

**Announcements & Important Meetings**

Welcome

In September, Mary Wagner retired from SBE. We thank her for her service to voters and the elections community and wish her the best in her retirement.

In October, SBE issued a job announcement for the position of Director of Voter Registration. After a competitive recruitment, we are happy to announce that Brett Paradise was selected for this position. Brett recently returned to the Baltimore area after spending twenty years in California, where he attended school and began his career in public service. He spent the last six years with the California Department of Health, where he most recently served as Unit Chief.

Paige Eastwood joined SBE on January 11, 2023, in the Finance Department. Paige is from New York City and she lived the last three years in Long Island. Before Paige accepted the position at SBE, she worked for a Property Management Company where she served as the Project Accounts Manager. Paige is excited to live in Maryland to be close to her best friend and family. She looks forward to warmer weather so she can visit Maryland's parks and the beach.

Maryland Association of Counties' Winter Meeting

The Maryland Association of Counties hosted its winter meeting from January 4 - 6, 2023, in Cambridge. One of the affiliate sessions was "Beyond the Ballot: The Evolution of Elections," and the speakers for this session were Alysoun McLaughlin of the Montgomery County Board of Elections, Matthew Weil of the Bipartisan Policy Center, and Nikki Charlson. Nikki shared highlights from the 2022 election cycle and discussed current and upcoming election administration issues and SBE projects. Senator Kagan moderated the session, and about 40 people attended the session.

House Ways & Means Briefing

At the start of most legislative sessions, we are asked to provide a briefing to the committees with jurisdiction of elections. Our briefing before the House Ways and Means Committee was held on January 17. At this briefing, we shared how elections are administered in Maryland, shared the implementation status of recent legislative initiatives and highlights from the 2022 General Election, and responded to various questions from the Committee members. The video of the briefing is available [here](#). There were a few questions asked during the briefing that require follow-up, and we will provide that information to the Committee once we have it.

**2022 General Election**

*Mail-In Voting - Web Delivered Ballots*

In the Administrator's Report for November and December 2022, we stated that we would provide information about voters who received their ballots via web delivery. The table below shows the requested data.

	UOCAVA Voters	Other Voters	Total
Requests for web delivery of ballots	5,249	89,340	94,589

	UOCAVA Voters	Other Voters	Total
Web delivered ballots returned for counting	3,305	59,964	63,269
Percentage returned for counting	62.96%	67.11%	66.88%
Web delivered ballots accepted	3,108	59,273	62,381
Percentage of web delivered ballots accepted	94.04%	98.85%	98.60%
Web delivered ballots rejected	257	717	974
Percentage of web delivered ballots rejected	7.78%	1.20%	1.54%

The return rate for web delivered ballots is lower than the return rate for all ballots (84.78%), and the acceptance rate is lower than the acceptance rate for all ballots (99.54%). The most common rejection reasons for web delivered ballots was the same as all ballots - the voted ballot was not timely mailed or received. 199 ballots (77.43%) delivered to UOCAVA voters via web delivery, and 386 ballots (53.84%) delivered to other voters via web delivery were not timely. This means that 60.06% of rejected web delivery ballots were rejected because they were not timely. 233 ballots (23.92%) delivered via web delivery were rejected because the voter did not sign and return the required oath.

*Election Report*

We are finalizing the written report on the 2022 General Election and will share it once it is finished.

Post-Election Audits

*Automated Ballot Tabulation Audit*

As reported in December's Administrator's Report, the automated ballot tabulation audit confirmed the accuracy of the election results. There were no discrepancies in any contest greater than 0.5%. The online portal for the audit is now available and can be accessed from our [Ballot Audit webpage](#) or at <https://maryland.clearballot.com/>.

