

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
State Board of Elections
(DLS Control No. 15-200)**

Overview and Legal and Fiscal Impact

The regulation contains the minimum requirements for public notice regarding same day registration and address changes.

The regulation presents no legal issues of concern.

Limited additional local government expenditures may be incurred that were not accounted for in the fiscal and policy notes for the bills establishing voter registration and voter registration address changes during early voting (which this regulation implements).

Regulation of COMAR Affected

State Board of Elections:

Same Day Registration and Address Changes: Public Notice: COMAR 33.19.02.01

Legal Analysis

Background

Chapters 157 and 158 of 2013, which take effect January 1, 2016, allow for individuals to register to vote and change voter addresses during early voting.

Summary of Regulation

The regulation requires the State Administrator of Elections to send a pre-election mailing to each pre-qualified voter before the close of registration for each election. The regulation also requires a local board of elections to include in each specimen ballot information about how a voter can change his or her address during early voting.

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 the regulation. More specifically, § 2-102(b)(4) requires the State board to adopt regulations to implement its powers and duties. Section 2-202(b) requires each local board, in accordance with the Election Law Article and regulations adopted by the State board, to oversee the conduct of all elections held in its county and provide to the general public timely information and notice concerning voter registration. Section 3-305(e), which takes effect January 1, 2016, requires the State board to adopt regulations and procedures for the administration of voter registration during early voting.

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

Fiscal Analysis

Limited additional local government expenditures may be incurred that were not accounted for in the fiscal and policy notes for the bills establishing voter registration and voter registration address changes during early voting (which this regulation implements).

Agency Estimate of Projected Fiscal Impact

The State Board of Elections advises that the regulation has no impact on State or local governments. The Department of Legislative Services disagrees. The regulation (along with other proposed regulations) implements 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 epollbook 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. The public notice requirements in this regulation, however, may require a limited amount of additional local government expenditures that were not accounted for in the fiscal and policy notes for Senate Bill 279 and House Bill 224 of 2013.

The regulation requires local boards of elections to include information about how a voter can change his or her address during early voting in each specimen (sample) ballot mailed to registered voters. Nineteen of the 24 local boards of elections provided information on expected specimen ballot costs to the Department of Legislative Services prior to the 2014 primary election, with those costs totaling almost \$800,000 (for just the 2014 primary), ranging from \$2,500 in Kent County to more than \$178,000 in Montgomery County. This regulation may increase specimen ballot costs for the 2016 and future elections for local boards of elections, though likely by not more than a small percentage.

The public notice requirement applicable to the State Board of Elections can be handled with existing resources.

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 regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

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