

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	09/28/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 11/13/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

33 20 06 01, .02

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 09/15/2015. 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

09/24/2015

Title 33

STATE BOARD OF ELECTIONS

Subtitle 20 DISCLOSURE BY PERSONS DOING PUBLIC BUSINESS

33.20.06 Contributions

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 and .02 under COMAR 33.20.06 Contributions.

This action was considered by the State Board of Elections at its September 24, 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 attributed contributions and donations to the business entity. Additionally, the proposed regulations provide specific practical applications on actions by officers, directors and partners that may constitute suggesting a contribution or donation to a political committee.

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 12/13/15. 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 because 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 06 Contributions

Authority: Election Law Article, §§2-102(b)(4), 14-105 and 14-109, Annotated Code of Maryland

.01 Attributed Contributions.

A. Business Entity Contributions. Any contribution or donation regardless of the amount or reason to a political committee or independent expenditure entity by an officer, director, or partner of a business entity doing public business is attributed to the business entity for reporting purposes of Title 14 of the Election Law.

B. Other Person Contributions. Any contribution or donation regardless of the amount to a political committee or independent expenditure entity made at the suggestion of the business entity by an employee, agent or other affiliated person of the business entity is attributed to the business entity for reporting purposes of Title 14 of the Election Law.

C. Subsidiary. Any contribution made or donation to a political committee or independent expenditure entity by a subsidiary of the filer under Regulation .03A of this chapter is attributed to the filer.

D. Acquisition, Merger or Change in Ownership. If a business entity acquires, merges with, or changes ownership or control over another business entity:

(1) Except as provided in §D(2) of this regulation, the prior contributions made by the acquired, merged, or newly owned or controlled business entity, including its officers, directors and partners, will not be retroactively attributed to the filer; and

(2) The contributions made by the acquired, merged, or newly owned or controlled business entity, including its officers, directors and partners, during a reporting period will be attributed to the filer, along with the current aggregate contributions made by the filer.

E. Contributions Made At The Suggestion. An act or communication that a reasonable person would understand as a solicitation or request for a contribution or donation to a specific political committee affiliated with a candidate or independent expenditure entity by a director, a partner or an officer of the business entity to an employee, agent or other affiliated person of the business entity shall be considered at the suggestion of the business entity.

F. Email Solicitation. Forwarding an email solicitation or request for a contribution or a donation from a political committee affiliated with a candidate or independent expenditure entity by an officer, director or partner of the business entity to an employee, agent or other affiliated person of the business entity shall be considered at the suggestion of the business entity.

G. Endorsements. Endorsing a candidate or displaying public support for a candidacy by an officer, director or partner of the business entity to an employee, agent or other affiliated person of the business entity does not constitute a suggestion for a contribution or donation by the business entity.

.02. Report to CEO.

A. Notify Employees. The chief executive officer or a designee of the chief executive officer of business entity doing public business shall notify the persons covered by §A and §B of this regulation that contributions and donations made from the persons covered by §A and §B of this regulation must be reported to the chief executive officer no later than 2 days after the last day that the reporting period ends.

B. Report. The persons covered by §A and §B of this regulation shall report to chief executive officer or a designee of the chief executive officer of business entity doing public business any contributions and donations made during the reporting period.

LINDA H. LAMONE
STATE ADMINISTRATOR