*Manual Audit*

The local boards are in the midst of conducting the manual audit of randomly selected ballots. This audit must be completed within 120 days of election day. The first audit was completed on January 9 by the Harford County Board of Elections, and Baltimore City Board of Elections completed its audit on January 16. For both audits, there were no discrepancies between the voting system results and the manual count. The Garrett County Boards of Elections conducted its audit on January 17. The remaining audits will be

conducted in February 2023. After all manual audits are completed, we will produce a report within 14 days of the conclusion of the last audit.

### *Comprehensive Audit*

Work continues on the comprehensive audit for the 2022 General Election. Staff is collecting and reviewing various documentation from the local boards to complete their auditing tasks. The Voting System Division reviews data associated with the pre-election logic and accuracy testing, opening times of the election day polling places, reviewing discrepancies between the number of voters checked in to vote and the number of ballots cast, and performing the voting system verification. The Election Reform and Management Division is collecting various documentation from the local boards to complete other auditing tasks, including the polling place evaluation forms and ballot accounting forms. Tracey Hartman collects the canvassing minutes from each local board and compares information in the minutes against absentee and provisional data in MDVOTERS and the voting system. Additionally, she also collects ballot drop box transportation and acceptance logs for randomly selected ballot drop boxes.

Once all of the data is collected and analyzed, each local board receives a report of findings and corrective actions to resolve any findings. A full report for each local board will be completed in the spring.

### Election Reform & Management

#### *Election Judge Recruitment and Training*

We conducted a well-attended Lessons Learned Meeting for all topics regarding election judges (e.g., recruitment, training materials, election day activities, etc). The goal was to exchange best practices and identify areas of concern that may need to be addressed for 2024. These discussion items and suggestions will be incorporated into the next round of development for training materials and recruitment.

In effort to streamline election processes (and reduce paper usage), we are currently working with the University of Baltimore to produce a provisional ballot application for both already registered voters and voters who register using the same day registration process. A workgroup composed of members from various local boards meets to provide feedback and additional revision suggestions.

### **Voter Registration**

#### MDVOTERS

MDVOTERS release 9.0 will take place on February 10, 2022. Development is ongoing, and user acceptance testing will begin soon. The release will include enhanced features in the election judge module. It will also include enhancements to searching capabilities allowing users to search by email address.

#### MDVOTERS Audits

Monthly audits of voter registration data continue to verify compliance with federal and State laws governing voter registration. The monthly audits include review of the local boards of elections' processing of Electronic Registration Information Center (ERIC) reports, Department of Health's death records, Administrative Office of the Courts' (AOC) felony records, and the processing of overall voter registration records. Follow-up is conducted with the local boards to ensure all corrections are completed and to address any training issues.

#### Electronic Registration Information Center (ERIC)

Maryland receives ERIC data on a monthly basis. On even-numbered months (February, April, etc.) we receive the In-State Updates, Cross-State, and NCOA (National Change of Address) reports for processing. Odd months we receive In-State Duplicate and Social Security Administration Death files for

processing. On December 9, 2022, ERIC held a Board of Directors meeting to provide important updates on ERIC activities. For more information on ERIC, please visit [www.ericstates.org](http://www.ericstates.org).

### Motor Vehicle Administration (MVA) Transactions

During December, MVA collected the following voter registration transactions:

New Registration - 12,107	Residential Address Changes - 21,619
Last Name Changes - 4,286	Political Party - 6,400

During November, MVA collected the following voter registration transactions:

New Registration - 1,143	Residential Address Changes - 2,183
Last Name Changes - 505	Political Party - 727

### Yearly Voter Registration Totals

In 2022, the local boards processed 295,572 new registrations and canceled registrations for 302,208 voters. As of December 31, 2022, there were 4,148,651 active voters in Maryland.

## **Candidacy and Campaign Finance (CCF) Division**

### Campaign Finance

#### *2023 Annual Report*

The 2023 Annual Report was due on January 18, 2023, by 11:59 pm. As of January 17, almost 65% of the committees filed. Those committees that have not yet filed will receive a notice and be assessed a daily late fee. The maximum late fee penalty for a failure to file is \$1,000.

