

MARYLAND REGISTER

Emergency Action on Regulations

TO BE COMPLETED BY AELR COMMITTEE	EMERGENCY Transmittal Sheet	TO BE COMPLETED BY DSD	
Date Received by AELR Committee		Date Filed with Division of State Documents	
04/14/2020		Document Number	
Emergency Status Approved		Date of Publication in MD Register	
_-Yes _-No			
Emergency Status Begins On			
Emergency Status Ends On			
Name of AELR Committee Counsel			

1. COMAR Codification

Title	Subtitle	Chapter	Regulation
33	08	01	02
33	11	04	05, .07
33	17	05	01

2. Name of Promulgating Authority

State Board of Elections

3. Name of Regulations Coordinator
Tracey E Hartman

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4. Name of Person to Call About this Document
Tracey Hartman

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5. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
- Repeal of Existing Regulations
- Incorporation by Reference of Documents Requiring DSD Approval

6. Date Requested for Emergency Status to Begin: 4/14/2020

Date Requested for Emergency Status to Expire: 7/31/2020

7. Agency Will Take the Following Action on These Regulations

- Promulgate them in accordance with State Government Article, §§ 10-101 -- 10-126
- Allow them to expire

8. Is there proposed text which is identical to emergency text:

- Yes - No

9. Check the following item if it is included in the attached document:

- 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.)

10. Reason for Request for Emergency Status

In accordance with the Governor's Proclamations dated March 17, 2020 and April 10, 2020, the State Board of Election approved amendments to regulations that allow local boards of elections to comply with social distancing guidelines as issued by the Centers for Disease Control, when conducting canvassing of ballots for the April 28, 2020 Special General Election and the June 2, 2020 Presidential Primary Election.

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 April 13, 2020. A signed copy of the approval is on file at this agency.

Name of Authorized Officer

Linda H. Lamone

Title

State Administrator

Date

April 14, 2020

Telephone No.

410-269-2840

Title 33
STATE BOARD OF ELECTIONS

Subtitle 08 CANVASSING

33.08.01 Definitions; General Provisions

Subtitle 11 ABSENTEE BALLOTS

33.11.04 Canvass of Ballots — Procedures

Subtitle 17 EARLY VOTING

33.17.05 Election Judges

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 11-201, and 11-301, Annotated Code of Maryland Election Law Article, §§2-102(b)(4), 2-202(b), 9-303, 11-301, 11-302, and 11-304, Annotated Code of Maryland Election Law Article, §§2-102, 9-501, 9-503, and 9-506, Annotated Code of Maryland

Notice of Emergency Action

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The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .02 under COMAR 33.08.01 Definitions; General Provisions; Regulations .05 and .07 under COMAR 33.11.04 Canvass of Ballots — Procedures; and Regulation .01 under COMAR 33.17.05 Election Judges.

Emergency status began:

Emergency status expires:

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Estimate of Economic Impact

The emergency action has no economic impact.

Economic Impact on Small Businesses

The emergency action has minimal or no economic impact on small businesses.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 20

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 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 are administrative in nature.

G. Response to small business worksheet:

Attached Document:

Title 33 STATE BOARD OF ELECTIONS

Subtitle 08 CANVASSING

Chapter 01 Definitions; General Provisions

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 11-201, and 11-301, Annotated Code of Maryland

.02 Board Responsibilities.

A. (text unchanged)

B. Constant Presence, Supervision Required.

(1) The canvass of votes at the counting center shall be conducted [in the presence and] under the [direct] supervision of the local board.

(2) The board shall be present in the counting center when the canvass starts, concludes, and for all decisions sessions [throughout each working session of the canvass].

Title 33 STATE BOARD OF ELECTIONS

Subtitle 11 ABSENTEE BALLOTS

Chapter 04 Canvass of Ballots — Procedures

.05 Return Envelopes — Opening, Reviewing, and Referrals.

A. Batch Distributions.

(1) When directed by the board, the election director shall issue to *an individual assigned by the election director* [each team] a batch of returned ballots.

(2) (text unchanged)

B. Verifying Timeliness.

(1) The *individual* [team] shall first verify timeliness by checking the date stamp on the return envelope.

(2) If the date stamp is missing, the *individual* [team] shall check the postmark on the return envelope.

(3) If the postmark is missing or illegible, the *individual* [team] shall check the date the voter signed the oath required by Election Law Article, §9-310, Annotated Code of Maryland.

(4) If a ballot's timeliness cannot be verified, the ballot shall be considered not timely received and the *individual* [team] shall refer the ballot to the board for rejection.

C. Signature and Seal.

(1) The *individual* [team] shall verify that:

(a) – (b) (text unchanged)

(2) If the oath is not signed or the return envelope is unsealed, the *individual* [team] shall refer the envelope to the local board.

D. The *individual* [team] shall:

(1) – (2) (text unchanged)

E. Removing Ballots. After all the return envelopes in the batch have been opened and placed with the mailing address face down, the *individual* [team] shall remove the ballots from the return envelopes one at a time, taking care that each envelope remains face down.

F. Certificates of Voter Assistance. The *individual* [team] shall remove any certificates of voter assistance and place them in separate stacks.

G. Extra Ballots.

(1) The *individual* [team] shall make sure that not more than one ballot is in any return envelope.

(2) If a return envelope contains more than one ballot, the *individual* [team] shall refer the return envelope with all ballots to the local board.

H. Setting Aside Envelopes. After all ballots have been removed from the envelopes in the batch, the *individual* [team] shall set aside the return envelopes.

.07 Ballots — Inspection and Referrals.

A. Ballot Inspection. The *individual assigned by the election director* [team] then shall inspect each ballot for compliance and tabulating acceptability.

B. Ballots To Be Referred. The *individual* [team] shall refer to the local board any ballot that:

(1) – (3) (text unchanged)

C. Identifying Referrals. The *individual* [team] shall place each ballot referred to the board in a plain envelope, and mark the envelope with:

(1) The *individual* [team] number;

(2) – (3) (text unchanged)

D. Completion of Batch. When the *individual* [a team] has completed a batch, the election director shall:

(1) – (3) (text unchanged)

(4) Issue a new batch to the *individual* [team], unless all ballots already have been removed from their envelopes.

Title 33 STATE BOARD OF ELECTIONS

Subtitle 17 EARLY VOTING

Chapter 05 Election Judges

.01 Local Board Employees.

A. – B. (text unchanged)

C. Applicability.

(1) *Except as provided in §C(2) of this regulation, [All] all federal and State laws, regulations, and procedures that apply to voting during early voting and on election day apply to voting at a voting center.*

(2) *An employee or board member of a local board is not required to be present at a vote center to set up or close down the vote center but shall provide support remotely as needed.*

