

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	09/03/2015	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 05 01, .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

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 07/10/2015. 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

33.20.05 Determination of the Filer

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 adopt Regulations .01, .02 and .03 under COMAR 33.20.05 Determination of the Filer.

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 clarify and code the determination of the filer and attributed contributions

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 05 Determination of the Filer

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

.01. In General.

A person doing public business must file a registration notice and statement of contributions with the State Board.

.02 Contract Determination.

A. Length of Contract. A person is considered doing public business when the total consideration of the contract is \$200,000 or more for the entire period of performance required under the contract.

B. Option Year Renewal. For the purposes of Title 14 of the Election Law Article, an option year renewal contract is considered a new contract.

C. Contract Modifications. If the contract is modified or any additional funds are appropriated increasing the amount of the contract to \$200,000 or more for the remainder of the period of performance, the person is considered doing public business and shall file a registration notice at the time of the modification or additional funds was approved.

D. Acquisition, Merger or Change in Ownership.

(1) If a business entity acquires, merges with, or changes ownership or control over another business entity, the controlling business entity is considered the filer for purposes of Title 14 of the Election Law Article, Annotated Code of Maryland.

(2) Except as provided in §D(3) of this regulation, prior contracts made by the acquired, merged, or newly owned or controlled business entity shall not be retroactively attributed to the filer.

(3) Contracts made by the acquired, merged, or newly owned or controlled business entity during a reporting period or existing contracts where the period of performance remains uncompleted will be attributed to the filer.

E. Subsidiary Ownership. If a business entity is a subsidiary of 30% or more of another business entity, the immediate parent of the business entity with a contract with a governmental entity is considered the person doing public business.

.03 Standard for Ownership or Control.

A. Ownership. For purposes of Election Law Article, §14-105(e), Annotated Code of Maryland, a business entity shall be considered a subsidiary of the person doing public business if owned or controlled by at least 30 percent by the person doing public business of the same individuals or business entities if:

(1) 30 percent or more of the beneficial ownership or equity of each entity is held by the same person or group of persons; or

(2) 30 percent or more of the voting shares or rights, membership or partnership interests with voting or governing authority, control rights, trust control, or other form of governance or rights authority in each entity is directly or indirectly held or controlled by the same person or group of persons.

B. Control. A person or group of persons is deemed to have direct or indirect control of one or more business entities if the person or group of persons is authorized to make decisions regarding:

(1) Direction and amount of contributions, political spending, or any other political activity on behalf of the business entities; or

(2) Responsibility for day-to-day operation of the business entity or entities.

LINDA H. LAMONE
STATE ADMINISTRATOR