#### *Fundraising During Session*

At noon on Wednesday, January 12, 2023, members of the General Assembly and the Attorney General are prohibited from receiving and depositing contributions or soliciting contributions for their candidacy or any other candidate for federal, State or local office during legislative session, unless one of the exceptions listed below is applicable. This prohibition extends to any and all slates that members have joined.

The Comptroller's prohibition started at noon, Monday, January 16 and the prohibition for the Governor and Lieutenant Governor started at noon, January 18.

### Website Activity

In December 2022, the MD Campaign Reporting Information System (MD CRIS) website was visited by 446,813 individuals for an average of 13,539 per day. Additionally, it had 1,858,575 hits. Each viewer looked at an average of approximately 3.8 page views per day. The Business Contribution Disclosure System (BCDS) website had 979,060 hits, with 185,611 visitors with an average of nearly 5 page views per day.

### Enforcement

Here are recent enforcement actions from December 2022. The information provided is the name of the committee, the amount of civil penalty paid, and the violation.

1. Fredericks, (James) for Maryland; \$50.00, Authority line violation
2. Knotts, Tony Friends To Elect; \$850.00, Failure to report contributions & expenditures, Failure to provide documents, and Cash expenditures in excess of \$25
3. Remondini, Rayna Citizens For; \$50.00, No Bank account
4. Hubbard, Sheri Citizens for; \$50.00, No Bank Account
5. Reid, William "Billy" Friends of; \$100.00, Cash Expenditure in excess of \$25
6. Sriram, Sanjeev Friends of; \$50.00, No Bank Account
7. Simms, Vontasha Vote 4 Senate D28; \$50.00, No Bank Account
8. Ford Sr., Allen Christopher Committee of; \$50.00, No Bank Account
9. Nipps, James for Judge of Orphans Court; \$50.00, No Bank Account
10. Hudson, James The People for; \$50.00, No Bank Account

11. Newcomb, Jay People For; \$50.00, No Bank Account
12. Travers, Ricky Friends of for Council; \$50.00, No Bank Account
13. Ato, Christian Friends of Powered By; \$50.00, No Bank Account
14. Farrell, Bob Friends of; \$50.00, No Bank Account
15. Murphy, Jeffrey D. Friends of; \$50.00, No Bank Account
16. Lieber, Len for MoCo Council; \$50.00, No Bank Account
17. Fiotes, Chris Citizens for; \$50.00, No Bank Account
18. Butler, Gwendolyn For Baltimore; \$50.00, No Bank Account
19. Davis, Ellynne Brice Friends of; \$150.00, Failure to record expenditures
20. Chamber PAC, The Maryland; \$200.00, Failure to maintain contribution/expenditure records
21. Johnson, Keith for County Commissioner; \$200.00, Cash Expenditure in excess of \$25
22. Geller, Paul Pals for; \$200,00, Disbursement by unauthorized method

## **Voting Systems**

### Post-Election Maintenance

The post-election maintenance period began December 19, 2022 and will continue for approximately four months. This provides the local boards with time to assess their voting equipment to ensure functionality.

### New Voting System - 2026 Elections

We continue to work through the project initiation phase for the procurement of a new voting system solution. The goal remains to procure and implement a new solution prior to the 2026 Primary Election. To date, we have submitted our project initiation statement to the Department of Information Technology (DoIT) and continue to develop project documents.

### Electronic Pollbook

We continue to receive and test new releases of the vendor's pollbook software. We are scheduled for the Board of Public Works' meeting on January 25 to obtain final approval to purchase Microsoft Surface tablets as the new pollbooks. System integration testing is scheduled to start in late February 2023 and mock elections are scheduled to begin in mid-May.

## **Project Management Office (PMO)**

### FY2023 Equipment and Supply Inventory Audit

The statewide inventory audit will begin on February 1, 2023 and end on June 30, 2023.

