

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 14 03 04, .05, .06, .07, .08

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: 07/10/2015.

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 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 14 ADMINISTRATION OF PUBLIC FINANCING ACT

33.14.03 Limitations on Campaign Expenditures and Prohibitions

Authority: Election Law Article, §§2-102(b)(4) and 15-109(b), Annotated Code of Maryland.

Notice of Proposed Action

[]

The State Board of Elections proposes to amend and adopt Regulations .04, .05, .06, .07, and .08 under COMAR 33.14.03 Limitations on Campaign Expenditures and Prohibitions.

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 prohibit a gubernatorial ticket from being a member of a slate committee outside of the gubernatorial ticket committee, prohibit a gubernatorial ticket committee from making a transfer to another political committee, lower the threshold for an in-kind contribution to be eligible under the Public Financing Act and clarifies the scope of an in-kind contributions and the exemptions, codify the date that expenditures start counting against the expenditure limit and add the restrictions on fundraising activities for a gubernatorial ticket.

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 11/16/15. 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 14 ADMINISTRATION OF PUBLIC FINANCING ACT

Chapter 03 Limitations on Campaign Expenditures *and Prohibitions*

Authority: Election Law Article, §§2-102(b)(4) and 15-109(b), Annotated Code of Maryland

.04 Slates.

[For purposes of the expenditure limitation imposed by the Act, the State Board shall attribute to a candidate that part of an expenditure by a slate that equals the amount of the expenditure divided by the number of members of the slate. A candidate equals one member of the slate.] *A gubernatorial ticket may not be a member of any slate committee except for the gubernatorial ticket campaign committee.*

.05 Prohibited Transfers [by Candidate].

Transfers from [the single campaign depository of an eligible candidate] a gubernatorial ticket campaign committee to any other political committee are [counted toward the candidate's expenditure limitation] prohibited.

.06 In-Kind Contributions.

A. *In General.* An eligible [candidate] gubernatorial ticket shall include [an] in-kind contributions [of \$51 or more] in meeting the expenditure limitation imposed by the Act.

B. *In-Kind Contribution.* An in-kind contribution includes:

(1) A contribution given to a political committee in non-monetary form for services or property; or

(2) A coordinated expenditure made on behalf of the candidate where the candidate knows of and consents to the expenditure.

C. *Value.* For the purposes of the expenditure limit, the value of an in-kind contribution is the fair market value of the item or service provided at the time of the contribution.

D. *Expenditure Limit.* Except as provided in COMAR 33.14.03.02 and §E of this regulation, services provided to the eligible gubernatorial ticket for free or at a reduced cost are an in-kind contribution and subject to the expenditure limit.

E. *Exemption – Volunteer Activities.*

(1) Volunteer activity is not an in-kind contribution when an individual:

(a) Volunteers his or her own time to a campaign;

(b) Uses the individual's personal vehicle to provide transportation related to the election; or

(c) Provides legal services associated with the election.

(2) An individual is not a volunteer when a business entity or other person compensates the individual, directly or indirectly, for working on behalf of the gubernatorial ticket.

.07 Prior Expenditures.

After filing a notice of intent, any expenditures made from the date of a contribution that the gubernatorial ticket seeks to be considered as an eligible private contribution shall count against the expenditure limit imposed by the Act.

.08 Fundraising Activities.

A. *During the Election.* After filing a notice of intent, a gubernatorial ticket or a person acting on behalf of the gubernatorial ticket may not, for the benefit of any other political committee, any person required to register with the State Board under Election Law Article, §§13-306 and 13-307, Annotated Code of Maryland, or participating organization:

(1) Solicit contributions, including:

(a) The authorized use of the names or images of the gubernatorial ticket on the solicitations by the other political committee or person; or

(b) Appearing as a featured or honored speaker at a fundraiser event of the other political committee or person; or

(2) Coordinate fund-raising activities, including sharing of lists of potential donors.

B. *After the Election.* The authorized candidate campaign committees of the individual candidates comprising the eligible gubernatorial ticket may not engage in campaign finance activities until the eligible gubernatorial ticket campaign committee files a final campaign finance report and repays to the Fund any unspent portion of the public contributions.

LINDA H. LAMONE
STATE ADMINISTRATOR