

**Maryland General Assembly
Department of Legislative Services**

**Emergency Regulation
Board of Elections
(DLS Control No. 20-003)**

Overview and Legal and Fiscal Impact

The regulation authorizes same day registration and address changes during the early voting period before the special general election in the 7th Congressional District that will be held concurrently with the regularly scheduled primary election on April 28, 2020.

The regulation presents no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Board of Elections:

Violations: Definitions; General Provisions: COMAR 33.19.01.01

Legal Analysis

Background

Maryland has conducted early voting before each regularly scheduled primary and general election since 2010. The early voting period begins on the second Thursday before the election and ends on the Thursday before the election. The number of early voting centers in each county is determined primarily based on the number of registered voters in the county, in accordance with a formula set in State law.

Maryland has allowed individuals to register to vote and change their address at early voting centers since 2016. Chapters 609 and 755 of 2019 also require that individuals be allowed to register to vote at precinct polling places on election day. Individuals who apply to register to vote during early voting or on election day must provide proof of residency, which may be a Maryland driver's license or identification card, a utility bill, a bank statement, a government check, a paycheck, or other government document that has the individual's name and current address.

Summary of Regulation

The regulation authorizes same day registration and address changes during the early voting period before the special general election in the 7th Congressional District that will be held concurrently with the regularly scheduled primary election on April 28, 2020.

Legal Issues

The regulation presents no legal issue of concern.

Statutory Authority and Legislative Intent

The State Board of Elections cites §§ 1-101(v), 2-102(b)(4), 2-202(b), 3-305(e), and 3-306 of the Election Law Article as statutory authority for the regulation. Under § 2-102(b)(4), the State board has broad authority to adopt regulations to “implement its powers and duties.”

State statute does not require early voting to be available before special elections. However, it is reasonable to assume that the General Assembly intended that when a special election is held at the same time as a regular election, early voting should also be available for the special election. Otherwise, voters would be subject to different rules for voting in elections that are occurring simultaneously. If the General Assembly intended for early voting to be available before special elections held concurrently with regularly scheduled elections, it follows that the General Assembly also intended for voters voting in those special elections to be able to register to vote and change their addresses at early voting centers. Section 3-305(e) requires the State board to adopt regulations for the administration of voter registration during early voting.

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.

Emergency Status

The State board requests emergency status beginning January 22, 2020 and expiring May 5, 2020. This emergency period is within the normal time frames approved by the Joint Committee on Administrative, Executive, and Legislative Review. The State board indicates the emergency status is necessary so that the regulation can be in effect in time for the special general election in the 7th Congressional District on April 28, 2020.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The State board 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 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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