### Records Inventory Management

Started developing the work plan for the records management project involving SBE and in some instances the local boards. The plan will include the State's requirements for permanent and non-permanent records management.

## **Information Security Briefing**

The 2022 General Election was another example of the productive partnership we have with federal and State agencies to protect our election systems and data. Before the election, we received two threat briefings by the Maryland Coordination and Analysis Center and participated in the Multi-State Information Sharing and Analysis Center's election day situational room to track incidents and reports around the country. On election day, representatives of the Maryland Coordination and Analysis Center and the federal Cybersecurity and Infrastructure Security Agency participated in our election day operations centers and shared information they received from respective partners with us.

In 2023, our information security project will continue working on the following initiatives:

- Updating cybersecurity policies to further define requirements specific to our IT operations and development. These policies are compliant with federal NIST 800-53, NIST Cybersecurity Framework, and Department of Information Technology guidelines.
- Defining detailed technical standards based on these policies and industry best practices to help to secure and defend SBE data and systems.
- Implementing training and managed security services to enhance our capabilities to detect and respond to threats to our systems and the election process.
- Social media defense to help us identify and quickly respond to malicious threats via social media such as impersonation of election officials, voting misinformation, registration scams and threats of violence.
- Undergoing cybersecurity audits and assessments to assure compliance with policies and best practices.
- Conducting regular vulnerability detection to test and improve our cybersecurity posture.
- Implementing industry-standard tools which help our teams detect and respond to cyber vulnerabilities and attacks quickly and effectively.

### **Legislation**

The 2023 Maryland General Assembly session convened on Wednesday, January 11th, and will adjourn on Monday, April 10th. SBE staff have been working with the Legislature and the Department of Legislative Services to provide relevant election insights and information and are monitoring all proposed legislation. Monitored legislation lists will be forwarded to the Board.

FY 2024 Executive branch budget proposals are due to be released by Friday, January 20th.

SBE staff also continues to implement legislative mandates from recent prior General Assembly sessions.

## Legislative Tracking Report

### List Name

Overall list

### Bill Changes Only

No - All Bills

### Report Created on

1/18/2023 5:23:03 PM

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Filter:

Bill/Chapter (Cross/Chapter)	Title	Sponsor	
<a href="#">HB0001</a>	Civil Actions - Child Sexual Abuse - Definition and Statute of Limitations (The Child Victims Act of 2023)	<a href="#">Delegate Wilson</a>	In the House - H
<a href="#">HB0022</a>	Election Law - Absentee Ballots - Signature Requirements and Verification	<a href="#">Delegate Long, R.</a>	In the House - H
<a href="#">HB0041</a>	Election Law - Curbside Voting - Establishment	<a href="#">Delegate Williams</a>	In the House - H
<a href="#">HB0095</a>	Election Judges - Training and Signs - Accommodations for Voters in Need of Assistance	<a href="#">Delegate Hill</a>	In the House - H
<a href="#">HB0104</a> ( <a href="#">SB0157</a> )	Municipalities - Charter Amendments - Notice	<a href="#">Delegate Solomon</a>	In the House - H
<a href="#">HB0114</a> ( <a href="#">SB0039</a> )	Ballot Access - Affiliating With a Party - Unaffiliated Voters	<a href="#">Delegate Qi</a>	In the House - H
<a href="#">HB0124</a> ( <a href="#">SB0131</a> )	Mandated Reports - Revisions	<a href="#">Speaker</a>	In the House - H Government Op
<a href="#">HB0130</a>	Election Law - Foreign Manufacture of Election Systems - Notification and Termination of Contract	<a href="#">Delegate Rosenberg</a>	In the House - H
<a href="#">HB0176</a>	Local Public Campaign Financing - Expansion to Additional Offices	<a href="#">Delegate Feldmark</a>	In the House - H
<a href="#">HB0177</a> ( <a href="#">SB0089</a> )	Elections - Ballot Questions - Publication of Proposed Laws	<a href="#">Delegate Feldmark</a>	In the House - H
<a href="#">SB0039</a> ( <a href="#">HB0114</a> )	Ballot Access - Affiliating With a Party - Unaffiliated Voters	<a href="#">Senator Kagan</a>	In the Senate - S Energy, and the
<a href="#">SB0067</a>	Clerks of the Circuit Courts - Civil Commissions - Presentation and Reporting	<a href="#">Senator Beidle</a>	In the Senate - S Energy, and the
<a href="#">SB0089</a> ( <a href="#">HB0177</a> )	Elections - Ballot Questions - Publication of Proposed Laws	<a href="#">Senator Carter</a>	In the Senate - S Energy, and the

