

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 19 03 01, .02, .03, .04

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: .

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.

4100-269-2840

Date

08/27/2015

Title 33

STATE BOARD OF ELECTIONS

Subtitle 19 SAME DAY REGISTRATION AND ADDRESS CHANGES

33.19.03 Election Judges

Authority: Election Law Article, §§2-102(b)(4), 2-202(b) and 3-305(e), Annotated Code of Maryland.

Notice of Proposed Action

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The State Board of Elections proposes to adopt Regulations .01, .02, .02 and .04 under COMAR 33.19.03 Election Judges.

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 requirement of a primary and back-up election judge for same day registration and address changes, establish restrictions on using local board employees as judges, and define the judges' duties and training requirements. Regulation .01A(3) requires each local board to hire one election judges to serve as a "greeter judge" to direct voters to the appropriate check-in station. Regulation .01C provides an exemption for those local boards that do not think that a greeter judge is necessary and establishes the process for requesting an exemption and reviewing the request. The training requirements mirror the training requirements for early voting and election day.

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 19 Same Day Registration and Address Changes

Chapter 03 Election Judges

Authority: Election Law Article, §§2-102(b)(4), 2-202(b) and 3-305(e), Annotated Code of Maryland

.01 In General.

- A. Number of Election Judges. A local board shall designate:
- (1) One election judge who will be primarily responsible for same day registration and address changes;
 - (2) One election judge who will serve as a back-up to the primary election judge; and
 - (3) Except as provided in §C of this regulation, one election judge who greets voters as they arrive and directs them to the appropriate check-in line.
- B. Party Affiliation. To the extent practicable, the primary and back-up election judges shall be of different political parties.
- C. Exception.
- (1) If a local board does not believe that the election judge described in §A(3) of this regulation is necessary at an early voting center, the local board may request that the State Administrator exempt the local board from designating an election judge for this purpose.
 - (2) A local board shall submit the request no later than three months before an election.
 - (3) The State Administrator shall respond to the request within five business days of receipt.

.02 Local Board Employees.

If a local board appoints an employee to serve as the primary or back-up election judge for same day registration and address changes, the employee may not perform any duties other than those of an election judge.

.03 Duties of Election Judges.

- A. Required Duties. Election judges assigned to same day registration and address changes shall perform the tasks identified in the judges' manual or supplement required in Regulation .04.
- B. Other Duties. The election judges assigned as the primary and back-up election judges may also serve as the election judge facilitating provisional voting.

.04 Training of Election Judges.

- A. Required Materials. The State Administrator shall develop and issue for the local boards:
- (1) A judges' manual or supplement for same day registration and address changes;
 - (2) Instruction sheets summarizing procedures for same day registration and address changes; and
 - (3) A curriculum for training election judges assigned to same day registration and address changes.
- B. Development of Manual. The State Administrator shall comply with the process established in COMAR 33.02.03 for developing the judges' manual or supplement for same day registration and address changes.
- C. Use of Training Materials. Each local board shall use the manual or supplement, instruction sheets, and curriculum approved by the State Administrator.
- D. Judges' Training Session. Each election director shall:
- (1) Prepare and conduct training classes for election judges in accordance with COMAR 33.02.03.04; and
 - (2) Conduct separate training classes for election judges assigned to same day registration and address changes.
- E. Attendance Mandatory. The provisions to COMAR 33.17.05.03E apply to election judges assigned to same day registration and address changes.

LINDA H. LAMONE
STATE ADMINISTRATOR