

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	02/21/2020	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 3/27/2020

2. COMAR Codification

Title Subtitle Chapter Regulation

33 16 03 01

33 17 01 02

33 19 01 01

3. Name of Promulgating Authority

State Board of Elections

4. Name of Regulations Coordinator

Tracey E Hartman

Telephone Number

410-269-2931

Mailing Address

151 West Street, Ste. 200

City State Zip Code
Annapolis MD 21401

Email

traceye.hartman@maryland.gov

5. Name of Person to Call About this Document

Tracey Hartman

Telephone No.

410-269-2931

Email Address

traceye.hartman@maryland.gov

6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: 01/15/2020.

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
General
Provisions
Article, §3-
302(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 Andrea Trento, Assistant Attorney General, (telephone #410-576-6472) on January 15, 2020. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Linda H. Lamone

Title

State Administrator

Date

02/20/2020

Telephone No.

410-269-2840

Subtitle 16 PROVISIONAL VOTING

33.16.03 Issuance of Provisional Ballot

Subtitle 17 EARLY VOTING

33.17.01 Definitions; General Provisions

Subtitle 19 SAME DAY REGISTRATION AND ADDRESS CHANGE

33.19.01 Definitions; General Provisions

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-305(e), 9-402, 9-403, 9-404, 9-406, and 11-303(c) and (e), Annotated Code of Maryland Election Law Article, §§2-102(b)(4), 2-202(b), 9-102(i), 9-503, 10-301.1, and 12-106(a), Annotated Code of Maryland Election Law Article, §§1-101(v), 2-102(b)(4), 2-202(b), [and]3-305(e), and 3-306, Annotated Code of Maryland

Notice of Proposed Action

□

The State Board of Elections proposes to amend Regulation .01 under COMAR 33.16.03 Issuance of Provisional Ballot, amend regulation .02 under COMAR 33.17.01 Definitions; General Provisions, and amend Regulation .01 under COMAR 33.19.01 Definitions; General Provisions.

This action was considered by the State Board of Elections at its January 16, 2020 meeting, notice of which was given in accordance with the State Government Article, §10-506 (c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to 1) amend the regulation to clarify when a provisional ballot shall be issued for an individual who registers to vote during early voting using the same day registration process; 2) amend the regulation to clarify which elections early voting is applicable; and 3) amend the regulation to clarify which elections the same day registration process is applicable.

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 Tracey Hartman, Director of Special Projects, State Board of Elections, P.O. Box 6486, Annapolis, MD 21401, or call 410-269-2931, or email to traceye.hartman@maryland.gov, or fax to 410-974-2019. Comments will be accepted through April 27, 2020. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2020

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:
General Funds

D. If 'no', identify the source(s) of funds necessary for implementation of 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 as they are technical and administrative in nature.

G. Small Business Worksheet:

Attached Document:

Title 33 STATE BOARD OF ELECTIONS

Subtitle 16 PROVISIONAL VOTING

Chapter 03 Issuance of Provisional Ballot

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-305(e), 9-402, 9-403, 9-404, 9-406, and 11-303(c) and (e), Annotated Code of Maryland

.01 In General.

A. A voter shall be issued a provisional ballot packet if:

(1) – (3) (text unchanged)

(4) The voter is not eligible to vote a regular ballot because:

(a) – (c) (text unchanged)

(d) During early voting, [the] *an individual using the same day registration process:*

(i) Was not a pre-qualified voter; or

(ii) Could not provide proof of residency in the county where the individual was attempting to vote;

(5) – (6) (text unchanged)

- B. (text unchanged)
- C. (text unchanged)
- D. (text unchanged)

Title 33 STATE BOARD OF ELECTIONS

Subtitle 17 EARLY VOTING

Chapter 01 Definitions; General Provisions

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-102(i), 9-503, 10-301.1, and 12-106(a), Annotated Code of Maryland

.02 Applicability to Elections.

A. Early voting is applicable for the following regularly scheduled elections:

(1) –(2) (text unchanged)

[(3) Baltimore City primary and general elections.]

B. (text unchanged)

Title 33 STATE BOARD OF ELECTIONS

Subtitle 19 SAME DAY REGISTRATION AND ADDRESS CHANGES

Chapter 01 Definitions; General Provisions

Authority: Election Law Article, §§1-101(v), 2-102(b)(4), 2-202(b), [and]3-305(e), and 3-306, Annotated Code of Maryland

.01 Applicability to Elections.

A. (text unchanged)

B. (text unchanged)

C. *For special primary and general elections*, [Same] same day registration [and address changes are not] is available on *election day* [for special primary and general elections].

LINDA H. LAMONE
STATE ADMINISTRATOR