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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before June 12, 2023, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of June 12, 2023.

Gail S. Klakring
Administrator, Division of State Documents
Office of the Secretary of State



C. If the care required is within the scope of practice of a paramedic with specialty care transport training:

- (1) (text unchanged)
- (2) At least one individual who is:

(a) A paramedic who has successfully completed a paramedic specialty care transport course approved by the EMS Board, *or holds current Critical Care Paramedic or Flight Paramedic certification through the International Board of Specialty Certification*, and is credentialed by the specialty services under COMAR 30.03.03.06; or

- (b) (text unchanged)
- (3) (text unchanged)

D. (text unchanged)

THEODORE DELBRIDGE, MD
Executive Director

Title 33 STATE BOARD OF ELECTIONS

Notice of Proposed Action

[23-086-P]

The State Board of Elections proposes to:

(1) Adopt new Regulations **.01** and **.05**, recodify existing Regulations **.01** and **.02** to be Regulations **.02** and **.03**, amend and recodify existing Regulation **.03** to be Regulation **.04**, and repeal existing Regulation **.04** under **COMAR 33.02.03 Judges' Manuals and Training**;

(2) Amend Regulation **.01** under **COMAR 33.12.02 Initiation of Recounts**;

(3) Amend Regulation **.06** under **COMAR 33.17.04 Early Voting Center Equipment and Materials**;

(4) Amend Regulation **.03** under **COMAR 33.17.05 Election Judges**;

(5) Amend Regulation **.01** under **COMAR 33.17.07 Non-Voting Hours Procedures**;

(6) Amend Regulation **.01** under **COMAR 33.19.01 Definitions; General Provisions**; and

(7) Amend Regulation **.01** under **COMAR 33.19.02 Public Notice**.

This action was considered by the State Board of Elections at its May 5, 2023, meeting, notice of which was given in accordance with General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

(1) Allow local boards of elections to use electronic copies of the election judges' manual, as well as online or virtual election judge training;

(2) Update election judge compensation for election day and early voting judges in accordance with Ch. 157 (H.B. 1200), Acts of (2023); (3) Limit the number of recount options a candidate may select to one;

(4) Remove the option to provide an early voting supplement for election judges and remove all references to such supplement;

(5) Allow local boards of elections to use electronic copies of the election judges' manual to train election judges for early voting;

(6) Clarify when same-day registration and address change is available during special elections; and

(7) Provide flexibility on how the State Administrator provides notice of same-day registration to pre-qualified voters.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Nikki Charlson, Deputy Administrator, State Board of Elections, P.O. Box 6486, Annapolis, MD 21401-0486, or call 410-269-2843, or email to DL_regcomments_SBE@maryland.gov. Comments will be accepted through July 31, 2023. A public hearing has not been scheduled.

Subtitle 02 MEETINGS AND TRAINING

33.02.03 Judges' Manuals and Training

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 10-205, and 10-206, Annotated Code of Maryland; *Ch. 157, Acts of 2023*

.01 Definitions.

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

B. Terms Defined.

(2) *Training Class.*

(a) *"Training class" means a class prepared and conducted by the election director to train election judges that is long enough to cover all of the requirements of the State Administrator's training curriculum through an in-person, virtual, or online delivery method of instruction, as determined appropriate by the election director.*

(a) *"Training class" includes a hands-on practice session with any technology that will be used by the election judge in a polling place.*

(1) *"Training program" means the required course of instruction prepared by the election director to train election judges for each election.*

[.03] .04 Use of Training Materials.

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

A.—B. (text unchanged)

.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 at least \$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 shall 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.*

Subtitle 12 RECOUNTS

33.12.02 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 [methods] *method* authorized by this subtitle the petitioner selects to use; and

(3) (text unchanged)

C.—E. (text unchanged)

Subtitle 17 EARLY VOTING

33.17.04 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)

33.17.05 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 of them*, 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 at least \$50 to an election judge who completes the training program, with the following stipulations:*

(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 shall 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.*

33.17.07 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)

Subtitle 19 SAME DAY REGISTRATION AND ADDRESS CHANGES

33.19.01 Definitions; General Provisions

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-305(e), [and] 3-306(a), (d), and (e), and 9-507, Annotated Code of Maryland

.01 Applicability to Elections.

A.—B. (text unchanged)

C. For special primary and general elections[.]:

(1) [same] *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, Annotated Code of Maryland.*

33.19.02 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)

LINDA LAMONE
State Administrator of Elections