

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
State Board of Elections
(DLS Control No. 15-302)**

Overview and Legal and Fiscal Impact

The regulation specifies which existing regulations relating to processing of voter registrations apply to same day registration during early voting.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Board of Elections:

Voter Registration: Processing VRAs and Other Requests:
COMAR 33.05.04.01, .02, .03, .04, .05, and .06

Legal Analysis

Background

Chapters 157 and 158 of 2013 established a process for individuals to register to vote and cast ballots on the same day during early voting, beginning with the 2016 elections. The Acts also allow individuals to update their address in an existing voter registration record during early voting and cast a regular ballot instead of a provisional ballot. Same-day registration and address changes are still not permitted on Election Day.

Summary of Regulation

The regulation specifies which existing regulations relating to processing of voter registrations apply to same day registration during early voting. The current regulations that will apply to same-day registration include those that specify the information required on a voter registration application, require the verification of information on a voter registration application, and require a local board to request personal identification information from individuals who are voting in Maryland for the first time and did not submit the required personal identification information with the voter registration application. Current regulations relating to deadlines for receipt of voter registration applications and certain procedures for processing voter registration applications do not apply to same day registration during early voting.

Legal Issues

The 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 3-305 of the Election Law Article as statutory authority for the regulation. However, the provision that is most directly relevant to the regulation is § 3-305(e), which requires the State board to “adopt regulations and procedures...for the administration of voter registration during early voting.” The remaining cited authority is not relevant to these regulations.

The relevant cited authority is correct and complete. The regulation complies with the legislative intent of the law.

Technical Corrections and Special Notes

Proposed COMAR 33.05.04.01 contains an erroneous cross reference to the other regulations in that chapter. The current reference to Regulations .03 .04. and .06 should be changed to .04, .05, and .07 to reflect the renumbering of the regulations due to the addition of proposed new Regulation .01. The Department of Legislative Services has advised the State board of this error.

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. The regulation (along with other proposed regulations) implements 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. This regulation 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 regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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