

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Board of Elections
(DLS Control No. 16-014)**

Overview and Legal and Fiscal Impact

The regulation clarifies the deadline dates by which candidates that wish to seek public funds under the Public Financing Act must file with the State Board of Elections a notice of intent to seek public funding and a certification that the candidate has raised the requisite amount of seed money to qualify for public funds under the Act.

The regulation presents no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Board of Elections:

Administration of Public Financing Act:

Eligibility Requirements and Procedures: COMAR 33.14.02.04

Legal Analysis

Background

The Public Financing Fund provides public money for the election campaign of eligible gubernatorial tickets that voluntarily decide to participate in the Public Financing Act and qualify to do so by raising the requisite amount of seed money in accordance with the requirements of the Act.

Summary of Regulation

The regulation (1) specifies that a gubernatorial ticket under the Public Financing Act that chooses to participate only in the general election must file with the State Board a notice of intent to participate no later than the deadline date that petition candidates or candidates nominated by political parties that are not required to nominate their candidates by primary election must file a declaration of intent to participate in a general election (which, for gubernatorial tickets, is no later than 9 p.m. on the Monday that is 10 weeks or 70 days before the day on which the primary election will be held and is the same deadline date established for candidates to file a certificate of candidacy to participate in a primary election) and (2) specifies that a gubernatorial ticket under the Public Financing Act must file a certification with the State Board of Elections that the requisite

amount of seed money has been raised no later than 5 p.m. on the first Monday in August in the year of the general election.

Legal Issues

The regulation presents no legal issue of concern.

Statutory Authority and Legislative Intent

The State board cites §§ 2-102(b)(4) and 15-109(b) of the Election Law Article as statutory authority for the regulation. Section 2-102(b)(4) grants the State board broad authority to adopt regulations to implement its powers and duties. Section 15-109(b) requires the State board to adopt comprehensive regulations to implement Title 15 of the Election Law Article, the Public Financing Act for gubernatorial candidates.

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

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.

Contact Information

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