

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
State Board of Elections**
(DLS Control No. 15-199)

Overview and Legal and Fiscal Impact

The regulation provides that same-day registration and address changes may occur only during early voting before regularly scheduled elections, not during special elections. Same day party affiliation changes are also prohibited.

This regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

State Board of Elections:

Violations: Definitions; General Provisions: COMAR 33.19.01.01 and .02

Legal Analysis

Background

Chapters 157 and 158 of 2013 require that qualified individuals be allowed to register to vote and cast a ballot on the same day during the early voting period. The law also requires that individuals be allowed to change an address on an existing voter registration and cast a regular ballot instead of a provisional ballot during early voting. Currently, voters who have moved without updating their voter registration record are generally required to cast a provisional ballot. Chapters 157 and 158 take effect January 1, 2016 and apply only to voting at early voting centers. Same-day registration and address changes are not allowed at polling places on Election Day.

Summary of Regulations

The regulation provides that same-day registration and address changes may occur only during early voting before regularly scheduled elections, not during special elections. Same day party affiliation changes are also prohibited.

Legal Issue

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The State Board of Elections cites §§ 2-102(b)(4), 2-202(b), and 3-305(e) of the Election Law Article as statutory authority for these regulations. Section 2-102(b)(4) grants the State board broad authority to adopt regulations to implement its powers and duties. Chapters 157 and 158 of 2013 enacted § 3-305, which requires that same-day registration and changes of address be allowed during early voting. Under § 3-305(e), the State board is authorized to “adopt regulations and procedures in accordance with the requirements of this section for the administration of voter registration during early voting.” In § 3-305, same-day registration and address changes only occur during early voting. Under § 10-301.1, early voting only occurs before “any regularly scheduled primary or general election,” not a special election. In addition, § 3-305 clearly does not contemplate same-day party affiliation changes. That section makes no mention of party affiliation changes, and Chapters 157 and 158 did not amend § 3-303, which prohibits party affiliation changes when registration is closed. In contrast, Chapters 157 and 158 did amend § 3-302 to allow individuals to register to vote during early voting when registration is otherwise closed.

The remaining cited authority is not relevant for these regulations.

The relevant cited authority is correct and complete. The regulation complies with the legislative intent of the law.

Technical Corrections and Special Notes

In response to suggestions from the Department of Legislative Services, the State board agrees to update the Statement of Purpose to clarify that the regulation applies to early voting.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The State Board of Elections advises that the regulations have no impact on State or local governments. The Department of Legislative Services concurs. The regulations (along with other proposed regulations) implement Chapters 157 and 158 of 2013. The fiscal and policy notes for Senate Bill 279 and House Bill 224 of 2013 (enacted as Chapters 157 and 158) included costs for additional election judges (borne by local governments) and for pollbook programming (assumed, in the fiscal and policy notes, to be shared by the State and local governments) to implement voter registration and voter registration address changes during early voting. These regulations should not have an independent fiscal impact.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The State Board of Elections advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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