

Section B

U.S. ELECTION ASSISTANCE COMMISSION



2008 Election Administration & Voting Survey

Statutory Overview

In order to better understand state laws governing federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help us to better understand the quantitative data relating to the 2008 general election that we are collecting from all U.S. states and territories.

We understand that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

Information Supplied By	
Name	Nikki Trella
Title	Election Reform Director
Office/Agency Name	Maryland State Board of Elections
Address 1	P.O. Box 6486
Address 2	
City	Annapolis
State	MD
Zip Code	21401-0486
Email Address	Ntrella@elections.state.md.us
Telephone (area Code and number)	410.269.2843
Fax Number (area code and number)	410.974.2019

DIRECTIONS AND EXAMPLE

Please provide your state's legal citation for the responses to these questions (where applicable).

Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks legal standing but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.

If state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court, please specify.

Please put your responses between the red, bracketed text lines. This will help us extract your answers into our central database.

Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

- a. Over-vote

[Begin definition (a) below this line.]

Your answer goes here. You may enter the text directly, or cut and paste from another word processing program.

There is no limit to the length of your response.

[End definition (a) above this line.]

SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a. Over-vote

[Begin definition (a) below this line.]

An overvote occurs when a voter selects more than the maximum number of choices for a specific contest. This term is not defined in State statute or regulation.

[End definition (a) above this line.]

b. Under-vote

[Begin definition (b) below this line.]

An undervote occurs when a voter either makes no selection for a contest or makes less than the maximum number of selections for a contest. This term is not defined in State statute or regulation.

[End definition (b) above this line.]

c. Blank ballot

[Begin definition (c) below this line.]

A blank ballot is a ballot where a voter has made no selections for any contest on the ballot. This term is not defined in State statute or regulation.

[End definition (c) above this line.]

d. Void/Spoiled ballot

[Begin definition (d) below this line.]

A spoiled ballot is a ballot on which a voter makes an error or otherwise spoils the ballot. The voter may return the spoiled ballot and be issued another ballot. Neither voided ballot nor spoiled ballot are defined in State statute or regulation, and the term "voided ballot" is not used in Maryland.

[End definition (d) above this line.]

e. Provisional/Challenged ballot

[Begin definition (e) below this line.]

Provisional ballot is defined as "a ballot that is cast by an individual but not counted until the individual's qualifications to vote have been confirmed by the local board [of elections]." This term is defined in § 1-101(kk) of the Election Law Article, Annotated Code of Maryland.

[End definition (e) above this line.]

f. Absentee

[Begin definition (f) below this line.]

Absentee ballot is defined as a "ballot not used in a polling place." This term is defined in § 1-101(a) of the Election Law Article, Annotated Code of Maryland.

[End definition (f) above this line.]

g. Early voting

[Begin definition (g) below this line.]

There are only two kinds of voting in Maryland – polling place voting (includes provisional voting) and absentee voting. Early voting is not defined in State statute or regulation.

[End definition (g) above this line.]

h. Active Voter

[Begin definition (h) below this line.]

An active voter is a voter who registered to vote in Maryland and is not in a “pending” or “inactive” status under the provisions of the National Voter Registration Act of 1994. This term is not defined in State statute or regulation.

[End definition (h) above this line.]

i. Inactive Voter

[Begin definition (i) below this line.]

An inactive voter is a voter who is registered to vote in Maryland but has not responded to a confirmation notice. While this term is not defined in State statute or regulation, § 3-503 of the Election Law Article, Annotated Code of Maryland, specifies when a voter is placed into inactive status, how a voter is restored to active status, and when a voter is removed from the voter registration list.

[End definition (i) above this line.]

j. Other terms (please specify) _____

[Identify each TERM and definition separately and begin below this line.]

[End TERM(s) and definition(s) above this line.]

A2. Please provide the legal citation for any **significant** changes to election laws or procedures that have been enacted or adopted since the previous Federal election. By “significant,” we do not mean routine or technical changes (such as changes to election district boundaries or polling place changes). However, we would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

[Begin response to above question (A2) below this line.]

In 2006, there was a challenge to the statute authorizing early voting. In its resulting opinion (issued after the 2006 General Election), the State’s highest court held that the statute was unconstitutional because it violated the constitutional requirement that a voter vote in his or her election district or ward. One of the consequences of this decision was

how provisional ballots are counted in Maryland. As a result, the State revised its policies on canvassing provisional ballots to comply with the court's decision.

