

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	09/28/2015	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	07	01	01, .02
33	07	04	02
33	07	05	02
33	07	09	06
33	07	10	01, .02

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.

410-269-2853

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

Telephone No.

Date

09/24/2015

**Title 33
STATE BOARD OF ELECTIONS**

Subtitle 07 ELECTION DAY ACTIVITIES

33.07.01 Late Ballot Changes

Subtitle 07 ELECTION DAY ACTIVITIES

33.07.04 Order and Decorum

Subtitle 07 ELECTION DAY ACTIVITIES

33.07.05 Special Assistance

Subtitle 07 ELECTION DAY ACTIVITIES

33.07.09 Electioneering; Exit Polling

Subtitle 07 ELECTION DAY ACTIVITIES

33.07.10 Non-Voting Hours Procedures

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-101, 9-403, 9-406, and 10-310(c), and 10-311(d), Annotated Code of Maryland

Notice of Proposed Action

□

The State Board of Elections proposes to amend Regulations .01 and .02 under COMAR 33.07.01 Late Ballot Changes; amend Regulation .02 under COMAR 33.07.04 Order and Decorum; amend Regulation .02 under COMAR 33.07.05 Special Assistance; amend Regulation .06 under COMAR 33.07.09 Electioneering; Exit Polling; adopt Regulations .01 and .02 under COMAR 33.07.10 Non-Voting Hours Procedures.

This action was considered by the State Board of Elections at its September 24, 2015 meeting, notice of which was given in accordance to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to clarify requirements for election day activities and establish procedures for non-voting hours.

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 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 because they are technical and administrative in nature.

G. Small Business Worksheet:

Attached Document:

Title 33 STATE BOARD OF ELECTIONS

Subtitle 07 ELECTION DAY ACTIVITIES

Chapter 01 Late Ballot Changes

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), and 9-208, Annotated Code of Maryland

.01 Corrective Actions.

Subject to consultation with and the approval of the State Administrator, a local board shall take one of the following actions when a change is required in a ballot after the ballots have been printed:

- A. Reprint the ballot; *or*
- B. [If time does not permit reprinting and if the voting system can accommodate it:
 - (1) Print and affix stickers to the ballot, or
 - (2) Hand interlineate the changes on the ballot; or
- C.] If time does not permit reprinting [and if the voting system cannot accommodate stickers or hand interlineation], take all reasonable steps to notify voters of the change.

.02 Public Notice.

The notice to be provided under Regulation .01C of this chapter:

- A. (text unchanged)
- B. May include:
 - (1) Television, radio, and newspaper announcements and advertisements; [and]
 - (2) *Information in the specimen ballot; and*
 - [(2)] (3) (text unchanged)

Title 33 STATE BOARD OF ELECTIONS

Subtitle 07 ELECTION DAY ACTIVITIES

Chapter 04 Order and Decorum

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

.02 Cell Phones, Pagers, Cameras, etc.

- A. (text unchanged)
- B. Exceptions. This regulation does not apply to [the use of]:
 - (1) Cameras used by media representatives *as long as the media representatives are recording polling place operations and not a screen or ballot; or*
 - (2) Cellular telephones, pagers, or computer equipment used by election officials or law enforcement officers, when acting in their official capacities.

Title 33 STATE BOARD OF ELECTIONS

Subtitle 07 ELECTION DAY ACTIVITIES

Chapter 05 Special Assistance

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-101, 9-403, 9-406, and 10-310(c), and 10-311(d), Annotated Code of Maryland

.02 Assistance Needed to Cast Ballot.

A. – C. (text unchanged)

D. Voter Assistance Record—Signing by Individual Assisting. If the voter has selected someone to assist the voter, the individual selected by the voter shall:

(1) (text unchanged)

(2) Sign the record to affirm that she or he:

(a) – (d) (text unchanged)

(e) Will assist the voter only by:

(i) (text unchanged)

(ii) As directed by the voter, marking or casting the ballot, [operating the voting unit,] or completing a provisional ballot application; and

(f) (text unchanged)

E. (text unchanged)

F. Scope of Assistance. Assistance provided under this regulation shall be limited to:

(1) (text unchanged)

(2) As directed by the voter, marking or casting the ballot, [operating the voting unit,] or completing a provisional ballot application.

Title 33 STATE BOARD OF ELECTIONS

Subtitle 07 ELECTION DAY ACTIVITIES

Chapter 09 Electioneering; Exit Polling

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

[.06] .03 Exit Polling.

Title 33 STATE BOARD OF ELECTIONS

Subtitle 07 ELECTION DAY ACTIVITIES

Chapter 10 Non-Voting Hours Procedures

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

.01 Ballot Box Return and Inspection.

A. *Numbered Seals Required.* Any seal used by a local board shall be numbered.

B. *Reception Team to Receive.* The sealed ballot boxes from the polling places shall be received by a reception team.

C. *Marking.* Each ballot box shall be marked as having been inspected before it is delivered to a ballot reception team.

D. *Inspection and Certification.*

(1) *The reception team shall:*

(a) *Inspect each ballot box and its seal or lock; and*

(b) *Prepare and sign a certification of the box's condition.*

(2) *The certification for each box shall include:*

(a) *The precinct number;*

(b) *The seal number, is a seal is used;*

- (c) The condition of seal or lock; and*
- (d) Any defects observed.*

.02 Ballot Storage.

A. Secure Storage. All voted ballots shall remain in a sealed ballot box until authorized to open and remove for an audit, recount, judicial challenge, storage, or disposal.

B. Storage Term. All voted ballots shall be retained for at least 22 months after the election.

LINDA H. LAMONE
STATE ADMINISTRATOR