

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
State Board of Elections
(DLS Control No. 15-202)**

Overview and Legal and Fiscal Impact

The regulations delineate the circumstances under which an election judge is to issue a voter a regular ballot or a provisional ballot at an early voting center during early voting.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

State Board of Elections:

Violations: Processing New Registrants and Address Changes:
COMAR 33.19.04.01, .02, .03

Legal Analysis

Background

Voter registration is conducted continuously but is closed from 9 p.m. on the twenty-first day preceding an election until the eleventh day after that election. In general, a voter registration application that is mailed or submitted when registration is closed is accepted and retained but does not become effective until registration reopens. However, beginning in 2016, an individual will be able to register to vote, or change the voter's address on an existing registration, during early voting, and then vote at that early voting center, provided the person shows proof of residency.

Summary of Regulation

The regulations specify that an election judge shall issue a voter a regular ballot if the individual (1) is a prequalified voter and (2) provides proof of residency in the county where the individual is attempting to register and vote. However, an election judge must issue a voter a provisional ballot if the individual (1) is not a pre-qualified voter or (2) cannot provide proof of residency in the county where the individual is attempting to register and vote.

If a voter desires to make an address change in the voter's registration at an early voting center during early voting, the regulations provide that an election judge must (1) issue a voter a

regular ballot if the voter provides proof of residency in the county where the voter is attempting to vote or (2) issue a voter a provisional ballot if the voter cannot provide proof of residency in the county where the voter is attempting to register and vote.

Finally, the regulations provide that the election judges assigned to conduct same day registration and address changes must ensure that (1) all individuals who are not eligible to vote a regular ballot are offered a provisional ballot and (2) each individual is issued the appropriate ballot.

Legal Issue

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The State Board of Elections cites §§ 2-102(b)(4), 2-202(b), 3-305(e), 9-403, 9-406, and 11-303(c) of the Election Law Article as statutory authority for the regulations. Section 2-102(b)(4) grants the State board broad authority to adopt regulations to implement its powers and duties. Section 2-202(b) requires that each local board oversee and conduct elections in accordance with standards and practices established by the State board. Section 3-305(e) requires the State board to adopt regulations and procedures for the administration of voter registration to accommodate voters that apply to register to vote or change an address on an existing registration during early voting. Section 9-403 requires the State board to establish guidelines for the administration of provisional ballot voting by local boards of election.

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.

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 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. 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

Legal Analysis: Theodore E. King, Jr. – (410) 946/(301) 970-5350

Fiscal Analysis: Scott D. Kennedy – (410) 946/(301) 970-5510