

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>
	09/03/2015	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 07 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 August 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 PERSON DOING PUBLIC BUSINESS**

**33.20.07 Waivers**

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 33.20.07 Waivers.

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 establish a process of waiver requests on late filing fees, contract disclosure and filing an initial statement of 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](mailto: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:

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

### **Subtitle 20 Disclosure by Persons Doing Public Business**

#### **Chapter 07 Waivers**

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

#### **.01 Waiver Request – Late Filing Fees.**

- A. Availability. A person doing public business may request a waiver of the fees for the late filing of the statement of contributions or affidavit of limited applicable contributions.
- B. Requirements.
- (1) A request to waive the late fees shall be made in writing and filed with the State Administrator.
  - (2) The request shall include:
    - (a) The name, address, and telephone number of the person doing public business;
    - (b) A detailed statement of the facts underlying or circumstances surrounding why the person doing public business failed to timely file statement of contributions; and
    - (c) A history of past compliance activity regarding filing of the statement of contributions.
- C. Consideration and Determination.
- (1) With approval of the State Board, the State Administrator may waive the late filing fee for just cause.
  - (2) The State Administrator may reject a waiver request without notice or hearing.

(3) The decision of the State Administrator on the waiver request shall be in writing.

**.02 Waiver Request – Initial Statement of Contributions.**

A. Availability. A person doing public business may request a waiver of the requirement to file an initial statement of contributions.

B. Requirements.

(1) A request to waive the initial filing shall be made in writing and filed with the State Administrator.

(2) The request shall include:

(a) The name, address, and telephone number of the person doing public business;

(b) A detailed statement of the facts underlying or circumstances surrounding why the person doing public business should not file an initial statement of contributions;

(c) Whether the person doing public business has previously filed an initial statement of contributions for that level of government within the last two years;

(d) Whether the person doing public business has made any applicable contributions to candidate for an office of a governmental entity with which the person is doing public business for the last two years; and

(e) A statement explaining how applicable contributions are reported to the chief executive officer of the business entity.

C. Consideration and Determination.

(1) With approval of the State Board, the State Administrator may waive the filing of the initial report for just cause.

(2) The State Administrator may reject a waiver request for the initial report without notice or hearing.

(3) The decision of the State Administrator on the waiver request shall be in writing.

**.03 Waiver Request – Contract Disclosure.**

A. Availability. A person doing public business may request a waiver of the requirement to file contract information.

B. Requirements.

(1) A request to waive the requirement to disclose contract information shall be made in writing and filed with the State Administrator.

(2) The request shall include:

(a) The name, address, and telephone number of the person doing public business;

(b) A detailed statement of the facts underlying or circumstances surrounding why the person doing public business should not disclose contract information;

(c) Whether the contract information is subject to any exemption under the Public Information Act;

(d) Whether the contract with the governmental entity is with a subsidiary of the person doing public business and the percentage of ownership or control that the requestor has over the business entity with the contract; and

(e) A statement certifying that the requestor has done public business during the reporting period

C. Consideration and Determination.

(1) With approval of the State Board, the State Administrator may waive the contract disclosure requirement for just cause.

(2) The State Administrator may reject a waiver request without notice or hearing.

(3) The decision of the State Administrator on the waiver request shall be in writing.

D. Duration. If the State Board approves the waiver request, the waiver shall be valid for one calendar year.

LINDA H. LAMONE  
STATE ADMINISTRATOR