

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
05/15/2020		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 07 03 04
33 11 03 06, .08

2. Name of Promulgating Authority

State Board of Elections

3. Name of Regulations Coordinator Telephone Number
Tracey E Hartman 410-269-2931

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4. Name of Person to Call About this Document Telephone No.
Tracey Hartman 410-269-2931

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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: 5/15/2020

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, April 10, 2020, and May 6, 2020, the State Board of Election approved the repeal of and 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 in person voting and the canvassing of mailed ballots for 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 May 13, 2020. A signed copy of the approval is on file at this agency.

Name of Authorized Officer

Linda H. Lamone

Title

State Administrator

Telephone No.

410-269-2840

Date

May 15, 2020

Title 33
STATE BOARD OF ELECTIONS

Subtitle 07 ELECTION DAY ACTIVITIES

33.07.03 Officials' Duties Generally

Subtitle 11 ABSENTEE BALLOTS

33.11.03 Issuance and Return

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), and 10-301, Annotated Code of Maryland Election Law Article, §§2-102(b)(4), 2-202(b), 9-303, 9-305, 9-306, 9-310, 11-301, 11-302, and 11-304, Annotated Code of Maryland

Notice of Emergency Action

[]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to the repeal of Regulation .04 under COMAR 33.07.03 Officials' Duties Generally; and amendments to Regulations .06 and .08 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 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 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 07 ELECTION DAY ACTIVITIES

Chapter 03 Officials' Duties Generally

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), and 10-301, Annotated Code of Maryland

[.04 Polling Place Evaluation Program.

A. Establishment Required. Each election director shall develop and, with the approval of the State Administrator, establish and implement a polling place evaluation program using the polling place evaluation form issued by the State Administrator.

B. Elements.

(1) The program shall provide for unannounced election day visits to polling places to assess the election judges' compliance with applicable procedures and their general performance.

(2) Board members, staff members, independent contractors, or volunteers may be used to make these visits and assessments, as long as they have been properly trained in the election day polling place procedures outlined in the Judges' Manual.

C. Reports to Administrator.

(1) If requested by the State Administrator, the election director shall submit a report of the results of that election's evaluation.

(2) The report shall be submitted within the time and in the form that the State Administrator requests.]

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, 9-310, 11-301, 11-302, and 11-304, Annotated Code of Maryland

.06 Return of Ballot.

A. – D. (text unchanged)

E. Ballots Returned at [an Early Voting Center or Polling Place. Whenever an absentee ballot is received at an early voting center or polling place, a chief judge or designee shall:

(1) Instruct the voter to put the voted absentee ballot into the absentee ballot bag;

(2) Ensure the security of the absentee ballot bag; and

(3) Return the absentee ballot bag to the local board of elections at the end of voting hours each day of early voting and on election day.] *a designated ballot-return location.*

(1) *A voter can return a voted ballot at a ballot drop off container outside locations that have been designated by the local board to serve as ballot-return locations.*

(2) *The ballot drop off container shall:*

(a) *Be designed to prevent an individual from accessing voted ballots once deposited;*

(b) *Include a statement that tampering with ballots is a crime; and*

(c) *Include the State Board's phone number.*

(3) *The local board shall retrieve ballots according to procedures issued by the State Administrator.*

.08 When Ballots Are Timely.

A. (text unchanged)

B. (text unchanged)

(1) (text unchanged)

(2) The ballot is [received by a polling place] *deposited into a ballot drop off container* before the polls close [at that polling place] on election day; or

(3) (text unchanged)

C. (text unchanged)

LINDA LAMONE
STATE ADMINISTRATOR