

# **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 Contributions.**

*A. Attributed Contributions. Any contribution or donation, regardless of the amount, that is made to a political committee or independent expenditure entity by an officer, director, or partner of a business entity doing public business shall be attributed to the business entity for reporting purposes under Title 14 of the Election Law Article.*

*B. Contributions by Other Persons. Any contribution or donation, regardless of the amount, to a political committee or independent expenditure entity that is made at the suggestion or direction of the business entity, or an officer, director, or partner of the business entity by an employee, agent or other affiliated person of the business entity shall be attributed to the business entity for reporting purposes under Title 14 of the Election Law Article.*

*C. Subsidiary. Any contribution or donation made to a political committee or independent expenditure entity by a subsidiary of the filer shall be attributed to the filer.*

*D. Attributed Contributions for Subsidiary. Any contribution or donation, regardless of the amount, that is made to a political committee or independent expenditure entity by an officer, director, or partner of a subsidiary of the filer shall be attributed to the filer for reporting purposes under Title 14 of the Election Law Article.*

*E. Other Employees of the Subsidiary. Any contribution or donation made by an employee, agent or other affiliated person of the subsidiary, regardless of the amount, to a political committee or independent expenditure entity is attributed to the filer for reporting purposes under Title 14 of the Election Law Article, if made at the suggestion of:*

- (1) The filer, including officers, directors or partners of the filer;*
- (2) The subsidiary of the filer; or*
- (3) The officer, director, or partner of a subsidiary of the filer.*

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

*(1) Contributions made prior to the acquisition or merger by the acquired, merged, or newly owned or controlled business entity, including by its officers, directors and partners, will not be attributed to the filer; and*

*(2) Contributions made during the reporting period by the acquired, merged, or newly owned or controlled business entity, including by its officers, directors or partners, will be attributed to and reported by the filer.*

*G. Contributions Made "At the Suggestion or Direction of" Directors, Partners, or Officers of a Business Entity. An act or communication by a director, a partner or an officer of the business entity to an employee, agent or other affiliated person of the business entity that a reasonable person would understand to be a solicitation or request for a contribution to a political committee affiliated with a candidate or a donation to an independent expenditure entity shall be*

considered a suggestion for a contribution or donation and any contribution or donation that results from the suggestion must be reported by the filer.

*H. Email Solicitation.* An officer, director or partner of a business entity doing public business who initiates, or forwards to an employee, agent or other affiliated person of the business entity, an email solicitation or similar request for a contribution to a political committee affiliated with a candidate or a donation to an independent expenditure entity shall be considered to have made a suggestion for a contribution or donation and any contribution or donation that results from the suggestion must be reported by the filer..

*I. Endorsements.* Acts or communications by officers, directors, or partners of a business entity that endorse a candidate, display public support for a candidacy, or express public support through social media are not, by themselves, suggestions for contributions or donations to a candidate that are attributable to the business entity.

## **.02 Report to Chief Executive Officer or Designee.**

### *A. Notify Employees.*

(1) Except as provided for in §C of this regulation, the chief executive officer or a designee of the chief executive officer of a business entity doing public business shall notify the persons covered under this chapter of this regulation that contributions and donations made from the persons covered must be reported to the chief executive officer or the designee of the chief executive officer no later than 5 business days after the last day of the reporting period.

(2) A business entity that requires the persons covered under this chapter to preclear their contributions through a legal or compliance department shall be deemed to satisfy the notice requirement if the preclearance policy is:

- (a) In writing; and
- (b) Annually reviewed by the covered employees.

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

### *C. Exemption from Notification.*

(1) The chief executive officer, or the officer's designee, is not required to notify officers, directors, partners or employees of a subsidiary that does not itself do public business if the business entity doing public business has a written and well publicized policy prohibiting officers, directors, or partners from making contributions or donations for State elections.

(2) The policy must be:

- (a) In writing; and
- (b) Annually reviewed by the covered employees.

(3) The business entity shall provide the State Board a copy of the:

- (a) Written policy;
- (b) The subsidiaries to which the policy applies;
- (c) A description of how the policy is delivered to the covered employees subject to the

policy; and

(d) A statement that the business entity is not aware of any violations of the policy.

(4) The policy must be submitted to the State Board annually, no later than the due date for the first semi-annual statement of contributions filing of that year by the person doing public business.