

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 13 10 01, .02, .03

3. Name of Promulgating Authority

State Board of Elections

4. Name of Regulations Coordinator

Erin Perrone

Telephone Number

410-269-2845

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151 West Street

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Annapolis MD 21401

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5. Name of Person to Call About this Document

Jared DeMarinis

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410-269-2853

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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 08/10/2015. 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 13 CAMPAIGN FINANCING

33.13.10 Prohibitions

Authority: Election Law Article, §§ 2-102(b)(4), 13-218, 13-225, 13-236, 13-237 and 13-245, Subtitle 3, Annotated Code of Maryland.

Notice of Proposed Action

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The State Board of Elections proposes to amend Regulations .01, .02, and .03 under COMAR 33.13.10 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 clarify the prohibition on contributions by video lottery licensees and applicants to just non-federal candidates, code money order contributions as cash contributions and the treatment of slate contributions, code the restrictions on lump sum contributions, and correct and clarify a term under a prohibited expenditure to elective office from political office.

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 13 Campaign Financing

Chapter 10 Prohibitions

Authority: Election Law Article, §§ 2-102(b)(4), 13-218, 13-225, 13-236, 13-237 and 13-245, Subtitle 3, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) "Person" has the meaning stated COMAR [33.01.01B] 33.13.01.01B.

(3) "Political committee organized in support of a non-federal candidate" means:

(a) – (d) (text unchanged)

(e) A political action committee whose major purpose is to [elect] *support or oppose* candidates to non-federal offices [and make coordinated expenditures or transfers to a non-federal candidate].

.02 Prohibited Contributions.

A. – B. (text unchanged)

C. Video Lottery Operation Licensee or Applicant. Except as provided in §E of this regulation, a person may not make any contributions to a political committee *organized in support of a non-federal candidate* for the rest of the election cycle once that person holds or controls at least a 5 percent interest in the property or business that is:

(1) – (2) (text unchanged)

D. Video Lottery Operation Licensee or Applicant — Same Owners. If the person in §C of this regulation is a corporation, any wholly owned corporations or other corporations owned by identical shareholders of the person may not make any contributions to a political committee *organized in support of a non-federal candidate* for the rest of the election cycle.

E. – I. (text unchanged)

J. Money Order Contributions.

(1) *For the purposes of receiving a contribution, a money order contribution is considered as a cash contribution.*

(2) *In an election cycle, a person may not make by one or more money order contribution transactions in excess of \$100 to a political committee.*

K. Lump Sum Contributions.

(1) *A political committee of a candidate may not:*

(a) *Report more than a cumulative amount of \$25,000 in lump sum contributions during an election cycle;*

(b) *Report more than a cumulative amount of \$25,000 in lump sum contributions collected in a manner pursuant to Election Law Article, §§13-241 or 13-242, Annotated Code of Maryland.*

(c) *Report a lump sum contribution of more than:*

(i) *\$1,500 in a 24-hour period from a spin or chance; or*

(ii) *\$2,500 in an election cycle from spins or chances; and*

(d) *Sell:*

(i) *A spin or chance for more than \$2; or*

(ii) *A raffle ticket for more than \$5 per ticket.*

(2) *If a political committee raises contributions from a spin, chance, or raffle in excess of the reporting and solicitation limits for a lump sum contribution received the political committee shall:*

(a) *Donate the excess to charity of its choice; or*

(b) *Identify in its account book the amount received from each individual who purchased a spin or chance.*

L. Slate Committee. Except as provided in §M of this regulation, a person may not make a contribution to a slate committee if the equally proportioned contribution among the candidate members of the slate would exceed the aggregate contribution limit of the person to a single candidate member of the slate when aggregated with contributions made by the person to the authorized candidate campaign committee of the candidate.

M. Earmarked Contributions. A person may designate or earmark a contribution to a slate for the exclusive use or benefit of individual candidate members if:

(1) *The designation or earmark is in writing from the person making the contribution;*

(2) *The aggregate contribution limit of the person to the designated or earmarked candidates does not exceed the contribution limits; and*

(3) *The slate committee maintains a copy of the earmark document as a part of its account book records.*

.03 Prohibited Expenditures.

A. (text unchanged)

B. Prohibited Expenditures. Except as provided in §C of this regulation, a political committee may not make an expenditure of campaign funds, directly or indirectly, in any amount for:

(1) – (3) (text unchanged)

(4) Expenses relating to the necessary and ordinary course of holding [political] *elective* office, except if related to legislative newsletters pursuant to Election Law Article, §13-408, Annotated Code of Maryland;

(5) – (9) (text unchanged)

C. (text unchanged)

LINDA H. LAMONE
STATE ADMINISTRATOR