In 2004 and 2006, consistent with § 11-303(e) of the Election Law Article, if a voter cast a provisional ballot in the wrong precinct, the provisional ballot was "accepted in part" and those contests for which the voter was eligible to vote were counted. In other words, the voter's votes for statewide contests would be counted as would any other votes for contests that would have appeared on his ballot if he had voted in the correct precinct.

Starting in 2007 and in effect for the 2008 elections, if a voter cast a provisional ballot in the wrong precinct and that precinct is not in the election district where the voter currently resides, the entire provisional ballot will be rejected. This will result in an increase in the number of rejected provisional ballots and a decrease in the number of "accepted in part" provisional ballots.

Another consequence of the court's decision was its questioning the constitutionality of the State's "no excuse" absentee voting law. The Constitution of Maryland specifies in Art. I, § 3 that absentee voting is available for voters who are "absent at the time of any election . . . and . . . unable to vote personally," and the court suggested that the statute authorizing "no excuse" absentee voting violated the constitutional provisions. As a result, the State included language on the 2008 absentee ballot application advising potential absentee voters of the oath they will be required to sign if they vote by absentee ballot.

Effective July 1, 2007, a new law went into effect concerning the restoration of voting rights for individuals previously convicted of a felony. Under the new § 3-102(b) of the Election Law Article, individuals previously convicted of a felony are eligible to vote when they have completed serving their court-ordered sentence of imprisonment, including any parole or probation for the conviction. Previously, the individual was not eligible until he or she had completed "parole, community service, restitutions, and fines" in connection with a first conviction and was prohibited for life if he or she was convicted of a second crime or subsequent crime of violence.

[End response to above question (A2) above this line.]

SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

[Begin response to above question (B1) below this line.]

Maryland's statewide voting system is a top-down system.

[End response to above question (B1) above this line.]

If your state has a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

[Begin response to above clarification question to B1 below this line.]

n/a

[End response to above clarification question to B1 above this line.]

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

[Begin response to above question (B2) below this line.]

If a voter fails to respond to a confirmation notice, the voter's name is placed into inactive status on the State's voter registration list. *See* § 3-503, Election Law Article, Annotated Code of Maryland. A confirmation notice is defined as a notice, approved by the State Board, that is sent by forwardable mail with a return card. *See* § 3-502(a)(2), Election Law Article.

If an election official receives any information that a voter registered in Maryland has moved to a different address in Maryland, the appropriate election officials shall change the voter's record and send the voter a confirmation notice. *See* § 3-502(b), Election Law Article.

If it appears from information from the United States Postal Service or from agencies handling condemnations and razings that a voter has moved to a different address outside of Maryland, the election official in the county where the voter most recently resided in the State shall send the voter a confirmation notice informing the voter of his or her potential inactive status. *See* § 3-502(c), Election Law Article.

Upon receipt of the return card, the election director shall make any needed corrections to the voter's record and retain the original registration documents. *See* § 3-502(d), Election Law Article. The election director may not remove a voter on the grounds of an address change unless the voter: (1) confirms in writing that he or she has changed residence to a location outside of Maryland; or (2) voter failed to respond to the confirmation notice and has not voted or appeared to vote in an election during the period from the date of the

confirmation notice through the next two general elections. *See* § 3-502(e), Election Law Article. An inactive voter who fails to vote in an election in the period ending with the second general election shall be removed from the State's voter registration list. *See* § 3-503(c), Election Law Article.

A voter who is in inactive status shall be restored to active status after completing and signing any of the following election documents:

1. A voter registration application;
2. A petition to place an individual or question on the ballot, create a new political party, or appoint a charter board;
3. A certificate of candidacy;
4. An absentee ballot application; or
5. A written affirmation of residence completed on election day.

See § 3-503, Election Law Article.

There are no changes to the procedures for UOCAVA voters.

[End response to above question (B2) above this line.]

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

[Begin response to above question (B3) below this line.]

Under § 3-501 of the Election Law Article, Annotated Code of Maryland, a voter may be removed only:

1. At the request of the voter as long as the request is signed by the voter, authenticated by the election director, and in a format acceptable to the State Board or on a cancellation notice provided by the voter on a voter registration application;
2. Upon determining based on information from death records, felony convictions, or condemnation or razing procedures, that the voter is no longer eligible to vote;
3. If the voter has moved out of Maryland, as determined by conducting a confirmation mailing; or
4. If, in accordance with the administrative complaint process, it has been determined that the voter is not qualified to be registered to vote.

