

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	09/02/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 10/16/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

33 16 02 01, .03, .04, .05, .06

3. Name of Promulgating Authority

State Board of Elections

4. Name of Regulations Coordinator

Erin Perrone

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410-269-2845

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5. Name of Person to Call About this Document

Nikki Charlson

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6. Check applicable items:

- New Regulations
 - Amendments to Existing Regulations
 - Date when existing text was downloaded from COMAR online: 08/10/2015.
 - 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 07/10/2015. 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

08/27/2015

Title 33
STATE BOARD OF ELECTIONS

Subtitle 16 PROVISIONAL VOTING

33.16.02 Provisional Voting Documents and Supplies

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-305(e), 9-402, 9-403, 9-404, 9-406, and 11-303(c) and (e), Annotated Code of Maryland.

Notice of Proposed Action

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The State Board of Elections proposes to amend Regulations .01, .03, .06 under COMAR 33.16.02 Provisional Voting Documents and Supplies.

This action was considered by the State Board of Elections at its August 27, 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 the need for a new regulation - Regulation .03 - requiring a unique provisional ballot application for individuals who want to register to vote or make an address change during early voting but are not eligible to vote a regular ballot. The proposed language in Regulation .03 tracks the current language for the special provisional ballot application used during extended voting hours.

SBE's changes to the electronic pollbook software will make the provisional voting process more efficient for voters and the local boards. The pollbook will print more information (rather than the voter writing it), and this information will be affixed to the new application. The document printed by the pollbook will include a barcode to provide an automated way for the local boards to find the appropriate record in MDVOTERS.

The proposed language also allows the local board to combine the provisional voting station and the same day registration and address change station. By adding a new Regulation .03, the regulations must be renumbered.

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 11/16/2015. 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 16 Provisional Voting

Chapter 02 Provisional Voting Documents and Supplies

.01 Provisional Ballot Application.

A. Provisional Ballot Application. Except as required in Regulation .02 *and* .03 of this chapter, the provisional ballot application shall include:

(1) – (4) (text – unchanged)

B. – C. (text unchanged)

.03 Same Day Registration and Address Change Documents.

A. *Special Provisional Ballot Application.* The special provisional ballot application for same day registration and address changes during early voting shall include a place to affix the voter's registration and oath document.

B. *Use by Local Board.* Each local board shall use the special provisional ballot application prescribed by the State Administrator.

C. *Instructions.* The State Administrator shall provide a local board with instructions for election judges on the procedures for same day registration and address changes during early voting.

D. *Number of Special Provisional Ballot Applications.* Each local board shall provide special provisional ballot applications in an amount at least equal to the quantities specified by the State Administrator.

[.03].04 – [.04].05 (text unchanged)

[.05].06 Other Supplies.

A. – B. (text unchanged)

C. *During early voting, a local board may combine the provisional voting station with the same day registration and address change station.*

LINDA H. LAMONE
STATE ADMINISTRATOR