

MARYLAND REGISTER

## Proposed Action on Regulations

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	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 02 01, .02

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**

**33.21.02 Request for Vote-by-Mail Ballot**

Authority: Election Law Article, §§2-102(b)(4), 9-501, 9-502, and 9-506, Annotated Code of Maryland.

**Notice of Proposed Action**

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The State Board of Elections proposes to adopt Regulations .01 and .02 under COMAR 33.21.02 Request for Vote-by-Mail Ballot.

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 clarify how certain voters will request a vote-by-mail ballot.

**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](mailto: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:

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## **Title 33 State Board of Elections**

### **Subtitle 21 Special Elections by Mail**

#### **Chapter 02 Request for Vote-by-Mail Ballot**

Authority: Election Law Article, §§2-102(b)(4), 9-501, 9-502, and 9-506, Annotated Code of Maryland

##### **.01 In General.**

A. No Request Required. Except as provided in §B of this regulation, a voter is not required to submit a request for a vote-by-mail ballot to receive a vote-by-mail ballot.

B. When Request Required – In General. Except as provided in §C of this regulation, a voter shall submit a request for a vote-by-mail ballot if the voter wants to receive the ballot:

(1) At an address other than the voter's address of record; or

(2) Via electronic transmission as defined in COMAR 33.11.01.01B(3).

C. When Request Required – Exception. If an absent uniformed services voter or an overseas voter previously submitted an absentee ballot application in the same calendar year as the special election and requested that the absentee ballot be sent to an address other than the voter's address of record or sent via electronic transmission, the absent uniformed services voter or overseas voter is not required to submit a request for a vote-by-mail ballot.

D. Additional Request Methods. A voter may submit an informal written request for a vote-by-mail ballot as long as the request meets the requirements of COMAR 33.11.02.03.

E. In-Person Request. A local board may accept from a voter or a voter's agent an in-person request for a vote-by-mail ballot.

**.02 Request Deadline.**

If a voter submits a request for a vote-by-mail ballot under Regulation .01B, a voter must submit the request:

A. On or before 8 p.m. on the Tuesday before the special election if the voter wants the vote-by-mail ballot by mail or fax; or

B. On or before 11:59:59 p.m. on the Tuesday before the special election if the voter wants the vote-by-mail ballot by Internet.