

MARYLAND REGISTER

## Proposed Action on Regulations

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	09/28/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 11/13/2015**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

33 04 01 02, .07, .09

**3. Name of Promulgating Authority**

State Board of Elections

**4. Name of Regulations Coordinator**

Erin Perrone

**Telephone Number**

410-269-2845

**Mailing Address**

151 West Street

**City State Zip Code**

Annapolis MD 21401

**Email**

erin.perrone@maryland.gov

**5. Name of Person to Call About this Document**

Nikki Charlson

**Telephone No.**

410-269-2843

**Email Address**

nikki.charlson@maryland.gov

**6. Check applicable items:**

- New Regulations
  - Amendments to Existing Regulations
    - Date when existing text was downloaded from COMAR online: 09/01/2015.
  - 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 09/15/2015. 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**

09/24/2015

**Title 33**  
**STATE BOARD OF ELECTIONS**

**Subtitle 04 INSPECTION AND COPYING OF PUBLIC RECORDS**

**33.04.01 In General**

Authority: Election Law Article, §§2-102(b)(4), 3-204.1, and 3-506(a)(2); [State Government Article, §§10-613(b), 10-615(2)(i), and 10-621] General Provisions Article, §§ 4-201(b), 4-301, and 4-206; Annotated Code of Maryland

**Notice of Proposed Action**

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The State Board of Elections proposes to amend Regulations .02, .07 and .09 under COMAR 33.04.01 In General.

This action was considered by the State Board of Elections at its September 24, 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 update the references to the Public Information Act. No substantive changes are proposed. In 2014, the General Assembly passed legislation that moved the State's Public Information Act from the State Government Article to the new General Provisions Article.

**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](mailto:erin.perrone@maryland.gov), or fax to 410-974-2019. Comments will be accepted through 12/13/15. 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:

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# **Title 33 STATE BOARD OF ELECTIONS**

## **Subtitle 04 INSPECTION AND COPYING OF PUBLIC RECORDS**

### **Chapter 01 In General**

Authority: Election Law Article, §§2-102(b)(4), 3-204.1, and 3-506(a)(2); [State Government Article, §§10-613(b), 10-615(2)(i), and 10-621] *General Provisions Article, §§ 4-201(b), 4-301, and 4-206*; Annotated Code of Maryland

#### **.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) – (3) (text unchanged)

(4) "Custodian" has the meaning stated in [State Government Article, §10-611] *General Provisions Article, § 4-101*, Annotated Code of Maryland.

(5) – (6) (text unchanged)

(7) "Public record" has the meaning stated in [State Government Article, §10-611], *General Provisions Article, § 4-101*, Annotated Code of Maryland.

#### **.07 Response to Request.**

- A. In General. Within the time limits and in the manner prescribed by the Act, a custodian shall:
- (1) (text unchanged)
  - (2) If he or she is not the custodian of the requested records, so notify the applicant as provided in [State Government Article, §10-614(a)] *General Provisions Article, § 4-202(c)*, Annotated Code of Maryland; and
  - (3) If he or she is the custodian of the requested records:
    - (a) Grant the application, in whole or in part, in accordance with [State Government Article, §§10-614(b) and 10-620] *General Provisions Article, §§ 4-203 and 4-205*, Annotated Code of Maryland;
    - (b) Deny the application, in whole or in part, as required or authorized by [State Government Article, §§10-615—10-618] *General Provisions Article, Subtitle 3*, Annotated Code of Maryland, and this subtitle, in accordance with [State Government Article, §10-614(b)] *General Provisions Article, § 4-203*, Annotated Code of Maryland; or
    - (c) If the official custodian believes that inspection would cause substantial injury to the public interest, deny inspection temporarily and seek court approval in accordance with [State Government Article, §10-619] *General Provisions Article, § 4-358*, Annotated Code of Maryland.
- B. (text unchanged)

**.09 Review of Denial.**

- A. Right to Review. Except for a temporary denial under [State Government Article, §10-619] *General Provisions Article, § 4-358*, Annotated Code of Maryland, if a written request is denied by the custodian, the applicant may:
- (1) Within 30 days after receiving notice of the denial, request an administrative hearing under [State Government Article, §10-622] *General Provisions Article, § 4-361*, Annotated Code of Maryland; or
  - (2) File an action in circuit court under [State Government Article, §10-623] *General Provisions Article, § 4-362*, Annotated Code of Maryland.
- B. (text unchanged)

LINDA H. LAMONE  
STATE ADMINISTRATOR