

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	
04/23/2020		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 11 03 06

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

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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: 04/23/2020

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 which declared that the 2020 Special General Election and the 2020 Presidential Primary Election be conducted primarily by mail, the State Board of Election approved amendments to regulations that would alter the requirement to stamp the date received on each return envelope is changed. This change is necessary due to the expected significant increase of ballots being returned to local boards. This change would be in effect for both the April 28, 2020 Special General Election in the 7th Congressional District 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 21, 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 23, 2020

Telephone No.

410-269-2840

Title 33
STATE BOARD OF ELECTIONS

Subtitle 11 ABSENTEE BALLOTS

33.11.03 Issuance and Return

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-303, 9-305, 9-306, 11-301,
11-302, and 11-304, 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 .06 under COMAR 33.11.03 Issuance and Return.

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:
The 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.

The regulations are administrative in nature.

G. Response to small business worksheet:

Attached Document:

Title 33 STATE BOARD OF ELECTIONS

Subtitle 11 ABSENTEE BALLOTS

Chapter 03 Issuance and Return

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-303, 9-305, 9-306, 11-301, 11-302, and 11-304, Annotated Code of Maryland

.06 Return of Ballot.

A. Date Stamp Return Envelope.

(1) *Except as provided in §(A)(2) of this regulation, whenever* [Whenever] an absentee ballot is received by a local board office, the election director shall stamp the return envelope with the date received.

(2) *For special general election for the 7th Congressional District held on April 28, 2020, and the 2020 Presidential Primary Election held on June 2, 2020, the election director shall:*

(a) *Stamp the return envelope with the date received if the local board received the return envelope on the day before the election or any day thereafter; and*

(b) *Store the return envelopes in a container labeled with the date the ballots were received.*

B. – E. (text unchanged)

LINDA H. LAMONE
State Administrator of Elections