

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
08/14/2020		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 02 03 04
 33 08 01 02
 33 11 03 06, .08
 33 17 05 01

2. Name of Promulgating Authority

State Board of Elections

3. Name of Regulations Coordinator

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**Title 33
STATE BOARD OF ELECTIONS**

Subtitle 02 MEETINGS AND TRAINING

33.02.03 Judges' Manuals and Training

Subtitle 08 CANVASSING

33.08.01 Definitions; General Provisions

Subtitle 11 ABSENTEE BALLOTS

33.11.03 Issuance and Return

Subtitle 17 EARLY VOTING

33.17.05 Election Judges

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), and 10-206, Annotated Code of Maryland 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, 9-305, 9-306, 11-301, 11-302, and 11-304, Annotated Code of Maryland Election Law Article, §§2-102(b)(4), 9-102(i), 10-206(g), 10-301.1(h), and 12-106(a), 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 (1) Regulation .04 under COMAR 33.02.03 Judges' Manuals and Training;

(2) Regulation .02 under COMAR 33.08.01 Definitions; General Provisions;

(3) Regulations .06 and .08 under COMAR 33.11.03 Issuance and Return; and

(4) 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 21

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 02 MEETINGS AND TRAINING

Chapter 03 Judges' Manuals and Training

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), and 10-206, Annotated Code of Maryland

.04 Judges' Training Sessions.

A. Election Director to Conduct.

(1) (text unchanged)

(2) The training class shall be long enough to cover all of the requirements of the State Administrator's training curriculum and shall include *remote and/or* hands-on practice with any technology that will be used by election judges in a polling place.

(3) (text unchanged)

B. (text unchanged)

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 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 the 2020 Presidential General Election held on November 3, 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)

F. *Ballots Returned at 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. In General. An absentee ballot is considered to have been timely received only if:

(1) (text unchanged)

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

(3) *The ballot is deposited into a ballot drop off container before the polls close on election day; or*

[(3)] (4) (text unchanged)

C. (text unchanged)

Title 33 STATE BOARD OF ELECTIONS

Subtitle 17 EARLY VOTING

Chapter 05 Election Judges

Authority: Election Law Article, §§2-102(b)(4), 9-102(i), 10-206(g), 10-301.1(h), and 12-106(a), Annotated Code of Maryland

.01 Local Board Employees.

A. – C. (text unchanged)

D. Applicability.

(1) *Except as provided in §D(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.*

LINDA H. LAMONE
State Administrator of Elections