and policy; and

(2) Notify the county government, in writing, that the plan is approved and conformed with State law and policy, or, if not approved, the reasons the plan does not conform.

E. Amended Plan Submission. If the State Board does not approve the plan, the county government may submit an amended plan for a public financing system at least 6 months prior to the date the system would be in effect for the next election.

.03 In General.

A. Establishment. A candidate for local office seeking public campaign financing shall establish an authorized candidate campaign committee with the State Board for the exclusive purpose of accepting public funds for election to a county office.

B. Qualification. Prior to engaging in campaign finance activity relating to public financing, including receiving non-public contributions in order to qualify for public funds, the candidate shall:

(1) File with the State Board a Statement of Organization establishing an authorized candidate campaign committee for the exclusive use or purpose of accepting public funds;

(2) File with the State Board a notice of intent to qualify for public funds at the time of filing the Statement of Organization; and

(3) Cease all campaign finance activity using any other authorized candidate campaign committee affiliated with the candidate from the date that the candidate files the notice of intent to the date the candidate files the final report for the candidate's public funding campaign committee.

C. Prohibitions. A candidate who accepts public funds may not:

(1) Use any other authorized candidate campaign committee except for one established in §A of this regulation; or

(2) Be a member of a slate committee.

D. Reports. All campaign finance reports of the authorized candidate campaign committee established in §A of this regulation shall be filed at the State Board in the manner and method set forth in COMAR 33.13.03.02.

E. Expenditure Limit. An authorized candidate campaign committee of a candidate who accepts public funds may not expend, in the applicable election, any amount in excess of that permitted by law.

F. Affiliation. A candidate who accepts public funds may affiliate with any other candidate, including non-publicly financed candidates, on campaign material if:

(1) The authorized candidate campaign committee established in §A makes a direct disbursement to the payee for its share of the costs of the campaign material; and

(2) The campaign material displays the authority line of the authorized candidate campaign committee established in §A.

G. Inactive Committees. All authorized candidate campaign committees affiliated with the candidate, including any authorized candidate committees that have not filed a final report but are inactive during the election, shall continue to file campaign finance reports required by Election Law Article, §§13-304 and 13-309, Annotated Code of Maryland.

.04 Agency Responsibilities.

The State Board shall:

A. Prescribe all forms regarding campaign finance reporting;

B. Determine whether a candidate has qualified for public financing

C. Determine whether a candidate has raised sufficient seed money to qualify to receive public funds, if seed money is required under the county's public financing system; and

D. Promptly after the gubernatorial general election, audit all campaign finance reports and other documents submitted by a publicly funded candidate.

LINDA H. LAMONE
STATE ADMINISTRATOR