

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 09 01 01, .03

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

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erin.perrone@maryland.gov

5. Name of Person to Call About this Document

Nikki Charlson

Telephone No.

410-269-2843

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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 09 VOTING SYSTEM – CERTIFICATION AND GENERAL
REQUIREMENTS**

33.09.01 Definitions; General Provisions

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

Notice of Proposed Action

[]

The State Board of Elections proposes to amend Regulations .01 and .03 under
COMAR 33.09.01 Definitions; General Provisions.

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 remove references to prior voting system standards and
the federal agency that issued them and correct language that requires the local boards
to perform acceptance testing. With a statewide voting system, SBE performs
acceptance testing. The change in Regulation .03A(3) should have been changed when
the regulations related to State certification were amended in 2013.

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 09 VOTING SYSTEM – CERTIFICATION AND GENERAL REQUIREMENTS

Chapter 01 Definitions; General Provisions

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

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Federal Standards" means [either the Federal Voting Systems Standards established by the Federal Election Commission or] the Voluntary Voting System Guidelines adopted by the U.S. Election Assistance Commission.

(2) (text unchanged)

(3) "Qualification testing" means testing to determine a system's compliance with the [Federal Voting Systems Standards or] Voluntary Voting System Guidelines.

(4) (text unchanged)

.03 Overview of Required Process.

Prior to using the voting system selected and certified for voting in polling places and the voting system selected and certified for absentee voting:

A. The model or version of the voting system, including all parts and components, shall have successfully completed:

(1) – (2) (text unchanged)

(3) Acceptance testing by the [local board] *State Board*, as specified in COMAR 33.09.05;

B. – D. (text unchanged)

LINDA H. LAMONE
STATE ADMINISTRATOR