For voters who provide an out-of-state address, the election director sends the voter a written notice of the removal. *See* COMAR 33.05.06.03.

If the local board of elections receives a report of a voter's death from an official source (state vital statistics agency), no notice to the voter's family is required. If the report is from a reliable source, the election director is required to mail a notice requesting verification of the voter's death. *See* COMAR 33.05.06.05B & C.

If the local board of elections receives a report of a voter's felony conviction, the election director is required to mail by regular U.S. mail the voter a notice that describes the report received and that he or she will be removed from the voter registration list unless, within 2 weeks after the date of the letter, the voter objects to the removal and shows cause why the removal should not be processed. *See* COMAR 33.05.06.05C.

There are no changes to the procedures for UOCAVA voters.

[End response to above question (B3) above this line.]

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's drivers license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

[Begin response to above question (B4) below this line.]

There is currently a real-time interface between the State's voter registration system and the Motor Vehicle Administration's (MVA) driver's license system. This interface is used to verify driver's license and MVA-issued identification card numbers. Data from the State's Department of Vital Statistics and Judicial Information System is loaded into the State's voter registration system, and the data is used to verify eligibility for voter registration purposes.

We also compare data in the State's voter registration system with data in MVA's database to verify that individuals who indicated an interest in registering to vote or updating their voter registration information but there is no record in the voter registration system of the individual or of the updated information.

[End response to above question (B4) above this line.]

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with using NCOA?

[Begin response to above question (B5) below this line.]

Maryland does not use the National Change of Address.

[End response to above question (B5) above this line.]

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

[Begin response to above question (B6) below this line.]

Effective July 1, 2007, a new law went into effect concerning the restoration of voting rights for individuals previously convicted of a felony. Under this law, individuals previously convicted of a felony are eligible to vote when they have completed serving

their court-ordered sentence of imprisonment, including any parole or probation for the conviction. Previously, the individual was not eligible until he or she had completed “parole, community service, restitutions, and fines” in connection with a first conviction and was prohibited for life if he or she was convicted of a second crime or subsequent crime of violence.

If there is information about the individual’s criminal conviction in the State’s voter registration list, the local election officials use the court system’s information to determine whether the applicant has completed his or her sentence and is now eligible to register and vote. If the court system’s information shows that the applicant has completed his or her sentence (including parole and probation), the registration process proceeds. If the court system’s information shows that the applicant has not completed his sentence (including parole and probation), the applicant is placed in “pending” status and the voter registration system automatically generates a letter asking the applicant to contact his or her local board of elections.

[End response to above question (B6) above this line.]

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

[Begin response to above question (B7) below this line.]

Yes. Maryland currently posts a typeable PDF file of the voter registration application. An individual can type the information into the form, print and sign the form, and mail it to an election official. Additionally, voters can use an online searchable database to verify their registration status.

[End response to above question (B7) above this line.]

SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

[Begin response to above question (a) below this line.]

Absentee and provisional ballots are counted centrally.

[End response to above question (a) above this line.]

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

[Begin response to above question (b) below this line.]

No.

[End response to above question (b) above this line.]

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

[Begin response to above question (c) below this line.]

Each county has three additional "precincts" – one for all absentee ballots counted during the 1st absentee canvass, one for all provisional ballots counted during the provisional canvass, and one for all absentee ballots counted during the 2nd absentee canvass.

[End response to above question (c) above this line.]

d. How are UOCAVA ballots counted and reported?

[Begin response to above question (d) below this line.]

They are counted and reported in the absentee "precinct."

[End response to above question (d) above this line.]

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

[Begin response to above question (C2) below this line.]

Another consequence of the court's decision in the 2006 challenge to early voting was its questioning the constitutionality of the State's "no excuse" absentee voting law. The Constitution of Maryland specifies in Art. I, § 3 that absentee voting is available for voters who are "absent at the time of any election . . . and . . . unable to vote personally," and the court suggested that the statute authorizing "no excuse" absentee voting violated the constitutional provisions. As a result, the State included language on the 2008 absentee ballot application advising potential absentee voters of the oath they will be required to sign if they vote by absentee ballot.

[End response to above question (C2) above this line.]

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

[Begin response to above question (C3) below this line.]

A voter who is eligible to vote by absentee ballot may go to a local board of elections' office, receive an absentee ballot, and vote the absentee ballot at the office. The ballot is an absentee ballot and therefore would be counted and reported in the "absentee" precinct.

