

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Board of Elections
(DLS Control No. 14-033)**

Overview and Legal and Fiscal Impact

This regulation clarifies the process the State Administrator of Elections, in consultation with each local board of elections, must use when determining the number of voting units that should be assigned to each polling place in a regularly scheduled primary and general election.

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:

Voting Systems – System Requirements and Procedures: AccuVote-TS:
COMAR 33.10.02.07

Legal Analysis

Background

Under the current regulation concerning the allocation of equipment and supplies at polling places for a regularly scheduled primary and general election, each local board must provide (1) the greater of: (i) one voting unit for each 200 registered voters assigned to a precinct, plus an additional voting unit for every fractional part of that number; or (ii) two voting units; and (2) at least one voting unit with accessible voting equipment to accommodate voters with disabilities. In addition, the regulation specifies that a local board must reduce the number of registered voters assigned to a precinct by the overall percentage of voters that the State Administrator of Elections estimates will turn out during early voting.

Summary of Regulation

The proposed regulation alters the requirements for the number of voting units that must be allocated to each polling place during each regularly scheduled primary and general election and establishes a more flexible allocation standard. Under the regulation, the State Administrator, in consultation with the local boards, determines the number of voting units to be allocated to each early voting center by considering an expanded list of factors, including (1) the estimated daily turnout for early voting and absentee voting; (2) historical turnout for each precinct; (3) the length of the ballot; and (4) any other factor deemed to impact turnout and the length of time to vote.

Legal Issue

The regulation presents no legal issue of concern.

Statutory Authority and Legislative Intent

The State Board of Elections cites §§ 2-102(b)(4), 2-202(b), 9-102(b) and (i), 11-308, and 11-403(a)(1) of the Election Law Article as authority for the regulation. Section 2-102(b)(4) grants the board broad authority to adopt regulations to implement its powers and duties. Section 2-202(b) grants local boards of elections broad authority to oversee elections. The other statutory citations are generally irrelevant and unnecessary. More relevant authority may also be found in § 10-302, which requires a local board to provide for the delivery to each polling place of the supplies, records, and equipment necessary for the conduct of the election, but which is not necessary to support this action. 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

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

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