

STATE BOARD OF ELECTIONS

P.O. BOX 6486, ANNAPOLIS, MD 21401-0486 PHONE (410) 269-2840

Michael G. Summers, Chairman
William G. Voelp, Vice Chairman
Carlos Ayala
Janet Millenson
Yaakov "Jake" Weissman



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

To: Members of the State Board of Elections
From: Melissia Dorsey
Date: August 3, 2023
Re: Final Adoption of Regulations for August 29 Meeting

At the August 29 meeting, I will present for final adoption changes approved for publication at the May 4 meeting and two changes approved for publication at the June 20 meeting. The changes that will be presented for final adoption are:

1. 33.02.03.01- .04: Meetings and Training – Judges’ Manuals and Training
2. 33.02.03.05: Meetings and Training – Judges’ Manuals and Training. Proposed changes were presented for publication at both the May and June meetings.
3. 33.12.02.01: Recounts – Initiation of Recounts – Petition
4. 33.17.04.06: Early Voting – Early Voting Center Equipment and Materials
5. 33.17.05.03: Early Voting – Election Judges – Training of Election Judges. Proposed changes were presented for publication at both the May and June meetings.
6. 33.17.07.01: Early Voting – Non-Voting Hours Procedures – Voting Equipment Supplies
7. 33.19.01.01: Same Day Registration and Address Changes – Public Notice
8. 33.19.02.01: Special Elections by Mail – Issuance and Return

The proposed changes were published in the June 30, 2023, edition of the *Maryland Register* (Vol. 50, Issue 13). The public comment period closed on July 31, 2023, and no comments were received.

For more information on the proposed changes, please refer to the memos dated April 21, 2023, and June 6, 2023, and the accompanying text of the proposed changes or you can review the published [Notice of Proposed Action](#).

At the meeting, I will recommend final approval of these proposed regulations. If you have any questions about these regulations before the meeting, please do not hesitate to contact me. I will also be at the next meeting to answer any questions.

William G. Voelp, Chairman
Justin Williams, Vice Chairman
Severn E. S. Miller
Michael G. Summers
T. Sky Woodward



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

To: Members of the State Board of Elections
From: Melissia Dorsey and Nikki Charlson
Date: April 21, 2023
Re: Proposed Regulations for May 4 Meeting

At the May 4 meeting, we will present proposed changes to existing regulations. The accompanying document includes the proposed changes and explanations for each one.

We are proposing changes to the following regulations:

1. 33.02.03.01 - .05 – Meetings and Training – Judges’ Manuals and Training
2. 33.11.01.04 – Absentee Ballots – Definitions; General Provisions – Ballot Drop Boxes
3. 33.12.02.01 – Recounts – Initiation of Recounts – Petition
4. 33.16.02.01– Provisional Voting – Provisional Voting Documents and Supplies
5. 33.17.04.06 – Early Voting – Early Voting Center Equipment and Materials
6. 33.17.05.03 – Early Voting – Election Judges – Training of Election Judges
7. 33.17.07.01 – Early Voting – Non-Voting Hours Procedures – Voting Equipment Supplies
8. 33.19.01.01 – Same Day Registration and Address Changes – Definitions; General Provisions
9. 33.19.02.01 – Same Day Registration and Address Changes – Public Notice
10. 33.21.03.02 and .03 – Special Elections by Mail – Issuance and Return

If you have any questions before the meeting, please do not hesitate to ask. Otherwise, we are happy to answer your questions at the meeting.

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

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined

- (1) "Training program" means the required course of instruction prepared by the election director to train election judges for each election.
- (2) Training Class.
 - (a) "Training class" is defined as a class prepared and conducted by the election director to train election judges.
 - (b) "Training class" shall:
 - (i) Be long enough to cover all of the requirements of the State Administrator's training curriculum through an in person, virtual instruction or online delivery method of instruction as determined appropriate by the election director; and
 - (ii) Include a hands-on practice session with any technology that will be used by the election judge in a polling place.

[.01] .02 - [.02] .03 (text unchanged)

[.03] .04 Use of Training Materials.

Each local board shall use the manual, instruction sheets, and curriculum, or *electronic copies thereof*, approved by the State Administrator:

A.- B. (text unchanged).

[.04 Judges' Training Sessions.

