

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	04/28/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 6/13/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

33 01 05 .06

3. Name of Promulgating Authority

State Board of Elections

4. Name of Regulations Coordinator Telephone Number
Erin Perrone 410-269-2845

Mailing Address

151 West Street

City State Zip Code
Annapolis MD 21401

Email
erin.perrone@maryland.gov

5. Name of Person to Call About this Document Telephone No.
Nikki B. Charlson 410-269-2843

Email Address
nikki.charlson@maryland.gov

6. Check applicable items:
 New Regulations

X- Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: 04/21/2014.

- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval
- Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes **X-** No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

X- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Jeffrey Darsie, Assistant Attorney General, (telephone #410-576-6356) on 04/17/2014. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Linda H. Lamone

Title

State Administrator

Date

04/28/2014

Telephone No.

410-269-2840

STATE BOARD OF ELECTIONS

Subtitle 01 DEFINITIONS; GENERAL PROVISIONS

33.01.05 Administrative Complaint Procedures

Authority: Election Law Article, §§2-102(b)(4) and 2-202(b), Annotated Code of Maryland; 42 U.S.C. §15512(a)

Notice of Proposed Action

□

The State Board of Elections proposes to amend Regulation .06 under COMAR 33.01.05 Administrative Complaint Procedure.

This action was considered by the State Board of Elections at its April 24, 2014 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to define when the State Board is required to conduct a hearing. The Help America Vote Act requires that a complainant be offered a hearing for alleged violations of Title III of the Act, and this requirement is preserved in section C(1)(a). The new (b) gives the State Administrator authority to determine whether a hearing is necessary to decide a complaint regarding a non-Title III requirement for provisional voting and an action of a local board regarding voter registration. It is intended to remove any ambiguity about whether the Administrator's decision is needed for both types of hearings and to avoid limiting the Administrator's discretion where testimonial evidence is offered.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

The proposed changes to 33.01 could result in a negative fiscal impact for SBE. Since we have some discretion on whether to conduct a hearing, we could have savings by not having one.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:		
() Contractual Services	(E+)	Less than \$500.00
	NONE	

- B. On other State agencies: NONE
- C. On local governments: NONE

Benefit (+) Cost (-)	Magnitude
-------------------------	-----------

- D. On regulated industries or trade groups: NONE
- E. On other industries or trade groups: NONE
- F. Direct and indirect effects on public: NONE

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A(). If a hearing occurs, State Board of Elections pays a consultant for hours, travel, and any expenses incurred. If a hearing is not held, then State Board of Elections saves those expenditures.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401-0486, or call 410-2569-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through July 13, 2014. A public hearing has not been scheduled.

Economic Impact Statement Part C

- A. Fiscal Year in which regulations will become effective: FY 14
- B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?
No
- C. If 'yes', state whether general, special (exact name), or federal funds will be used:
- D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:
No funds are necessary to implement these regulations.
- E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

These regulations do not impact small business as they are technical and administrative in nature,

G. Small Business Worksheet:

Attached Document:

Title 33 State Board of Elections

Subtitle 01 Definitions; General Provisions

Chapter 05 Administrative Complaint Procedure

Authority: Election Law Article, §§2-102(b)(4) and 2-202(b), Annotated Code of Maryland; 42 U.S.C. §15512(a)

.06 Complaint — Consolidation, Record, Hearing, and Determination. (3/18)

A. – B. (text unchanged)

C. Hearing.

(1) [At the request of the complainant, the] *The* State Board shall conduct a hearing on the record *if*:

(a) The complainant is alleging a violation of any provision of Title III of the Help America Vote Act of 2002, 42 U.S.C. §§ 15481 et seq.; or

(b) The State Administrator determines that a hearing is necessary to decide a complaint alleging a violation of any provision of the Election Law Article, Annotated Code of Maryland, relating to provisional ballots or an action of a local board regarding voter registration.

(2) – (20) (text unchanged)

D. (text unchanged)