

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Board of Elections
(DLS Control No. 15-357)**

Overview and Legal and Fiscal Impact

This regulation adds the criteria for determining voter equipment allocation to the general voting systems requirements regulations.

This regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Board of Elections:

Voting Systems – Certification and General Requirements:

Local Boards – Implementation and Use: COMAR 33.09.06.03

Legal Analysis

Background

The State Board of Elections states that the purpose of this regulation is to clarify that the criteria for determining voting equipment allocations applies to all voting systems, regardless of the type of system. Existing provisions regarding the criteria for determining voting equipment allocations set forth in the regulations regarding specific system regulations will be addressed after these types of specific systems are changed within the upcoming year or later.

Summary of Regulation

This regulation adds the criteria for determining voter equipment allocation to the general voting systems requirements regulations. The regulation requires the State Administrator, in consultation with a local board of elections, to determine the amount of voting equipment assigned to each voting location and sets forth the criteria for making this determination. For a special election, a local board may determine the amount of the voting equipment to provide at each polling place, as long as each place has specified equipment.

Legal Issues

This regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The State board cites §§ 2-102(b)(4) and 2-202(b) of the Elections Article as statutory authority for this regulation. Section 2-102(b)(4) requires the State Board to adopt regulations to implement its powers and duties under the Election Law Article. Section 2-202(b) sets forth the powers and duties of a local board of elections, in accordance with the provisions of the Election Law Article and the regulations adopted by the state board, including, in relevant part, overseeing the conduct of all elections held in its county and providing the supplies and equipment necessary for the proper and efficient conduct of voter registration and election, including supplies and equipment required by the state board.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The board advises that the regulation has no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The board advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

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