[End response to above question (C3) above this line.]

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

[Begin response to above question (C4) below this line.]

No.

[End response to above question (C4) above this line.]

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

[Begin response to above question (C5) below this line.]

A provisional ballot is issued under the following circumstances:

1. The voter's name is not on the precinct register (§ 9-104(b)(2)(i), Election Law Article, Annotated Code of Maryland);
2. The voter is unable to provide the required identification (§ 9-104(b)(2)(iii));
3. The voter's registration is "pending" because the voter's identification information could not be verified or was not provided (§2.1(A)(3) of the Guidelines for the Administration of Provisional Voting);
4. An election official determines that the individual is not eligible to vote a regular ballot because:
 - a. The precinct register indicates that the voter was issued an absentee ballot or already voted;
 - b. The voter's party affiliation (as indicated on the precinct register) differs from the party the voter believes he or she is registered with and therefore the voter is unable to cast the correct party primary ballot;
 - c. The voter indicates, by not signing the change of address affirmation, that he or she is not eligible to cast a regular ballot in that precinct; (§ 9-404(b)(2), Election Law Article & § 2.1(A)(4), Guidelines);
5. The voter's right to vote is challenged and the voter was unable to provide one of the specified forms of identification (§ 10-312, Election Law Article);
6. The voter votes in an election as a result of a federal or State court order or any other order extending the time established for closing for polls (§ 2.1(A)(6), Guidelines); and
7. Used as part of a local board's contingency plan if a polling place is waiting for additional equipment and lines are forming.

[End response to above question (C5) above this line.]

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

[Begin response to above question (C6) below this line.]

Provisional ballots that are cast in the correct *election district or ward* are counted. A provisional ballot cast in the wrong precinct but in the correct election district or ward will be counted; how much of the ballot will be counted depends on the contests for which the voter is eligible to vote. *See* § 7.4, Guidelines.

When a local board of elections processes a provisional ballot application, it reviews and records the election district or ward and precinct at which the voter voted the provisional ballot and compares it to the election district or ward and precinct of the voter's residence. If the election districts or wards are the same, the provisional ballot is accepted, and the local board determines the contests for which the voter is eligible to vote and counts the votes cast for those contests. If the election districts or wards are different, the provisional ballot is rejected. *See* §§ 7.4 – 7.5, Guidelines.

[End response to above question (C6) above this line.]

C7. Please describe your state's laws regarding post-election audits, if any.

[Begin response to above question (C7) below this line.]

There are two separate post-election audit requirements.

First, there is a post-election audit required by COMAR 33.08.01.10. This audit starts the day after the election to confirm the accuracy of the election. The first precincts audited are those precincts selected for the 10% verification, and the audit includes reconciling voter authority cards, votes cast, etc.

Second, a voting system verification is required by COMAR 33.10.02.38. This verification includes manually adding the total reports from each voting unit, comparing the manually added totals to the GEMS report, and comparing the verification results to the post-election audit required by COMAR 33.08.01.10.

[End response to above question (C7) above this line.]

C8. Please describe any state requirements for poll worker training.

[Begin response to above question (C8) below this line.]

State law requires that the State Board of Elections develop an instruction program for pollworkers and oversee the implementation of instruction. The instruction program includes an instruction manual (developed in conjunction with the local boards of elections) and training curricula for each type of pollworker. *See* § 10-206, Election Law Article, Annotated Code of Maryland.

State law also requires that each pollworker attend training. *See* § 10-206. The local boards of elections are required to conduct pollworker training classes before each presidential primary (February) and general (November) election, before the

gubernatorial primary election (September), and if the State Administrator deems it necessary, before a gubernatorial general election (November). *See* COMAR 33.02.03.04.

[End response to above question (C8) above this line.]

SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

[Begin response to above question (D1) below this line.]

Reports generated by the voting system's election management system are designed to show the number of overvotes (absentee and provisional only) and undervotes.

[End response to above question (D1) above this line.]

D2. What identification does your state require from voters in the following situations:

- a. registering to vote;

[Begin response to above question (a) below this line.]

As required by federal law, an applicant is required to provide on the voter registration application a driver's license number or an identification card number issued by the Maryland Motor Vehicle Administration (MVA). If the applicant does not have a driver's license or ID card issued by the MVA, the applicant is required to provide at least the last four digits of his or her social security number.

[End response to above question (a) above this line.]

- b. casting an in-person ballot;

[Begin response to above question (b) below this line.]