A. Election Director to Conduct.

- (1) Each election director shall prepare and conduct training classes for election judges:
 - (a) Before the primary and general elections in a presidential election year;
 - (b) Before the primary election in a gubernatorial election year; and
 - (c) Before the general election in a gubernatorial election year or before a special primary or general election if the State Administrator considers it necessary.
- (2) The training class shall be long enough to cover all of the requirements of the State Administrator's training curriculum and shall include hands-on practice with any technology that will be used by election judges in a polling place.
- (3) The election director may hold as many training sessions as needed to accommodate all of the election judges.

B. Attendance Mandatory.

- (1) Each election judge shall attend one training class.
- (2) An election director may require an election judge to attend additional classes.
- (3) If an election judge serves on election day, the election judge is entitled to compensation of at least \$20 for each required class the election judge attends.
- (4) Unless appointed under emergency circumstances, an individual may not serve as an election judge unless the individual has attended the required training class.]

.05 Judges' Training Program.

A. Delivery of Training Program.

- (1) Each election director shall prepare a training program for election judges.
- (2) The training program shall include training classes:
 - (a) Before the primary and general elections in a presidential election year;
 - (b) Before the primary election in a gubernatorial election year; and
 - (c) If the State Administrator considers it necessary:
 - (i) Before the general election in a gubernatorial election year; and
 - (ii) Before a special primary or general election.
- (3) The election director shall hold as many training classes and hands-on practice sessions as needed to accommodate all of the election judges.

B. Requirements for Training Program Completion.

- (1) Each election judge shall complete the required training program.
- (2) An election director may require an election judge to attend additional classes.
- (3) Unless appointed under emergency circumstances, an individual may not serve as an election judge unless the individual completes the required training program.

C. Requirements for Training Compensation.

- (1) A local board shall pay \$50 to an election judge who completes the training program.
- (2) If the training program includes a training class that is offered through virtual instruction or online delivery and a hands-on practice session, the election judge must complete the hands-on practice session to be entitled to compensation.
- (3) An election judge who is required to complete a training program prior to both a primary and general election is entitled to compensation for each training program.

Explanation: The new text allows local boards of elections to use electronic copies of the Election Judges Manual, as well as online or virtual Election Judge training. The proposed change to the election judge compensation is to conform the regulations to [HB1200](#) (2023), which increased the minimum compensation for election judge training and provided that local boards must pay election judges for all training classes that they attend.

**Subtitle 11 ABSENTEE BALLOTS
Chapter 01 Definitions; General Provisions**

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 2-304, 2-305, 3-202.1, 9-303, 9-305, 9-306, 11-301, 11-302, and 11-304, Annotated Code of Maryland

.04 Ballot Drop Boxes.

A. - C. (text unchanged)

D. Electioneering Boundary.

- (1) The local board shall post signs delineating an area around each ballot box where a person shall not electioneer. A local board is not required to delineate this area with a physical line on the ground.
- (2) Except as provided in §D(2)(a) of this regulation, the line shall be located as near as practicable to 50 feet from the ballot box after consideration of the placement of the ballot box and the effect of placement on public safety and the flow of pedestrian and vehicular traffic.
 - (a) If the ballot box is placed within the electioneering boundary of a polling place, the line for the ballot box shall be the electioneering boundary of the polling place.
- (3) The signs shall contain the words "No Electioneering Beyond this Point."

E. Electioneering Activities.

(1) *The following activities are not permitted within the electioneering boundary set forth in §D of this regulation:*

- (a) *Electioneering by individuals; or*
- (b) *Observing or recording voter activities by a group of individuals.*

(2) *An individual observing a ballot box or recording activities within the electioneering boundary set forth in §D of this regulation is not electioneering if the person is not communicating with, questioning, or otherwise interfering with voters dropping off materials at a ballot box.*

F. Other Activities.

~~(1) Except as provided in §F(2) of this regulation, an individual shall not possess, carry, or brandish a firearm within the electioneering boundary set forth in §D of this regulation.~~

(2) *A law enforcement officer or security guard who is on duty or traveling to or from duty may enter the electioneering boundary set forth in §D of this regulation to drop off materials at a ballot box.*

(3) *A person may observe an election official remove materials from the ballot box as long as the person does not interfere with the process.*

Commented [NC1]: Board did not approve (F)(1).

