

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
State Board of Elections**  
(DLS Control No. 15-205)

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**Overview and Legal and Fiscal Impact**

The regulations specify the contents and filing procedure for an affidavit that a business holding a government contract of \$200,000 or more may file instead of a full statement of campaign contributions if the business did not make contributions during the reporting period of \$500 or more.

These regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

**Regulations of COMAR Affected**

**State Board of Elections:**

Disclosure by Persons doing Public Business: Affidavit of Limited Applicable  
Contribution: COMAR 33.20.04.01, .02, and .03

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**Legal Analysis**

**Background**

Title 14 of the Election Law Article requires businesses holding contracts with the State or local governments to file semi-annual statements disclosing campaign contributions of \$500 or more made by the business and certain individuals affiliated with the business. Reporting requirements apply to businesses that have a single contract of \$200,000 or more with a governmental entity. Chapter 454 of 2015 made several technical and administrative changes to Title 14. These changes include allowing a business that did not make contributions of \$500 or more during a reporting period to file a simplified statement.

**Summary of Regulations**

The regulations specify the contents of an affidavit that a business may file instead of a full statement of contributions if the business did not make contributions during the reporting period of \$500 or more. The affidavit must include a statement under penalty of perjury that the business did not make contributions of \$500 or more. The affidavit must be filed online using an electronic signature.

## **Legal Issue**

These regulations present no legal issues of concern.

## **Statutory Authority and Legislative Intent**

The State board cites §§ 2-102(b)(4) and 14-109 of the Election Law Article as legal authority for the regulations. Section 2-102(b)(4) requires the State board to adopt regulations to implement its powers and duties. Section 14-109 authorizes the State board to adopt regulations to implement the provisions of law governing disclosures by persons doing public business. Additionally, § 14-104(c)(3), as amended by Chapter 454 of 2015, allows a business that did not make contributions of \$500 or more during the reporting period to file a simplified statement that includes (1) the name of each unit of a governmental entity with which the person did public business during the reporting period and (2) a stipulation that the person did not make contribution of \$500 or more to a candidate during the reporting period.

With the addition of § 14-104, this authority is correct and complete. The regulations comply with the legislative intent of the law.

## **Technical Corrections and Special Notes**

In response to suggestions from the Department of Legislative Services, the State board agrees to add § 14-104 of the Election Law Article as statutory authority for the regulations.

Please note that, as discussed above, Chapter 454 of 2015 specified that the simplified statement filed by a business that did not make contributions of \$500 or more during the reporting period must include “the name of each unit of a governmental entity with which the person did public business during the reporting period,” unless the business has received a waiver from the State board because disclosure of this information would be unduly burdensome. The regulations do not require businesses to report the governmental entities with which they did business, and so in this respect they do not conform to statute. However, the State board indicates that the information on the governmental entities with which a person has contracts is already disclosed when the business initially registers with the State board, thus there is no need to require the person to report the same information again in subsequent filings. The administrative practice of the State board is therefore reasonable, even if not in strict conformity with the law.

## **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

## **Agency Estimate of Projected Fiscal Impact**

The State Board of Elections advises that the regulations have no impact on State or local governments. The Department of Legislative Services concurs. The regulations (along with

other proposed regulations) implement Chapter 454 of 2015. The fiscal and policy note for House Bill 769 of 2015 (enacted as Chapter 454) indicated that the bill's changes could be implemented with existing resources, and these regulations should not have any independent fiscal impact.

### **Impact on Budget**

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

### **Agency Estimate of Projected Small Business Impact**

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

### **Contact Information**

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