Generally, identity is established by asking the individual checking in to vote for his or her name, address and month and date of birth. *See* § 10-310 of the Election Law Article. There are, however, three categories of individuals who will be asked to provide additional identification information before voting for the first time:

1. Voters who: (a) registered to vote by mail after January 1, 2003, and before December 31, 2005; (b) either did not provide a driver's license or social security number or provided a number but it could not be verified; and (c) did not provide other identification information. *See* COMAR 33.07.06.04.
2. Applicants who: (a) submitted a voter registration application after January 1, 2006; (b) provided a driver's license, ID card number issued by the MVA, or social security number that could not be verified; and (c) have not provided other identification information. *See* COMAR 33.07.06.04. These applicants are asked to provide one of the following forms of identification before voting for the first time:
 - i. Current and valid photo identification (defined by COMAR 33.01.01.01B(14) as a Maryland driver's license, an MVA-issued identification card, a student ID card, an employee ID card, a military ID card, a U.S. passport, and any other State or federal government-issued identification card); or

- ii. A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the applicant.
- 3. Applicants who: (a) submitted a voter registration application after January 1, 2006; (b) and did not provide a driver's license, ID card number issued by the MVA, or full or partial social security number. These applicants are asked to provide one of these numbers on their provisional ballot application so that the number can be verified.

[End response to above question (b) above this line.]

- c. casting a mail-in or absentee vote;

[Begin response to above question (c) below this line.]

Same as the answers in (2)(b) above.

[End response to above question (c) above this line.]

- d. casting a ballot under UOCAVA;

[Begin response to above question (d) below this line.]

If a voter authorized to vote an absentee ballot under UOCAVA registered to vote by mail after January 1, 2003, and before December 31, 2005, is not required to show identification or provide additional information before voting for the first time.

If an individual authorized to vote an absentee ballot under UOCAVA registered to vote after January 1, 2006, he or she is treated the same as any other voter registration applicant. That is, he or she must provide a driver's license or ID number issued by the MVA or a social security number and the number must be verified. If the number does not verify, the applicant must provide the identification information listed in (b)(2) above. If the applicant did not provide a number on the application, he or she must provide a number and that number must be verified.

[End response to above question (d) above this line.]

- e. any other stage in registration or voting process in which identification is required (please specify).

[Begin response to above question (e) below this line.]

None.

[End response to above question (e) above this line.]

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

[Begin response to above question (D3) below this line.]

Section 10-311(a) of the Election Law Article, Annotated Code of Maryland, authorizes the following entities to designate a registered voter as an accredited challenger and watcher: (1) the State Board of Elections for any polling place in Maryland; (2) a local board for any polling place located in the county of the local board; (3) a candidate; (4) a political party; and (5) any other group of voters supporting or opposing a candidate, principle, or proposition on the ballot (interpreted to mean a "political committee" formed under § 13-207 of the Election Law Article).

Section 10-311(b) provides accredited challengers and watchers with the right to: (1) enter the polling place one-half hour before the polls open; (2) enter or be present at the polling place at any time when the polls are open; (3) remain in the polling place until all tasks associated with closing the polls are completed; (4) maintain a list of registered voters who have voted or individuals who have cast provisional ballots and take the list outside of the polling place; and (5) enter and leave a polling place for the purpose of taking outside of the polling place information that identifies registered voters who have cast ballots (regular or provisional).

Non-accredited challengers or watchers may only enter a polling place to challenge the identify of a voter and must leave the polling place as soon as a majority of the election judges decides the right to vote of the voter challenged by the challenger or watcher. *See* § 10-311(e), Election Law Article.

[End response to above question (D3) above this line.]

SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to have in place administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

[Begin response to above question (E1) below this line.]

Yes. COMAR 33.01.05.06 was recently amended to address shortcomings identified during previously conducted administration complaint hearings. Amendments included expanding the time to schedule a hearing, limiting witnesses to those individuals called by either the complainant or respondent, requiring parties to provide the hearing officer and other parties a list of witnesses the party intends to call and documents or other evidence the parties intend to present, and other administrative changes. (These changes were adopted as emergency regulations by the Maryland General Assembly's Administrative, Executive, and Legislative Review Committee effective October 31, 2008.)

[End response to above question (E1) above this line.]

E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

[Begin response to above question (E2) below this line.]

[End response to above question (E2) above this line.]

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 3/31/09). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2008 Election Administration and Voting Survey, 1225 New York Avenue, Suite 1100, Washington, DC 20005.