Explanation: The new text defines a “no electioneering” zone for ballot boxes and permissive and impermissible activities around ballot boxes. The proposed permissive and impermissible activities were distributed for the 2022 elections.

Subtitle 12 RECOUNTS
Chapter 02 Initiation of Recounts

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), and 12-106(a), Annotated Code of Maryland

.01 Petition.

A. (text unchanged)

B. Contents. The petition shall specify:

- (1) (text unchanged)
- (2) [Which of the] The recount method[s] authorized by this subtitle the petitioner selects to use;

and

- (3) (text unchanged)

C. - E. (text unchanged)

Explanation: There are currently four recount options¹, and this proposed change limits the number of recount options a candidate may select to one option. Each recount option verifies the different tabulation points, but the most complete - and most expensive - recount option is the manual recount of paper ballots.

This proposed change was identified in the 2022 Primary Election, when at least one candidate initially requested all four recount options. If the candidate proceeded with all four recount options, the local board

¹ The four recount options are: (1) A manual tabulation of printed reports from early voting, election day, and the mail-in and provisional ballot canvasses. Printed reports from precinct tabulators and high speed scanners (if available) are examined and manually tabulated (2) A re-scan of voted paper ballots involved in the recount using precinct tabulators or high speed scanner (if available) to reproduce early voting, precinct or mail-in or provisional ballot canvass totals; (3) A manual recount of voted paper ballots involved in the recount; and (4) A manual recount of ballot images of voted ballots involved in the recount.

would have to prepare for and conduct all four recount options before certifying the local results. This would have delayed the State certification of results.

Subtitle 16 PROVISIONAL VOTING
Chapter 02 Provisional Voting Documents and Supplies

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-305(e), 3-306, 9-402, 9-403, 9-404, 9-406, and 11-303(c) and (e), Annotated Code of Maryland

.01 Provisional Ballot Application.

A. Provisional Ballot Application. Except as required in Regulation[s] .02 [and .03] of this chapter, the provisional ballot application shall include:

(1) - (2) (text unchanged)

B - C. (text unchanged)

Explanation: At the February 2023 meeting, we presented the repeal of Regulation .03 (Same Day Registration and Address Change Documents) in this chapter but neglected to present the repeal of a reference to this regulation. This proposed change repeals the reference to the repealed regulation.

Subtitle 17 EARLY VOTING
Chapter 04 Early Voting Center Equipment and Materials

Authority: Election Law Article, §§2-102(b)(4) and 10-301.1(h), Annotated Code of Maryland

.06 Information for Voters at Early Voting Centers.

A. Except as provided in §B of this regulation, a local board shall post at each early voting center:

(1) (text unchanged)

(2) The number of voters who have voted as specified in the election judges' manual [or supplement];

(3) - (4) (text unchanged)

B. (text unchanged)

Explanation: The new text removes the option to provide an early voting supplement. Currently, all necessary information is included in the election judges manual, making a supplement unnecessary.

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

.03 Training of Election Judges.

A. Required Materials. The State Administrator shall develop and issue for the local boards:

(1) A judges' manual [or supplement for early voting] *that includes all information necessary to conduct early voting; and*

(2) Instruction sheets summarizing certain early voting procedures; and

(3) A curriculum for training election judges appointed for early voting].

- B. Development of Manual. The State Administrator shall comply with the process established in COMAR 33.02.03 for developing the judges' manual [or supplement for early voting].
- C. Use of Training Materials. Each local board shall use the manual [or supplement,] and instruction sheets, [and curriculum,] or *electronic copies thereof*, approved by the State Administrator for early voting
- [D. Judges' Training Sessions. Each election director shall:
- (1) Prepare and conduct training classes for election judges in accordance with COMAR 33.02.03.04; and
 - (2) Conduct separate training classes for election judges serving during early voting.
- E. Attendance Mandatory.
- (1) Each election judge serving during early voting shall attend one training class.
 - (2) An election director may require an election judge to attend additional classes.
 - (3) If an election judge serves when the election judge was assigned, the election judge is entitled to compensation of at least \$20 for each required class the election judge attends.
 - (4) Unless appointed under emergency circumstances, an individual may not serve as election judge unless the individual has attended the required class.]

