

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	05/29/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 7/10/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

33 21 01 01, .02, .03

3. Name of Promulgating Authority

State Board of Elections

4. Name of Regulations Coordinator

Erin Perrone

Telephone Number

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

Nikki B Charlson

Telephone No.

410-269-2843

Email Address

nikki.charlson@maryland.gov

6. Check applicable items:

- New Regulations

Amendments to Existing Regulations

 Date when existing text was downloaded from COMAR online: .

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 - 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

- 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 05/21/2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Linda H. Lamone

Title

State Administrator

Telephone No.

410-269-2840

Date

05/28/2015

Title 33
STATE BOARD OF ELECTIONS
Subtitle 21 SPECIAL ELECTIONS BY MAIL

33.21.01 Definitions; General Provisions

Authority: Election Law Article, §§2-102(b)(4), 9-501 and 9-506, Annotated Code of Maryland; 42 U.S.C. §1973ff-6.

Notice of Proposed Action

[]

The State Board of Elections proposes to adopt Regulations .01, .02 and .03 under COMAR 33.21.01 Definitions; General Provisions.

This action was considered by the State Board of Elections at its May 28, 2015 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 terms, specify the elections to which the regulations apply, the laws that apply to a special election, and how public notice of the special election is to be provided.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

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, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through August 10, 2015. A public hearing has not been scheduled.

Economic Impact Statement Part C

- A. Fiscal Year in which regulations will become effective: FY 16
- 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:
- These regulations are technical and administrative in nature.
- 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 21 Special Elections by Mail

Chapter 01 Definitions; General Provisions

Authority: Election Law Article, §§2-102(b)(4), 9-501 and 9-506, Annotated Code of Maryland; 42 U.S.C. §1973ff-6.

.01 Definitions.

- A. In this subtitle, the following terms have the meanings indicated.
- B. Terms Defined.
- (1) "Absent uniformed services voter" has the meaning stated in 42 U.S.C. §1973ff-6.
- (2) "Address of record" means the address where the vote-by-mail ballot is sent.
- (a) If the voter has a mailing address in the statewide voter registration system, the address of record is the voter's mailing address.
- (b) If the voter does not have a mailing address in the statewide voter registration system, the address of record is the voter's residential address.
- (3) "Local special election" has the meaning stated in Election Law Article, §9-501, Annotated Code of Maryland.
- (4) "Overseas voter" has the meaning stated in § 42 U.S.C. §1973ff-6.
- (5) Regular Ballot.

- (a) "Regular ballot" means a ballot that is voted and counted at a voting center.
- (b) "Regular ballot" does not include a provisional ballot.
- (6) "Request for vote-by-mail ballot" means the form used to request a vote-by-mail ballot be sent to an address other than the address of record or by electronic transmission.
- (7) "Vote-by-mail ballot" means a ballot required by Election Law Article, §9-502, Annotated Code of Maryland.
- (8) "Voter" means a registered voter who is eligible to vote in the special election.

.02 Scope.

- A. Applicability. This subtitle applies if a special election by mail is directed by:
 - (1) The Governor in the proclamation issued under Election Law Article, §8-710, Annotated Code of Maryland; or
 - (2) A county council or board of county commissioners by resolution under the applicable local law.
- B. Conduct of Election.
 - (1) Except as provided in §C of this regulation, a local board shall conduct a special election by mail in accordance with all applicable federal and State election laws and regulations.
 - (2) A local board may not offer voter registration or address changes after the deadline established in the proclamation or resolution.

.03 Notice.

- A. Required Notice. The local board shall provide notice of the special election by:
 - (1) Publishing or disseminating by mass communication no later than two calendar weeks before the special election;
 - (2) Posting information on the local board's website and social media outlets;
 - (3) Issuing a media and press release.
- B. Additional Notice. The State Administrator may require the local board to provide additional notice if a local board is conducting its first special election by mail.
- C. Contents of Notice. The notice shall include information about how a voter can vote by mail and the locations, days and hours for voting in person.
- D. Specimen Ballot. The local board is not required to mail specimen ballots.