

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	09/02/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 10/16/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

33 20 02 02, .03

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

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5. Name of Person to Call About this Document

Jared DeMarinis

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410-269-2853

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6. Check applicable items:

- New Regulations
 - Amendments to Existing Regulations
 - Date when existing text was downloaded from COMAR online: 08/10/2015.
 - 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 08/10/2015. 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

08/27/2015

Title 33
STATE BOARD OF ELECTIONS

Subtitle 20 DISCLOSURE BY PERSONS DOING PUBLIC BUSINESS

33.20.02 Statement of Contributions Requirements

Authority: Election Law Article, §§2-102(b)(4) and 14-109, Annotated Code of Maryland.

Notice of Proposed Action

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The State Board of Elections proposes to amend Regulations .02 and .03 under COMAR 33.20.02 Statement of Contributions Requirement.

This action was considered by the State Board of Elections at its August 27, 2015 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 enact House Bill 769 of the 2015 Legislative Session added new disclosure requirements for a filer. Specifically, the filer must now disclose donations and contributions made to independent expenditure committees or entities. The bill also allowed a filer that made no applicable contributions during a reporting period to file a shortened disclosure report and report less information regarding the contract it has with the governmental entity. The proposed regulations establish a waiver process identical to the waiver process under Title 13 of the Election Law Article. Finally, the proposed regulations codify past practices and prior advice rendered by State Ethics Commission and the Office of the Attorney General regarding the determination of a filer and attributed contributions. The following changes to Subtitle 20 reflect the legislative changes and past practices:

2. Requires filing registration notice at the time of the award of the contract and allows for the omission of contract information on the notice (.02)

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, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through 11/16/2015. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 16

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 20 Disclosure by Persons Doing Public Business

Chapter 02 Statement of Contributions Requirements

.02 Registration.

A. In General. A person doing public business shall file the registration notice required under §B of this regulation with the State Board [within 1 business day] *by the end of the day of* [after] the award of a contract by a governmental entity.

B. Notice Requirements. *Except as provided in §D of this regulation*, [The] *the* registration notice shall include the following information:

(1) – (4) (text unchanged)

(5) The name of the governmental entity that awarded the contract; [and]

(6) The name and relationship of any business entity or person attributed to or affiliated with the person filing the registration notice that was awarded a contract by a governmental entity[.]; *and*

(7) *The base amount of the consideration to be received by the person doing public business from the governmental entity for the contract.*

C. (text unchanged).

D. *Omission of Contract. The registration notice may omit:*

(1) Contract information if the State Board has approved this person's request to waive the requirement to disclose the contract; or

(2) The base amount of the consideration to be received for the performance of the contract if the person doing public business files for the entire period of performance of the contract an affidavit of limited applicable contributions under COMAR 33.20.04.

.03 Required Contents for Statement of Contributions.

The statement of contributions filed by the person doing public business shall include:

A. The name of the candidate to which the *applicable* contribution was made *or benefited*;

B. The name of the political committee affiliated with the candidate *or independent expenditure entity* that received the applicable contribution;

C. (text unchanged)

D. The aggregate *applicable* contributions attributed to the filer during the reporting period;

E. The aggregate *applicable* contributions to date attributed to the filer during the election cycle in which the applicable contribution was made;

F. If the *applicable* contribution was made by a person other than the filer but attributed to the filer, the filer must provide:

(1) The name and address of:

(a) The individual who made the *applicable* contribution; or

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

(2) The amount of the *applicable* contribution;

(3) The date the *applicable* contribution was made; and

(4) (text unchanged)

G. The method of the *applicable* contribution transaction and any other information on the transaction method required by the State Administrator;

H. The aggregate amount or value of *applicable* contributions made *or for the benefit* to date to each candidate from the contributor for the election cycle in which the statement of contributions is filed;

I. *Unless if already provided on the registration notice or exempted under COMAR 33.20.07:*

(1) The nature and amount of the contract awarded;

(2) *The name of the governmental entity that awarded the contract; and*

(3) *The name of the business entity or person awarded the contract, if different from the filer; and*

J. [The name of the governmental entity that awarded the contract;

K. The name of the business entity or person awarded the contract, if different from the filer; and

L.] If an in-kind applicable contribution, the fair market value of the applicable contribution.

LINDA H. LAMONE
STATE ADMINISTRATOR