<b>Bill/Chapter (Cross/Chapter)</b>	<b>Title</b>	<b>Sponsor</b>	<b>C</b>
<a href="#">SB0111</a>	Election Law - Campaign Finance - Draft Committees and Exploratory Committees	<a href="#">Senator Kagan</a>	In the Senate - Energy, and the
<a href="#">SB0131</a> ( <a href="#">HB0124</a> )	Mandated Reports - Revisions	<a href="#">President</a>	In the Senate - Energy, and the
<a href="#">SB0132</a>	State's Attorney, Clerk of the Circuit Court, Register of Wills, Sheriff, and Judge of the Orphans' Court - Nonpartisan Elections	<a href="#">Senator Jackson</a>	In the Senate - Energy, and the Proceedings
<a href="#">SB0157</a> ( <a href="#">HB0104</a> )	Municipalities - Charter Amendments - Notice	<a href="#">Senator Waldstreicher</a>	In the Senate - Energy, and the



## ASSISTANT ATTORNEY GENERAL'S REPORT

January 19, 2023

1. *In re Petition for Emergency Remedy by the Maryland State Board of Elections*, C-15-CV-22-003258 (Cir. Ct. for Montgomery County). On September 2, 2022, SBE filed a petition in the Circuit Court for Montgomery County pursuant to § 8-103(b) of the Election Law Article seeking an emergency remedy for the anticipated amount of incoming mail-in ballots for the 2022 Gubernatorial General Election. The petition sought a court order permitting mail-in ballots to be canvassed and tabulated beginning October 1, 2022 at 8:00 a.m. On September 14, 2022, Delegate Daniel Cox, current Republican nominee for the 2022 gubernatorial election, moved to intervene and oppose the petition. The Court held a contested hearing on September 20, 2022. Three days later, the Court issued a written opinion and order granting SBE's motion and permitting the early canvass.

On September 27, 2022, Delegate Cox appealed the ruling to Appellate Court of Maryland and moved that court to stay the circuit court's judgment. SBE opposed the stay. The next day, September 28, 2022, SBE petitioned the Supreme Court of Maryland to issue a writ of certiorari to bypass review in the Appellate Court of Maryland, hear the matter, and decide it on an expedited basis. The Appellate Court of Maryland denied Delegate Cox's request for a stay of the circuit court's order on September 29, 2022. The Supreme Court of Maryland then granted SBE's petition on September 30, 2022.

After oral argument on the morning of October 7, 2022, the Supreme Court issued an order affirming the judgment of the Montgomery County Circuit Court in all aspects.

On January 6, 2023, Delegate Cox filed a petition for a writ of certiorari in the Supreme Court of the United States. Delegate Cox has asked SCOTUS to review the Maryland court's order and reverse it as an unconstitutional intrusion on the legislature's authority under the Elections Clause at Article I, Section 4, Clause 1 of the United States Constitution. On January 12, 2023, SBE filed a waiver of the right of response to the petition.

