

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulation  
Board of Elections  
(DLS Control No. 14-198)**

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**Overview and Legal and Fiscal Impact**

This regulation clarifies the definition of “outstanding obligation” under Title 15 (“Public Financing Act”) of the Election Law Article.

The regulation presents no legal issue of concern.

There is no fiscal impact on State or local agencies.

**Regulation of COMAR Affected**

**Board of Elections:**

Administration of Public Financing Act: Definitions; General Provisions:  
COMAR 33.14.01.02

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**Legal Analysis**

**Background**

Title 15 of the Election Law Article establishes the Public Financing Act, the purpose of which is to provide a system of public financing for any eligible Governor-Lieutenant Governor candidate ticket that voluntarily chooses to participate in public financing for its election campaign. Until the 2014 gubernatorial election cycle, the system of public financing had been used just once – in the 1994 gubernatorial campaign for the Sauerbrey-Rapport Republican Party ticket – since the State established a public financing system for elections in 1974. However, two gubernatorial tickets qualified for public financing in the 2014 primary election (the Hogan-Rutherford Republican Party ticket and the Mizeur-Coates Democratic Party ticket). And, the Hogan-Rutherford ticket has announced that it has opted to use public financing for the November 2014 general election campaign as well.

**Summary of Regulation**

The regulation clarifies the definition of “outstanding obligation” for purposes of Title 15 of the Election Law Article (the Public Financing Act) by specifying that the term has the same meaning stated under COMAR 33.13.01.01 (which relates to provisions of election law that govern general campaign finance activity under Title 13 of the Election Law Article). Currently, COMAR 33.13.01.01 states that:

- “(6) (a) “Outstanding obligation” means:
- (i) a bill or other obligation owed by the campaign finance entity; or
  - (ii) a loan made to the campaign finance entity in accordance with Election Law Article § 13-230, Annotated Code of Maryland.
- (b) “Outstanding obligation” does not include a bill or other obligation that was incurred and paid for within the same reporting period.”

### **Legal Issue**

The regulation presents no legal issues of concern.

### **Statutory Authority and Legislative Intent**

The State Board of Elections (SBE) cites §§ 2-102(b)(4) and 15-109(b) of the Election Law Article as authority for the regulation. Section 2-102(b)(4) grants SBE broad authority to adopt regulations, and § 15-109(b) requires SBE to adopt comprehensive regulations to implement the Public Financing Act.

This authority is correct and complete. The regulation complies 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 regulation has 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 regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

### **Contact Information**

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