

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
09/08/2020		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 02 05
 33 11 04 01, .03
 33 11 05 04
 33 16 06 04

2. Name of Promulgating Authority

State Board of Elections

3. Name of Regulations Coordinator

Tracey E Hartman

Telephone Number

410-269-2931

Mailing Address

151 West Street, Ste. 200

that the mail-in ballot is timely and the oath is signed) – regardless of when they return their voted mail-in ballot or when their mail-in ballot is counted.

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 September 3, 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

September 7, 2020

**Title 33
STATE BOARD OF ELECTIONS**

Subtitle 11 ABSENTEE BALLOTS

33.11.02 Applications

Subtitle 11 ABSENTEE BALLOTS

33.11.04 Canvass of Ballots — Procedures

Subtitle 11 ABSENTEE BALLOTS

33.11.05 Canvass of Ballots — Rejecting Ballots

Subtitle 16 PROVISIONAL BALLOTS

33.16.06 Canvass of Ballots — Rejecting Ballots

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-303, 9-305, 9-306, 11-301, and 11-302, 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(b)(4), 2-202(b), 9-303, 11-301, and 11-302, Annotated Code of Maryland Election Law Article, §§2-102(b)(4), 2-202(b), 9-402, 9-403, 9-404, 9-406, and 11-303(c) and (e), Annotated Code of Maryland

Notice of Emergency Action

[]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to (1) Regulation .05 of COMAR 33.11.02 Applications; (2) Regulations .01 and .03 of COMAR 33.11.04 Canvass of Ballots — Procedures;

- (3) Regulation .04 of COMAR 33.11.05 Canvass of Ballots — Rejecting Ballots; and
- (4) Regulation .04 of COMAR 33.16.06 Canvass of Ballots — Rejecting Ballots.

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 2021

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 and local 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:

Title 33 STATE BOARD OF ELECTIONS

Subtitle 11 ABSENTEE BALLOTS

Chapter 02 Applications

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

.05 Processing Applications — In General.

A. Date Stamp.

(1) (text unchanged)

(2) An application need not be stamped if:

(a) For the 2020 Presidential General Election held on November 3, 2020, it is received on or before October 18, 2020, provided that the election director stores the application in a container labeled with the date the application was received.

[(a)] (b) (text unchanged)

[(b)] (c) (text unchanged)

B. – D. (text unchanged)

Title 33 STATE BOARD OF ELECTIONS

Subtitle 11 ABSENTEE BALLOTS

Chapter 04 Canvass of Ballots — Procedures

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

.01 Conduct Generally.

A. – B. (text unchanged)

C. *If a local board provides for:*

(1) In person observation of a canvass, the local board may use one individual assigned by the election director in lieu of the team required in Regulations .05 and .07; or

(2) Remote observation of a canvass, the local board shall use a team as required in Regulation .05 and .07.

.03 Start of Canvass.

A. When Required.

[(1) Except as provided in §A(2) of this regulation, the] The board [shall] may start to canvass the absentee ballots [at 10 a.m. on the Thursday after the election] no earlier than 8 a.m. on October 1, 2020.

[(2) The board shall start the second absentee ballot canvass at 10 a.m. on the second Friday after an election.

(3) If the start of an absentee canvass falls on a legal holiday, the board shall convene the absentee canvass on the next regular business day.]

B. (text unchanged)

Title 33 STATE BOARD OF ELECTIONS

Subtitle 11 ABSENTEE BALLOTS

Chapter 05 Canvass of Ballots — Rejecting Ballots

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

.04 Ballot Rejection — Multiple Ballots from the Same Individual.

The local board shall reject multiple absentee ballots as follows:

A. – B. (text unchanged)

C. If an absentee ballot and provisional ballot are received from the same individual, the local board shall reject [both ballots] *the provisional ballot*.

Title 33 STATE BOARD OF ELECTIONS

Subtitle 16 PROVISIONAL BALLOTS

Chapter 06 Canvass of Ballots — Rejecting Ballots

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

.04 Ballot Rejection — Multiple Ballots from the Same Individual.

- A. (text unchanged)
- B. If an absentee ballot and provisional ballot are received from the same individual, the local board shall reject [both ballots] *the provisional ballot*.
- C. (text unchanged)

LINDA H. LAMONE
State Administrator