

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
State Board of Elections**
(DLS Control No. 15-270)

Overview and Legal and Fiscal Impact

The regulation repeals an obsolete provision allowing a voter who has moved to a different county within the State since the last general election to change party affiliation during the period beginning on the Monday that is 12 weeks before a primary election.

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:

Voter Registration: Processing VRAs and Other Requests: COMAR 33.05.04.05

Legal Analysis

Background

Chapters 270 and 271 of 2010 repealed a provision in § 3-303 of the Election Law Article that prohibited a voter from changing his or her political party affiliation during the period beginning on the Monday that is 12 weeks before a primary election. Chapters 270 and 271 also repealed a related provision that allowed a voter to change party affiliation one time only during the period when changes were otherwise prohibited if the voter moved to a different county within the State since the last general election. Under Chapters 270 and 271, a voter may change party affiliation at any time that voter registration is open, including up through the twenty-first day preceding a primary election.

Summary of Regulation

The regulation repeals obsolete provisions (1) allowing a voter who has moved to a different county within the State since the last general election to change party affiliation during the period beginning on the Monday that is 12 weeks before a primary election by submitting a signed request to the local board of elections in the voter's county of residence at any time voter registration is open and (2) allowing a voter to change party affiliation only one time if the voter moved to a different county within the State since the last general election.

Legal Issue

This 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), 3-101, 3-204.1, and 3-301 through 3-304 of the Election Law Article and 52 U.S.C. § 21083 as statutory authority for the regulation. More specifically, § 3-303 of the Election Law Article specifies that any voter may change party affiliation at any time that voter registration is open.

The remaining cited authority is not relevant to this regulation.

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 regulation has no impact on State or local governments. The Department of Legislative Services concurs.

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.

Contact Information

Legal Analysis: Stanford D. Ward – (410) 946/(301) 970-5350

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