D. Judges Training Program.

 - (1) *For an election judge who serves during early voting, each election director shall conduct training in accordance with COMAR 33.02.03.04 and include instruction necessary to conduct early voting.*
 - (2) *Requirements for Training Program Completion.*
 - (a) *Each election judge shall complete the required training program.*
 - (b) *An election director may require an election judge to attend additional classes.*
 - (c) *Unless appointed under emergency circumstances, an individual may not serve as an election judge unless the individual completes the required training program.*
 - (3) *Requirements for Training Compensation.*
 - (a) *A local board shall pay \$50 to an election judge who completes the training program.*
 - (i) *Attendance at additional classes to train on the conduct of early voting does not entitle an election judge to further compensation.*
 - (ii) *If the training program includes a training class that is offered through virtual instruction or online delivery and a hands-on practice session, the election judge must complete the hands-on practice session to be entitled to compensation.*
 - (b) *An election judge who is required to complete a training program prior to both a primary and general election is entitled to compensation for each training program.*

Explanation: The proposed text removes the reference to the early voting supplement and allows local boards to use electronic copies of the election judges' manual to train election judges for early voting, similar to election day provisions. The proposed change to the election judge compensation is to conform the regulations to [HB1200](#) (2023), which increased the minimum compensation for election judge training and provided that local boards must pay election judges for all training classes that they attend.

Subtitle 17 EARLY VOTING
Chapter 07 Non-Voting Hours Procedures

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 10-301.1, and 11-301, Annotated Code of Maryland

.01 Voting Equipment Supplies.

At the end of each night of early voting, the local board shall ensure that:

- A. The election judges have closed all equipment in accordance with the procedures in the election judges' manual [or supplement];
- B. - C. (text unchanged)
- D. Ballot and other reconciliation procedures specified in the election judges' manual [or supplement] are performed; and
- E. (text unchanged)

Explanation: The new text removes the option to provide an early voting supplement polling place, since the supplement will no longer be produced.

**Subtitle 19 SAME DAY REGISTRATION AND ADDRESS CHANGES
Chapter 01 Definitions; General Provisions**

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-305(e), and 3-306(a), (d), and (e), Annotated Code of Maryland

.01 Applicability to Elections.

- A. – B. (text unchanged)
- C. For special primary and general elections[.]:

(1) Same day registration is available on election day; *and*

(2) *Same day registration and address change is available during early voting if the special election is conducted by mail under Election Law Article, Title 9, Subtitle 5 of the Annotated Code of Maryland.*

Explanation: If a special election is conducted by mail, there must be early voting. See Election Law Article, §9-503(c)(4). The proposed changes require that same day registration and same day address changes be offered during early voting for special elections conducted by mail.

At the February 2023 meeting, we proposed changes to this regulation, and the State Board approved them for publication. During the Department of Legislative Services' review of the proposed changes, they noted a conflict between the changes approved at the February meeting and COMAR 33.17.01.02B, which states that early voting is not available for special elections unless the special election is conducted by mail. As a result, we withdrew the proposed changes to this regulation and are re-proposing them to resolve the conflict with COMAR 33.17.01.02B. These proposed changes clarify that if the special election is conducted by mail, same day registration and address changes are available during the early voting period.

**Subtitle 19 SAME DAY REGISTRATION AND ADDRESS CHANGES
Chapter 02 Public Notice**

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-305(d) and (e), and 3-306(d) and (e), Annotated Code of Maryland

.01 Minimum Requirements.

- A. State Board. After the close of registration for each election, but prior to election day, the State Administrator shall [send a pre-election mailing to each pre-qualified voter, which shall either:

(1) Include the correct polling place for the pre-qualified voter's address; or

(2) Instruct the pre-qualified voter how to find the individual's correct polling place.] *take appropriate measures to notify each pre-qualified voter how to find the individual's correct polling place. When feasible, the State Administrator shall send a pre-election mailing to each pre-qualified voter, which shall include the correct polling place for the pre-qualified voter's address.*

B. (text unchanged)

Explanation: There typically is not enough time before a special primary or general election to procure a vendor, obtain the data for this mailing, and produce and send the mailing. The proposed changes provide flexibility on how notice is provided. For a regularly scheduled primary and general election, the notice would be provided by mail, but we would have flexibility on how to provide notice of a special primary or general election.

