

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 04 01, .02, .03, .04, .05, .06

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**

**33.21.04 Voting Centers**

Authority: Election Law Article, §§2-102(b)(4), 9-501, 9-503, 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, .02, .03, .04, .05, and .06 under COMAR 33.21.04 Voting Centers.

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 the definition of voting centers and the requirements, security plans, and supply distribution to voting centers.

**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 04 Voting Centers**

Authority: Election Law Article, §§2-102(b)(4), 9-501, 9-503, and 9-506, Annotated Code of Maryland

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

A. Number of Voting Centers. The local board shall establish at least one voting center for a special election.

B. Location.

(1) A voting center shall be located at the local board office or another location within the constituency where the special election is being held.

(a) The public official responsible for the use of any public building requested by the local board for a voting center shall make available to the local board, without charge, the space that is needed in the building for the proper conduct of an election.

(b) Light, heat, and custodial and janitorial services for the space shall be provided to the local board without charge.

C. Days and Hours. Except as provided in the proclamation issued by the Governor directing that the special election be conducted by mail or Regulation .02 of this chapter, a voting center shall be open for voting each day beginning 6 days before the day of a special election through the day of the special election during the hours between:

- (1) 10 a.m. and 8 p.m. Monday through Saturday; and
- (2) 12 noon and 6 p.m. on Sunday.

D. Applicability. All federal and state laws, regulations, and procedures that apply to voting during early voting and on election day apply to voting at a voting center.

#### **.02 Montgomery County Requirements.**

A. Applicability. This regulation only applies to a local special election in Montgomery County.

B. Location of Voting Centers. The local board shall establish:

- (1) For a special election held in a single county council district, at least one voting center in the county council district where the special election is being held; or
- (2) For a countywide special election, at least one voting center shall be established in each county council district.

C. Voting Times. A voting center shall be open the days and hours that the county council specified in the resolution issued under Election Law Article, §9-501(d)(2), Annotated Code of Maryland.

#### **.03 Minimum Requirements.**

A. Minimum Requirements. A local board shall ensure that each voting center:

- (1) Has the statewide voting system for polling place voting, including an accessible device for voters with disabilities;
- (2) Provides for provisional voting in accordance with Election Law Article, Subtitle 4, Annotated Code of Maryland;
- (3) Has the minimum amount of voting equipment as provided in Regulation .06 of this chapter; and
- (4) Satisfies the requirements of Election Law Article, §10-101, Annotated Code of Maryland and accommodates the technical requirements to conduct an election.

B. Local Board Office. If a local board office is a voting center, the local board office must be:

- (1) Located in the district where the special election is being held;
- (2) Accessible for voters with disabilities; and
- (3) Satisfy the requirements of Election Law Article, §10-101, Annotated Code of Maryland.

#### **.04 Selecting Voting Centers.**

A. Form for Proposed Voting Centers.

- (1) The State Board shall prescribe a form for a local board to use to provide information about a proposed voting center.
- (2) Except as provided in §A(3) of this regulation, the local board shall use the form prescribed by the State Board.
- (3) If the local board intends to use:
  - (a) The local board's office as the voting center for any special election, the local board shall certify that the local board office complies with Election Law Article, § 10-101, Annotated Code of Maryland; or
  - (b) A voting center approved under COMAR 33.17.02.02F, the local board shall provide the State Administrator with the name and address of the approved voting center the local board intends to use as a voting center for the special election.

B. Form Submission for Proposed Voting Centers. At least 45 days before a special election, the local board shall submit to the State Administrator:

- (1) A form for each proposed voting center;
- (2) A certification that the local board's office complies with Election Law Article, §10-101, Annotated Code of Maryland; or
- (3) The name and address of the approved voting center that the local board is proposing to use as the voting center for the special election.

C. State Administrator Approval.

- (1) Upon receipt of a form for a proposed voting center, the State Administrator shall review the form or certification and determine whether the proposed voting center is sufficient.
- (2) Within 3 business days of receiving the form, the State Administrator shall notify the local board of the State Administrator's decision.

#### **.05 Security Plan for Voting Center.**

A. Security Plan Required. For the proposed voting center, an election director shall submit to the State Administrator a security plan for approval.

B. Contents of Plan.

(1) The security plan shall describe in detail how a local board will keep voting equipment, electronic pollbooks, ballots, and other election equipment and supplies secure during voting and non-voting hours.

(2) The plan shall include:

(a) A description of each entrance, including windows, to the area where equipment and supplies will be secured during non-voting hours and how the entrance is secured;

(b) The names and titles of all individuals who have a key or keys to the room where equipment and supplies will be secured during non-voting hours;

(c) A description of existing building security, such as alarms and closed circuit or Internet accessible cameras, and armed and unarmed guards at the facility; and

(d) Any additional security measures that will be taken during voting and non-voting hours.

(3) At the request of the State Administrator or when it is considered necessary, an election director shall:

(a) Review and update the security plan; and

(b) If updated, submit within 2 days of updating the plan a copy of the updated plan to the State Administrator.

C. Review and Acceptance of Plan.

(1) The State Administrator shall review a local board's security plan and may require a local board to make changes to the plan, including implementing additional security measures.

(2) Within 3 days of receiving the security plan, the State Administrator shall provide to the local board any feedback.

(3) A local board shall update its plan according to the feedback provided by the State Administrator.

#### **.06 Allocation of Equipment, Personnel, and Supplies.**

A. Submission of Allocation Plan. The local board shall submit to the State Administrator a plan for the allocation of equipment, personnel, and supplies.

B. Plan Development. The State Administrator shall assist the local board with the allocation plan.

C. Plan Requirements. The plan shall include the proposed number of:

(1) Voting units, including accessible voting devices;

(2) Electronic pollbooks;

(3) Election judges; and

(4) Provisional ballot applications.

D. Plan Submission and Approval.

(1) At least 45 days before a special election, the local board shall submit to the State Administrator the proposed allocation plan.

(2) Upon receipt of the proposed allocation plan, the State Administrator shall:

(a) Review the plan and determine whether the proposed allocation plan is sufficient; and

(b) Within 3 business days of receiving the form, notify the local board of the State Administrator's decision.

(3) If the State Administrator determines that the plan is insufficient, the local board shall submit within 3 business days of receiving the State Administrator's decision a revised plan.

LINDA H. LAMONE  
STATE ADMINISTRATOR