

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 08 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

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erin.perrone@maryland.gov

5. Name of Person to Call About this Document

Nikki B. Charlson

Telephone No.

410-269-2843

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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 May 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

33.21.08 Post-Election Activities

Authority: Election Law Article, §§2-102(b)(4), 9-403, 9-501, 9-506, 11-201, and 11-302, 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 33.21.08 Post-Election Activities.

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 explain post-election activities, including post-election verification and audit and the release of the voting system.

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 regulation 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 08 Post-Election Activities

Authority: Election Law Article, §§2-102(b)(4), 9-403, 9-501, 9-506, 11-201, and 11-302, Annotated Code of Maryland

.01 Post-Election Verification and Audit.

- A. *Purpose. The purpose of the post election verification and audit program is to:*
- (1) Demonstrate and confirm the accuracy of the voting system's tabulation logic;*
 - (2) Ensure that each accepted vote-by-mail ballot and provisional ballot met the acceptance criteria and conversely that rejected ballots did not meet the criteria;*
 - (3) Confirm that the number of ballots cast in a voting center equals the number of voters who checked-in to vote at the voting center;*
- B. *Verification and Audit Program.*
- (1) The State Administrator shall establish a post-election verification and audit program for special elections conducted by mail.*
 - (2) A local board shall perform the post-election verification and audit developed by the State Administrator.*

.02 Release of Voting System.

Once secured, as required by COMAR 33.10, no part of the voting system may be released except:

A. As specifically authorized by law; or

B. On the written authorization of the:

(1) State Administrator for state contests; or

(2) Election Director for county contests.

LINDA H. LAMONE
STATE ADMINISTRATOR