Subtitle 21 SPECIAL ELECTIONS BY MAIL Chapter 03 Issuance and Return

Authority: Election Law Article, §§2-102, 9-501, 9-502, and 9-504—9-506, Annotated Code of Maryland; [42 U.S.C. §1973ff-1] 52 U.S.C. § 20302

.02 Envelopes.

A. - C. (text unchanged)

D. Postage Paid. *If a vote-by-mail ballot is sent by mail, [The] the return envelope shall include prepaid postage.*

E. (text unchanged)

Explanation: Chapter 20 of Title 42 of the U.S. Code has been transferred to Title 52 of the U.S. Code. The proposed change in the authority line updates the reference.

At the February 2023 meeting, we proposed changes to this regulation, and the State Board approved them for publication. During the Department of Legislative Services' review of the proposed changes, they noted that current law requires free postage to return ballots delivered to the voter by mail. (The free postage does not extend to voters who receive their ballots electronically.) This proposed change incorporates that distinction for a special election conducted by mail.

STATE BOARD OF ELECTIONS

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Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

To: State Board Members

From: Jared DeMarinis

Date: August 15, 2023

Re: Final Adoption of Regulations

At the next board meeting, I will present for final adoption proposed changes to the following COMAR provision¹ (see enclosure):

- 33.13 -Campaign Financing
 - .10 (Prohibitions)
 - .05 (*Contribution Conversion*)
 - .13 (Administrative Accounts)
 - .06 (Permissible Uses)

The proposed changes to the regulations were adopted at the May 4, 2023 meeting. They were published in the June 16, 2023 edition of the *Maryland Register* (Vol. 50, Issue 12), and the public comment period closed on July 17, 2023.

No public comment was received. Therefore, it is recommended to proceed with the adoption of the proposed regulation as drafted.

If you have any questions before the next meeting, please contact me. I will, of course, be available at the board meeting to answer any questions.

Attachment.

¹ Italicized text is new section or language.

STATE BOARD OF ELECTIONS
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Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

To: State Board Members
From: Jared DeMarinis
Date: April 20, 2023
Re: Proposed Changes to Regulations

At the next board meeting, I will propose changes to the following COMAR provision¹ (see enclosure):

- 33.13 -Campaign Financing
 - .10 (Prohibitions)
 - .05 (*Contribution Conversion*)
 - .13 (Administrative Accounts)
 - .06 (Permissible Uses)

Campaign Financing (Subtitle 13)

.10 Prohibitions

.05 Contribution Conversion

The proposed regulation codifies existing State Board policy on the reporting on contributions. The proposed regulation prevents any circumventions of the contribution limit and surplus funds requirements for pro-rata return of contributions. Additionally, the Office of the State Prosecutor is in support of the codification.

.13 Administrative Accounts

.06 Permissible Uses

The proposed regulation allows for administrative account funds to be used for fundraising activities exclusively for the administrative account. Currently, the regulations do not allow for such a type of disbursement of administrative funds. As such, a central committee or legislative party caucus committee would have to make expenditures from the electoral account for fundraising activities into the administrative account. Expenditures from the electoral account must be made to promote or assist in the promotion of a candidate, political party or question. Therefore, it is prohibited for the use of electoral funds in this manner. The proposed regulation corrects this situation.

Attachment: Proposed Regulations

¹ Italicized text is new section or language.

**Title 33 State Board of Elections
Subtitle 13 Campaign Financing
Chapter 10 Prohibitions**

Authority: Election Law Article, §§1-101(o), 1-101(aa), 2-102(b)(4), 13-218, 13-220.1, 13-221, 13-225—13-237, 13-239, 13-245, 13-306, 13-307, and 13-309.1 and Title 13, Subtitle 3, Annotated Code of Maryland

.05 Contribution Conversion

Thirty days after the filing of a campaign finance report for an applicable transaction period, the campaign finance report may not be amended in a way that alters a reported contribution in that applicable transaction period into a loan.

**Title 33 State Board of Elections
Subtitle 13 Campaign Financing
Chapter 13 Administrative Accounts**

Authority: Election Law Article, §§ 2-102(b)(4) and 13-220.1, Annotated Code of Maryland

.06 Permissible Uses

A. [text unchanged]

B. Permissible Activities. The following activities are permissible non-campaign related activities and may be paid with administrative funds:

(1) – (9) [text unchanged]

(10) Bank charges, accounting fees, tax preparation fees, or costs associated with the filing of campaign finance reports; [and]

(11) Legal fees or similar professional or service fees[.]; *and*

(12) *Fundraising activities for soliciting donations to the administrative account only.*

Subtitle 11 ABSENTEE BALLOTS
Chapter 03 Issuance and Return

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

.06 Return of Ballot.

