

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Board of Elections
(DLS Control No. 16-016)**

Overview and Legal and Fiscal Impact

The regulation includes provisions concerning disclosures by a person employing a lobbyist and making an applicable contribution, including (1) the deadline date by which a person must file a registration statement with the State Board of Elections; (2) the required statement of contributions; (3) the filing of a closeout report; (4) the amount of the late filing fee penalty for a report that is overdue; and (5) electronic signature requirements.

The regulation presents no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Board of Elections:

Disclosure by Persons Employing a Lobbyist:

Statement of Contributions: COMAR 33.21.01.01, .02, and .03

Penalties: COMAR 33.21.02.01

Electronic Signature Requirements: COMAR 33.21.03.01, and .02

Legal Analysis

Summary of Regulations

COMAR 33.21.01.01 requires a person employing a lobbyist and making an applicable contribution to file with the State Board of Elections, no later than the last day of the reporting period, a registration statement that identifies (1) the person employing the lobbyist; (2) the business address of the person employing the lobbyist; (3) the name, mailing address, and email address of (i) the principal officer of the business entity employing a lobbyist and (ii) an individual designated as the filer for the person employing lobbyist; and (4) the name and address of the lobbyist. After filing the registration statement, a person employing a lobbyist shall file a statement of contributions.

Under COMAR 33.21.01.02, the statement of contributions filed by the person employing a lobbyist and making applicable contributions must include:

- the name of the candidate to whom the applicable contribution was made or who benefited from the applicable contribution;

- the name of the political committee affiliated with the candidate or the independent expenditure entity that received the applicable contribution;
- if known, the elective office sought by the candidate, or if not known, the elective office held by the candidate;
- the aggregate applicable contributions attributed to the filer during the reporting period;
- the aggregate applicable contributions to date attributed to the filer during the election cycle in which the applicable contribution was made;
- if the applicable contribution was made by a person other than the filer but attributed to the filer:
 - the name and address of (1) the individual who made the applicable contribution or (2) the organization, business entity, union, or other legal entity that made the applicable contribution;
 - the amount of the applicable contribution; and
 - the date the applicable contribution was made;
- the transaction method of the applicable contribution and any other information on the transaction method required by the State Administrator; and
- 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.

COMAR 33.21.01.03 requires that once a person employing a lobbyist registers with the State Board, the person shall file a closeout statement of contributions to cease future reporting obligations. Failure to file a closeout statement of contributions shall require the person employing a lobbyist to file subsequent statements of contributions.

Finally, COMAR 33.21.02.01 provides that for each electronically filed statement of contributions, the filer shall include an electronic signature submitted under the penalty of perjury, and COMAR 33.21.02.02 specifies that 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.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The State board cites §§ 2-102(b)(4) of the Election Law Article and 5-716 of the General Provisions 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 5-716 requires a person to file a statement containing certain information with the State board to cover specified six month reporting periods if the person (1) spent at least \$500 to provide compensation to one or more regulated lobbyists and (2) made or caused to be made an applicable contribution in the cumulative amount of \$500 or more.

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 regulations have no impact on State or local governments. The Department of Legislative Services concurs. The regulations, in part, implement Chapter 198 of 2015, which authorizes the State board to impose fees for the late filing of a statement of contributions. The fiscal and policy note for Senate Bill 767 of 2015 (enacted as Chapter 198) included a potential negligible increase in revenues to the extent fees are imposed. These regulations should not have any independent impact.

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

Contact Information

Legal Analysis: Theodore E. King, Jr. – (410) 946/(301) 970-5350

Fiscal Analysis: Scott D. Kennedy – (410) 946/(301) 970-5510