

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>
	09/08/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 10/17/2014**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

33 13 17 01-.06

**3. Name of Promulgating Authority**

State Board of Elections

**4. Name of Regulations Coordinator**

Erin Perrone

**Telephone Number**

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**

Jared DeMarinis

**Telephone No.**

410-269-2853

**Email Address**

jared.demarinis@maryland.gov

**6. Check applicable items:**

- 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 April 17, 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**

08/28/2014

**Title 33**  
**STATE BOARD OF ELECTIONS**  
**Subtitle 13 CAMPAIGN FINANCING**

**33.13.17 Participating Organizations**

Authority: Election Law Article, §2-102(b)(4), Annotated Code of Maryland.

**Notice of Proposed Action**

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The State Board of Elections proposes to adopt Regulations .01 through .06 under COMAR 33.13.17 Participating Organizations. This action was considered by the State Board of Elections at its August 28, 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 outline the registration and reporting requirements.

**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](mailto:erin.perrone@maryland.gov), or fax to 410-974-2019. Comments will be accepted through November 17, 2014. A public hearing has not been scheduled.

**Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: FY 0

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

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:

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

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

G. Small Business Worksheet:

Attached Document:

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

### **Subtitle 13 Campaign Financing**

#### **Chapter 17 Participating Organizations**

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

##### **.01 Scope.**

- A. Applicability. This chapter applies to participating organizations influencing Maryland elections.
- B. Effective Date. This chapter is effective as of January 1, 2015.

##### **.02 Registration.**

A. In General. The participating organization shall file a registration notice with the State Board within 48 hours of making a contribution, donation or disbursement of \$6,000 or more cumulatively in an election cycle to:

- (1) A political committee;
- (2) A person making independent expenditures;
- (3) A person making electioneering communications; or
- (4) An out-of-state political committee for the purpose of influencing a Maryland election.

B. Notice Requirements. The registration notice shall consist of the following information:

- (1) The identity of the participating organization;
- (2) The business address of the participating organization;

(3) The name and mailing address of the individual designated as the treasurer or responsible officer authorized to file reports required under Election Law Article, §13-309.2;

(4) The election year or years in which the participating organization will be participating; and

(5) A statement on whether or not the participating organization will provide an active Internet address on its landing page for the entire election year that contains the information required by the State Board as to the participating organization's disbursements made and donations received, including the names and addresses of all donors who have donated within the last 6 months from the date of filing the registration notice with the State Board.

(a) If the participating organization will have an active Internet address as described in paragraph (5), it shall provide the Internet address on the registration notice and identify the Internet link on its landing page as "Campaign Finance Activity" and use at least 12-point font for all required information.

(b) If the participating organization will not have an active Internet address, the participating organization shall submit the reports required by Election Law Article, §13-309.2, including the names, addresses, and occupations of the five largest monetary donors to the participating organization within the last year from the date of filing the registration notice with the State Board.

#### **.04 Required Contents for a Report.**

A. Disbursements Made. For disbursements made, the report filed by a participating organization shall include:

(1) The date the expenditure was made;

(2) The transaction method, including any information on the transaction method required by the State Administrator;

(3) The name and address of the payee;

(4) If the expenditure was to reimburse a campaign worker, the name and address of the campaign worker and the name and address of the ultimate recipient of the expenditure;

(5) The amount of the expenditure;

(6) A description of the goods or services for which the expenditure was made, including whether the expenditure was for a paid campaign advertisement;

(7) If an independent expenditure,

(a) The identity of the candidate or ballot issue to which the campaign material relates; and

(b) Whether the independent expenditure supports or opposes the candidate or ballot issue;

(8) If an electioneering communication:

(a) The identity of the candidate or ballot issue to which the campaign material relates; and

(b) Whether the electioneering communication advocates support or opposition to a position or

issue; and

(9) If the expenditure was to a person to engage in online advocacy on behalf of the political action committee, the name and Internet address of any social media identifier, online website, web log, blog, or microblog used by that person.

B. Donations Received. For donations received, the report filed by a participating organization shall include:

(1) The date the donation was received by the participating organization;

(2) The amount of the donation;

(3) The name of:

(a) The individual who made the donation; or

(b) The organization, business, corporation, limited liability company, partnership, union, or other legal entity that made the donation;

(4) The address of the donor, including:

(a) If the donor is an individual, the address where the individual resides or receives residential mail; or

(b) If the donor is an organization, business, corporation, limited liability company, partnership, union, or other legal entity, the address where it is registered or does business;

(5) The aggregate amount of donations received to date from the donor for the calendar year in which the report is filed;

(6) If an in-kind donation, a description of the in-kind donation; and

(7) The donor's occupation information as specified under §C of this regulation.

C. Occupation. When providing occupation information, the contributor should try to be as specific as circumstances permit; for example, where an individual does not work outside the home, descriptions such as "Retired," "Homemaker," "Unemployed," or "Student" should be used rather than "not applicable."

D. Applicability. The disclosure requirement on whether the campaign material supports or opposes a candidate or ballot issue shall be determined by the candidate, ballot issue, or issue that is prominently featured on the campaign material.

#### **.05 Filing Method.**

A. Filing Method. A disclosure report shall be filed electronically by means of the browser-based software provided by the State Administrator.

B. Additional Filing Requirements.

(1) The report shall include an attestation by the designated individual of the participating organization, under penalties of perjury and in a format approved by the State Administrator, that the contents of the electronic filing are a complete and accurate statement of the expenditures made and donations received by the participating organization.

(2) The State Board will not accept a report as filed unless it includes an electronic signature of the designated individual.

**.06 Penalties.**

A. Criminal. A participating organization that knowingly and willfully fails to file the registration notice or a report is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$25,000, or imprisonment not exceeding 1 year, or both.

B. Civil. A participating organization that fails to file the registration notice or a report without knowing that such conduct is illegal shall pay a civil penalty not greater than \$5,000 in accordance with Election Law Article, §13-604, Annotated Code of Maryland.

LINDA H. LAMONE  
ADMINISTRATOR