A. - B. (text unchanged)

C. Ballots Returned Without a Signed Oath.

(1) (text unchanged)

(2) Method of Notification.

(a) - (b) (text unchanged)

(c) [(3)] (text unchanged)

[(4)] (3) Method of Communication with Local Board.

(a) *A voter may choose to communicate with the local board to correct the failure to sign the oath by text, email, portal, mailed form, and in-person visit to the local board.*

(b) *A voter may sign the oath [provide a signature] by email, SBE-approved text application, mail, in-person visit to the local board, or other means offered by the State Board.*

D. - G. (text unchanged)

Explanation: These proposed changes reflect changes enacted in Chapters [151](#) and [152](#) (2023) (introduced as [HB 535](#) and [SB 379](#), respectively), which allows voters to choose how they want to communicate about a missing signature and adding a text-based solution for providing the missing signature.

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

.03 Start of Canvass.

A. When Required.

(1) Except as provided in §A(2) of this regulation, the board shall start [to canvass] *processing* the absentee ballots [at 10 a.m. on the Thursday after the election] *on the day that is 8 business days before the first day of early voting.*

(2) [The board shall start the second absentee ballot canvass at 10 a.m. on the second Friday after an election.] *Upon the request of a board, the State Administrator may grant a waiver of the requirements in §A(1) of this regulation if the State Administrator determines that early processing is not:*

(a) *Necessary due to the low number of absentee ballots received by the board; or*

(b) *Practicable due to limited resources or other constraints on the board.*

(3) *The board shall convene at:*

(a) *10 am on the Thursday after the election to canvass absentee ballots; and*

(b) 10 am on the second Friday after an election.

~~[(3)]~~ (4) If ~~[the start of an absentee canvass]~~ any required processing or canvassing day falls on a legal holiday, the board shall convene to process or canvass absentee ballots on the next regular business day.

B. (text unchanged)

Explanation: These proposed changes reflect changes enacted in Chapters [151](#) and [152](#) (2023) (introduced as [HB 535](#) and [SB 379](#), respectively), which requires - with exceptions - the pre-election processing of mail-in ballots. They preserve the canvassing on the Thursday after the election and the second Friday after the election.

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, 11-302, and ~~[11-303(d)(2)(iii)]~~ 11-303.2, Annotated Code of Maryland

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

If a local board receives multiple ballots from the same voter, ~~[The]~~ the local board shall ~~[reject multiple absentee ballots]~~ canvass the ballots as follows:

A. (text unchanged)

B. If more than one ballot is received from the same individual in different envelopes:

(1) If the signed oaths have different dates, ~~[only the ballot with the later date shall be counted]~~, the local board shall:

(a) Count the ballot with the earliest signed oath date that the local board determines is legally sufficient; or

(b) Reject all ballots if none of them are legally sufficient.

(2) If the signed oath associated with one ballot is dated and the signed oath associated with the other ballot is either undated or indecipherably dated, the local board shall count the ballot with the dated oath and reject the ballot with the undated or indecipherably dated ~~[ballot shall be rejected]~~ oath;

(3) If the signed oaths all have the same dates or all have indecipherable dates, all ballots shall be rejected; the local board shall:

(a) Count the first ballot it received if that ballot is legally sufficient;

(b) If the first ballot it received is not legally sufficient, count the ballot it received next if it is legally sufficient; or

(c) Reject all ballots if the ballots were received on the same date.

(4) (text unchanged)

C. Except as provided as in §D of this regulation, if an absentee ballot and provisional ballot are received from the same individual, the local board shall count the first ballot the voter cast if the ballot is legally sufficient and reject ~~[the provisional ballot]~~ any other ballot.

D. (text unchanged)

Explanation: These proposed changes reflect changes enacted in Chapters [151](#) and [152](#) (2023) (introduced as [HB 535](#) and [SB 379](#), respectively), which require the local board to count the first ballot from the individual and reject any other ballot.

