

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
State Board of Elections
(DLS Control No. 15-214)**

Overview and Legal and Fiscal Impact

The regulation defines terms and makes technical changes to existing terms that are used in the regulations governing campaign financing.

The regulation presents no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

State Board of Elections:

Campaign Financing: Definitions: COMAR 33.13.01.01

Legal Analysis

Summary of Regulation

The State Board of Elections is adding terms and definitions that are used in the regulations governing campaign financing. The regulation defines “authority line” as having the meaning stated in § 13-401 of the Election Law Article. The regulation defines “business entity” as a firm, corporation, trust, unincorporated association, general partnership, a limited partnership, a limited liability company, a real estate investment trust, or other entity or organization, whether or not conducted for profit. The regulation also provides that “campaign finance report” and “campaign material” both have the meanings stated in § 1-101 of the Election Law Article. The regulation defines “donation” as a gift or transfer, or promise of gift or transfer, of money or other thing of value to (1) an administrative account of the central committee or legislative party caucus committee; (2) a person who makes independent expenditures; or (3) a person who makes electioneering communications. Additionally, the regulation defines “independent expenditure” as a disbursement by a person or political action committee expressly advocating the success or defeat of a clearly identified candidate or ballot issue if the disbursement is not made in coordination with or at the request or suggestion of a candidate, a campaign finance entity of a candidate, an agent of a candidate, or a ballot issue committee. For purposes of the definition, “clearly identified” means that the name of the candidate appears, a photograph or drawing of the candidate appears, or the identity of the candidate or ballot issue is apparent by unambiguous reference. The regulation defines “lump sum contribution” as (1) the net amount received by a political committee from a raffle,

spin, or chance at a fundraising event or (2) contributions collected by payroll deductions in accordance with § 13-241 or § 13-242 of the Election Law Article. Finally, the regulation defines “person” to include an individual, a business entity, a federal political committee, an association, a labor organization, a union, a political club, or any other organization or group of persons. “Person” does not include a campaign finance entity.

The regulation also makes technical changes to other definitions.

Legal Issue

The regulation presents no legal issue of concern.

Statutory Authority and Legislative Intent

The State board cites §§ 1-101, 2-102(b)(4), 13-218(b), 13-245, and Title 13, Subtitle 3 of the Election Law Article as statutory authority for the regulation. More specifically, § 1-101 contains definitions for terms that apply to the entire Election Law Article. Section 2-102(b)(4) requires the State board to adopt regulations to implement its powers and duties. Two provisions in Title 13, Subtitle 3 apply. Sections 13-306 and 13-307 contain definitions of “donation” and “person” that are applicable in those sections. The definitions in the regulations do not conflict with those stated in the cited sections. The remaining cited authority is not relevant for this regulation.

The relevant cited authority is correct and complete. The regulation complies with the legislative intent of the law.

Technical Corrections and Special Notes

The Department of Legislative Services contacted the State board regarding the definition of “authority line.” The regulation states that the term has the meaning stated in § 13-401 of the Election Law Article. However, that section does not define “authority line” but rather requires that an authority line with specific information be included in each item of campaign material. The State board will amend the proposed definition accordingly.

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 regulation has no impact on State or local governments. The Department of Legislative Services concurs.

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 regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

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