

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	02/11/2016	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 3/18/2016

2. COMAR Codification

Title	Subtitle	Chapter	Regulation
33	21	01	01, .02, .03
33	21	03	01, .02
33	21	02	01

3. Name of Promulgating Authority

State Board of Elections

4. Name of Regulations Coordinator **Telephone Number**
Erin Perrone 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 **Telephone No.**
Jared DeMarinis 410-269-2853

Email Address

jared.demarinis@maryland.gov

6. Check applicable items:**X- 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 **X- 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

X- 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 General Provisions Article, §3-302(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 January 21, 2016. 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

January 21, 2016

Title 33

STATE BOARD OF ELECTIONS

Subtitle 21 DISCLOSURE BY PERSON EMPLOYING A LOBBYIST

33.21.01 Statement of Contributions

Subtitle 21 DISCLOSURE BY PERSON EMPLOYING A LOBBYIST

33.21.03 Electronic Signature Requirements

Subtitle 21 DISCLOSURE BY PERSON EMPLOYING A LOBBYIST

33.21.02 Penalties

Authority: General Provisions §5-716, Election Law Article, §2-102(b)(4), Annotated Code of Maryland.

Notice of Proposed Action

□

The State Board of Elections proposes to adopt new Regulations .01, .02, and .03 under COMAR 33.21.01 Statement of Contributions, adopt new Regulation .01 under COMAR 33.21.02 Penalties, and adopt new Regulations .01 and .02 under COMAR 33.21.03 Electronic Signature Requirements.

This action was considered by the State Board of Elections at its January 21, 2016 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 the deadline to a person to register with the State Board in order to file a Statement of Contributions. Furthermore, the proposed regulations codifies the required contents of the statement of contributions, when a final report is due, and the penalties for late filings. Finally, the proposed regulations require an electronic signature on all submissions.

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, Director of Election Reform and Management, 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 April 18, 2016. 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 21 Disclosure by Persons Employing A Lobbyist

Chapter 01 – Statement of Contributions

Authority: General Provisions §5-716, Election Law Article, §2-102(b)(4), Annotated Code of Maryland

.01 Registration

A. In General. A person employing a lobbyist and making an applicable contribution shall file with the State Board no later than the last day of the reporting period the registration statement required under §B of this regulation.

B. Notice Requirements. The registration statement shall include:

- (1) The identity of the person employing the lobbyist;*
- (2) The business address of the person employing the lobbyist;*
- (3) The name, mailing address, and email address of:
 - (a) The principal officer of the business entity employing a lobbyist; and*
 - (b) An individual designated as the filer for the person employing a lobbyist; and**
- (4) The name and address of the lobbyist.*

C. Report. After filing the registration statement, a person employing a lobbyist shall file a statement of contributions.

.02 Required Contents for Statement of Contributions.

The statement of contributions filed by the person employing a lobbyist and making an applicable contribution shall include:

A. The name of the candidate to whom the applicable contribution was made or who benefited from the applicable contribution;

B. The name of the political committee affiliated with the candidate or the independent expenditure entity that received the applicable contribution;

C. If known, the elective office sought by the candidate, or if not known, the elective office held by the candidate;

D. The aggregate applicable contributions attributed to the filer during the reporting period;

E. The aggregate applicable contributions to date attributed to the filer during the election cycle in which the applicable contribution was made;

F. If the applicable contribution was made by a person other than the filer but attributed to the filer, the filer must provide:

- (1) The name and address of:
 - (a) The individual who made the applicable contribution; or*
 - (b) The organization, business entity, union, or other legal entity that made the applicable contribution;**
- (2) The amount of the applicable contribution; and*
- (3) The date the applicable contribution was made.*

G. The transaction method of the applicable contribution and any other information on the transaction method required by the State Administrator; and

H. The aggregate amount or value to date of applicable contributions made to or for the benefit of each candidate from the contributor for the election cycle in which the statement of contributions is filed.

.03 Final Report.

A. Closeout Report Required. Once a person employing a lobbyist registers with the State Board under Regulation .01 of this chapter, the person shall file a closeout statement of contributions to cease future reporting obligations.

B. Additional Reports. Failure to file a closeout statement of contributions will require the person employing a lobbyist to file subsequent statements of contributions.

Title 33 State Board of Elections

Subtitle 21 Disclosure by Persons Employing a Lobbyist

Chapter 02 Penalties

Authority: General Provisions §5-716, Election Law Article, §2-102(b)(4), Annotated Code of Maryland

.01 Late Filing Fee

A. Late Fee Penalty. The State Board shall assess a late filing fee of \$10 for each day or part of a day that the statement of contributions is overdue.

B. Maximum Fee. The maximum fee assessed under §A of this regulation is \$500.

Title 33 State Board of Elections

Subtitle 21 Disclosure by Persons Employing a Lobbyist

Chapter 03 Electronic Signature Requirements

Authority: General Provisions §5-716, Election Law Article, §2-102(b)(4), Annotated Code of Maryland

.01 Electronic Signature.

For each electronically filed statement of contribution, the filer shall include an electronic signature submitted under the penalty of perjury.

.02 Acceptance of Electronic Signature.

After the person employing a lobbyist has registered with the State Board, the person shall use any State Board approved password generated by the person for filing statements of contributions.

LINDA H. LAMONE
STATE ADMINISTRATOR