Subtitle 15 PRECINCTS, POLLING PLACES, AND FACILITIES
Chapter 03 Polling Places

Authority: Criminal Procedure Article, §11-722; Election Law Article, §§1-101, 2-102(b)(4), 2-202(b), 2-303.1 and 10-101, Annotated Code of Maryland

.02 New or Changed Polling Place.

A. (text unchanged)

B. Notice of Proposed Changes.

(1) (text unchanged)

(2) At least 14 days before the meeting required by §A of this regulation, the local board shall provide written notice of the meeting to:

(a) (text unchanged)

(b) The following elected officials:

(i) County Executive or Mayor of Baltimore City, if applicable;

(ii) County Commissioner or County Council member elected by voters in the precinct(s) with the current polling place and proposed polling place; **[and]**

(iii) *Each Municipal Council member elected by voters in the precinct(s) with the current polling place and proposed polling place; and*

(iv) Member of the General Assembly elected by voters in the precinct(s) with the current polling place and proposed polling place.

C - D. (text unchanged)

Explanation: This proposed text adds municipal elected officials to the list of individuals to whom the local boards must provide written notice of a meeting to change the location of a polling place. This notice is required by [Chapter 221](#) (2023) (introduced as HB 410). Municipal elected officials were omitted from the initial text.

Subtitle 16 PROVISIONAL VOTING
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), [(d)(2)(iii),] and (e), and 11-303.2, Annotated Code of Maryland

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

A. *If a local board receives multiple provisional ballots from the same voter, [The] the local board shall [reject multiple provisional ballots] canvass them as follows:*

(1) (text unchanged)

(2) If more than one provisional ballot is received from the same individual in different provisional ballot applications, **[all ballots shall be rejected]** *the local board shall:*

(i) Count the first provisional ballot cast by the voter that is legally sufficient and acceptable in full;

(ii) If no provisional ballots are acceptable in full, count the first provisional ballot cast by the voter that is legally sufficient and accepted in part; or

(iii) Reject all ballots if none of the voter's provisional ballots are legally sufficient.

B. If an absentee ballot and provisional ballot are received from the same individual:

(1) Except as provided in §B(2) of this regulation, the local board shall *count the first ballot the voter cast if the ballot is legally sufficient and reject [the provisional] any other ballot.*

(2) (text unchanged)

C. (text unchanged)

Explanation: These proposed changes reflect changes enacted in Chapters [151](#) and [152](#) (2023) (introduced as [HB 535](#) and [SB 379](#), respectively), which require the local board to count the first ballot from the individual and reject any other ballot.

Subtitle 11 ABSENTEE BALLOTS

33.11.01 Definitions; General Provisions

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 2-304, 2-305, 3-202.1, 9-303, 9-305, 9-306, 11-301, 11-302, and 11-304, Annotated Code of Maryland

.04 Ballot Drop Boxes.

A. - C. (text unchanged)

D. *Electioneering Boundary.*

(1) *The local board shall post signs delineating an area around each ballot box where a person shall not electioneer. A local board is not required to delineate this area with a physical line on the ground.*

(2) *Except as provided in §D(3) of this regulation, the line shall be located as near as practicable to 50 feet from the ballot box after consideration of the placement of the ballot box and the effect of placement on public safety and the flow of pedestrian and vehicular traffic.*

(3) *If the ballot box is placed within the electioneering boundary of a polling place, the line for the ballot box shall be the electioneering boundary of the polling place.*

(4) *The signs shall contain the words "No Electioneering Beyond this Point."*

E. *Electioneering Activities.*

(1) *The following activities are not permitted within the electioneering boundary set forth in §D of this regulation:*

(a) *Electioneering by individuals; or*

(b) *Observing or recording voter activities by a group of individuals.*

(2) *An individual observing a ballot box or recording activities within the electioneering boundary set forth in §D of this regulation is not electioneering if the person is not communicating with, questioning, or otherwise interfering with voters dropping off materials at a ballot box.*

F. *Other Activities.*

(1) *Except as provided in §F(2) of this regulation, an individual shall not possess, carry, or brandish a firearm within the electioneering boundary set forth in §D of this regulation.*

(2) *A law enforcement officer or security guard who is on duty or traveling to or from duty may enter the electioneering boundary set forth in §D of this regulation to drop off materials at a ballot box.*

(3) *A person may observe an election official remove materials from the ballot box as long as the person does not interfere with the process.*