

ADMINISTRATIVE COMPLAINT PROCESS

Any person who believes that there is a violation of any provision of Title III of the Help America Vote Act of 2002, 42 U.S.C. §§ 15481-15485, including a violation that has occurred, is occurring, or is about to occur, may file a complaint. The administrative complaint procedure is set out in Chapter 33.01.05 of the Code of Maryland Regulations.

HOW TO FILE A COMPLAINT

A complaint must be in writing, signed and sworn by the person filing the complaint (the complainant), and notarized. The complainant may use the Administrative Complaint Form provided by the State Board of Elections or any other form, so long as it is signed and sworn by the complainant and notarized. A complaint must be filed:

- (1) Within 60 days after the occurrence of the actions or events that form the basis for the complaint, including actions or events that form the basis for the complainant's belief that a violation is about to occur; or
- (2) If later, within 60 days after the complainant knew or, with the exercise of reasonable diligence, should have known of these actions or events.

WHERE TO FILE A COMPLAINT

The complaint must be filed with the State Board of Elections, P.O. Box 6486, Annapolis MD 21401-0486. A copy of the complaint must also be mailed or delivered to each State or local election official whose actions are asserted to be in violation of Title III of the Help America Vote Act (each respondent). The mailing address for each local board of elections is available at <http://www.elections.state.md.us>.

HEARING AND ADMINISTRATIVE DETERMINATION

A complainant may request that the State Board of Elections conduct a hearing on the record. This request should be made on the complaint form. If a hearing is requested, the State Administrator or the State Administrator's designee will act as the hearing officer. The hearing will be conducted no earlier than 10 days and no later than 20 days after the State Board receives the complaint. The State Board will give at least 5 business days advance notice of the date, time, and place of the hearing to the complainant, each named respondent, and any other interested person who has asked for notice.

If the State Administrator determines that a violation has occurred, the State Board, acting through the State Administrator or the State Administrator's designee, must provide an appropriate remedy. The remedy may include an order to any respondent instructing the respondent to take a specified action or prohibiting the respondent from taking a specified action, but will not include an award of money damages or attorney's fees.

The State Board will issue a final determination within 90 days after the complaint is filed, unless the complainant consents in writing to an extension. The final determination will be mailed to the complainant, each respondent, and any other interested person who has asked to be advised of the final determination. If, for any reason, the State Administrator or the State Administrator's designee does not issue a final determination within 90 days after the complaint was filed or within any extension to which the complainant consents, the complaint must be resolved by arbitration.

The final determination of the State Board or the final resolution of an arbitration panel may not be appealed in any State or federal court.