2. *Baltimore Transit Equity Coalition v. Baltimore City Board of Elections*, 24-C-22-003681 (Cir. Ct. for Baltimore City). On August 24, 2022, an organization seeking to place a petition question on the Baltimore City ballot filed a complaint in the Baltimore City Circuit Court challenging the Baltimore City Board of Election's determination that the question petition failed to obtain the requisite number of signatures. On August 31, 2022, the local board filed a motion to dismiss or, in the alternative, a motion for summary judgment. The parties appeared for a hearing before the circuit court on September 7, 2022.

After the hearing, the circuit court granted summary judgment in favor of the local board, ruling that the plaintiff-organization failed to provide sufficient evidence that any disqualified signatures were disqualified improperly.

On September 30, 2022, the plaintiff-organization filed a notice of appeal in the Circuit Court for Baltimore City. OAG moved to dismiss the appeal as untimely on October 12, 2022. On October 27, 2022, the Appellate Court of Maryland dismissed the appeal.

3. *Gibson, et al. v. Frederick County*, 1:22-CV-01642-GLR (D. Md.) On July 5, 2022, Lois Ann Gibson and plaintiff-organizations filed suit against Maryland state entities seeking injunctive relief. The complaint alleges that 22 jurisdictions in Maryland engaged in a RICO conspiracy with a Chicago non-profit organization to fund election fraud. The suit seeks a preliminary injunction enjoining the destruction of records of the 2020 Presidential Election. Under federal law, the records of the 2020 election were to be retained until September 3, 2022.

Before any defendants were served, the federal court denied plaintiffs' request for an *ex parte* temporary restraining order to preserve the election records.

Plaintiffs thereafter served SBE process on August 27, 2022. On September 19, 2022, SBE filed a motion to dismiss the complaint for failure to state a claim. Nearly every county-defendant named in the case has filed a similar motion.

On December 16, 2022, the district court granted the motions to dismiss as to all defendants and closed the case.

4. *Johnson v. Hogan*, 8:22-CV-02250-TDC (D. Md.) On September 7, 2022, Thomas P. Johnson filed a complaint challenging the constitutionality of Election Law § 5-706. Mr. Johnson ran during the 2022 Gubernatorial Primary for a seat on the circuit court bench in Montgomery County. He lost that race. Mr. Johnson then sought to file a certificate of candidacy as a write-in candidate for that same office for the general election but was informed by SBE staff that he was ineligible to run pursuant to Election Law § 5-607(b)(2). The law prohibits anyone who has lost a primary election from running in the following general election as a write-in candidate.

The complaint alleges that § 5-706 unconstitutionally prevents Mr. Johnson from campaigning as a write-in candidate. It seeks injunctive relief allowing Mr. Johnson to file a certificate of candidacy as a write-in candidate.

The Office of the Attorney General filed a motion opposing injunctive relief on behalf of Governor Hogan, the sole named defendant, on September 21, 2022. Mr. Johnson

filed a response to the OAG opposition on September 23, 2022. The court conducted a hearing on the matter on October 4, 2022. Thereafter, on October 13, 2022, the federal district court issued an order denying Mr. Johnson injunctive relief.

OAG will be filing a motion to dismiss the case outright in the coming weeks. Per local rules, counsel has filed a letter of intent to file a motion to dismiss with the federal court.

5. *Appeal of 22nd Century Technologies, Inc.*, Docket No. MSCBA 3230 (Md. State Board of Contract Appeals). During the spring and summer of 2022, SBE solicited requests for proposals for a surge staff support contract for the 2024 election cycle (with options for 2026 and 2028). An RFP was submitted by the incumbent contractor, 22nd Century Technologies, Inc; however, 22nd Century was not recommended for the award. 22nd Century protested the recommendation on November 28, 2022. SBE replied with its final agency decision on December 27, 2022. 22nd Century thereafter appealed SBE's final agency decision on January 6, 2023 to the Maryland State Board of Contract Appeals.

SBE will be issuing its agency report to the BCA in the coming weeks.