

Title 33 State Board of Elections

Subtitle 13 Campaign Financing

Chapter 09 Electioneering Communication Requirements

Authority: Election Law Article, §§2-102(b)(4) and 13-307, and Title 13, Subtitle 4 Part I, Annotated Code of Maryland

.02 Registration.

A. – D. (text unchanged)

E. *Registered Agent.* The registration form shall be updated within 48 hours after the person making electioneering communication makes aggregate expenditures of \$50,000 or more in the election cycle with:

- (1) The name of the registered agent for the person making electioneering communication; and
- (2) The business address of the registered agent for the person making electioneering communication.

.06 Failure to File.

A. *Show Cause Notice.* If the State Board determines that there has been a failure to file an electioneering communication report or that the report does not include the information required by Election Law Article, § 13-307, Annotated Code of Maryland, the State Board shall issue a notice to the treasurer or other individual designated by an entity required to file the independent expenditure report.

B. *Contents of the Notice.* The notice shall state that, within 30 days:

- (1) The failure to file must be rectified; and
- (2) The late filing penalty must be paid or the person making the electioneering communication must show cause why the State Board should not issue a civil citation.

C. *Issuance of the Civil Citation.* If the person fails to respond the notice within 30 days of its issuance, the State Board shall issue a civil citation against the person making electioneering communication as specified in Election Law Article, §13-604.1, Annotated Code of Maryland.

.07 Waiver Request — Late Filing Fees.

A. *Availability.* A person making electioneering communication may request a waiver of the penalty for the late filing of the electioneering communication report.

B. *Requirements.*

- (1) A request to waive the late fee penalty shall be made in writing and filed with the State Administrator.
- (2) The request shall include:
 - (a) The name, address, and telephone number of the person making the electioneering communication;
 - (b) A detailed statement of the facts explaining why the person making the electioneering communication failed to timely file a statement of contributions; and
 - (c) A history of past compliance activity regarding the person making electioneering communication.

C. *Consideration and Determination.*

- (1) With the approval of the State Board, the State Administrator may waive the late filing penalty for just cause.
- (2) The State Administrator may deny a waiver request without notice or hearing.
- (3) The decision of the State Administrator on the waiver request shall be in writing.

D. *Issuance of the Civil Citation.* If payment of the penalty for the failure to file has not occurred within 30 days after the decision of the State Administrator, the State Board shall issue a civil citation against the person making the electioneering communication as specified in Election Law Article, §13-604.1, Annotated Code of Maryland.

.08 Public Communication.

A person, or an agent of the person, that establishes, creates, uses, or maintains a social media account, micro-blog or website for disseminating campaign material that is an electioneering communication shall attribute all such costs to the person making electioneering communications in determining the aggregate amount of the electioneering communication. The total shall include all costs associated with the establishment, creation, use, promotion or maintenance of the social media account, micro-blog or website, including payments to others for the design, promotion or content of the campaign material.

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STATE ADMINISTRATOR