

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
09/11/2020		Document Number
Emergency Status Approved		Date of Publication in MD Register
_ -Yes _ -No		
Emergency Status Begins On		
On		
Emergency Status Ends On		
Name of AELR Committee Counsel		

1. COMAR Codification

Title Subtitle Chapter Regulation

33 08 05 01, .04

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: 10/01/2020

Date Requested for Emergency Status to Expire: 03/30/2020

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

Emergency status is requested due to the short time frame before the General election.

The proposed changes:

- a) Define an election day vote center and amends the definition of a precinct to include an election day vote center;
- b) Removes the requirement for the precinct verification and audit of an election day voting center to include precincts with at least 300 registered voters. This change is needed because polling places defined by precincts with a predetermined number of registered voters will not be used on election day. Instead, the 5% requirement remains, with the minimum number of election day vote centers to be audited being one; and
- c) Extends the definition of precinct through Regulation .09 of the Chapter, to allow for election day vote centers to be audited as a precinct in the manual audit that takes places after the election is certified.

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 10, 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 11, 2020

**Title 33
STATE BOARD OF ELECTIONS**

Subtitle 08 CANVASSING

33.08.05 Post Election Verification and Audit

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-403, 11-201, and 11-309(f), Annotated Code of Maryland

Notice of Emergency Action

□

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to Regulations .01 and .04 of COMAR 33.08.05.

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

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 05 Post Election Verification and Audit

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-403, 11-201, and 11-309(f), Annotated Code of Maryland

.01 Definition.

A. (text unchanged)

B. Terms Defined.

(1) – (3) (text unchanged)

(4) "Precinct" includes *an election day vote center as defined in .01 of this chapter*, and an early voting center in

Regulations .02 — [.06] .09 of this chapter.

(5) – (6) (text unchanged)

(7) "*Election Day Vote Center*" includes a voting location used on November 3, 2020.

.04 Selection of Precincts.

A. After 8 p.m. on election day, each local board shall randomly select for post-election verification and auditing, the greater of:

[(1) Three precincts with at least 300 registered voters; or

(2)] (1) 5 percent of all precincts used in the election[.], *including at minimum one election day vote center used on November 3, 2020.*

B. – D. (text unchanged)

LINDA H. LAMONE
State Administrator of Elections