

**STATE BOARD OF ELECTIONS**

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

William G. Voelp, Chairman  
Malcolm L. Funn, Vice Chairman  
Severn E. S. Miller  
Justin Williams  
T. Sky Woodward



Linda H. Lamone  
Administrator  
  
Nikki Charlson  
Deputy Administrator

State Board of Elections' Meeting  
151 West Street, Suite 200, Annapolis, MD 21401  
September 9, 2021 – 2:00 pm  
By Video Conference Call  
Agenda

1. Declaration of Quorum Present
2. Additions to the Agenda
3. Approval of Minutes for Open and Closed Meetings on July 22, 2021
4. Administrator's Report
5. Assistant Attorney General's Report
6. Approval of Proposed Changes to COMAR
  - a. 33.01.01.01B - Definitions, 33.05.04.04 – Voter Registration – Processing VRAs and other requests, 33.11.02.03 – Absentee Ballots – Applications
7. Approval of SBE Policy Defining “Large Residential Institutions”
8. Approval of Mail-in Ballot Application for 2022
9. Approval of Title 13 Late Fee Waivers
10. Approval of Title 14 Late Fee Waivers
11. Approval of Confidentiality Requests
12. Old Business
13. New Business
14. Disclosure of Campaign Contributions
15. Schedule Next Meeting
16. Closed Session – Procurement
17. Adjournment

Closed Meeting: Part of the meeting may be closed in accordance with Open Meetings Act procedures.

Public Participation: Members of the public may address the Board. Pursuant to §3.2B of the Board's bylaws, public participation at a meeting must be pre-scheduled and pre-approved by the Chairman. To request approval to speak at a board meeting, contact Donna Duncan at 410-269-2851 or by email [donna.duncan@maryland.gov](mailto:donna.duncan@maryland.gov) no later than 5 pm the day before the meeting.

Live Streaming: A link to watch the meeting will be available on SBE's website shortly before the meeting starts.

# State of Maryland

## Administrator's Report – August-September 2021

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### **Announcements & Important Meetings**

#### National Association of State Election Directors' (NASSED) Summer Conference

NASED's summer conference was held virtually on August 8-9 and August 19-20. During the conference, state election officials received presentations from the Director of and other representatives from the Cybersecurity and Infrastructure Security Agency and from representatives of the U.S. Department of Justice and Federal Bureau of Investigations. Election officials shared recent changes to state laws, shared best practices on a variety of topics, including providing technical support to local election officials.

#### Joint Chairmen's Report - Cost Sharing

Under language in the Joint Chairmen's Report adopted during the 2021 Legislative Session, we were required to submit a report on cost sharing with local jurisdictions. We submitted the requested information, and a copy of the cover letter and report are in the meeting materials. We hope that this report will be useful for the General Assembly as they consider future election administration legislation.

#### SBE Biennial and MAEO Annual Meetings

Maryland's election officials were offered a week of training and informational seminars beginning August 23, 2021, with SBE's required biennial meeting held on August 25. As required by the Election Law Article, the biennial meeting is for board members, attorneys and various election office staff to meet and receive instruction on the conduct of elections. While this was the first time that many within the election community had in person meetings in quite some time, SBE's biennial meeting was available virtually for those that pre-registered. The training included many topics about cybersecurity, new and proposed legislation, voter and polling site security, election judges' training, and requirements of the recent NFB litigation. Similar to an election, behind the scenes planning and operations involved countless individuals and we offer sincere thanks and appreciation for all the hard work that resulted in well run and informational meetings.

#### 2020 EAVS Roundtable Discussion

On August 17, Tracey Hartman participated in a virtual roundtable discussion hosted by the U.S. Election Assistance Commission (EAC) regarding the release of the 2020 Election Administration and Voting Survey (EAVS). The 2020 EAVS collected data from all 50 states on ballots cast, voter registration, overseas and military voting, voting technology, and other important issues related to voting and election administration. The roundtable included EAC Commissioners, election experts from the academic and non-profit sectors, as well as election administrators at the local level. A common theme in discussion of the data collected was how COVID affected the election process, including all-time highs for voter turnout and voting by mail. The [livestream of the event](#) is available in its entirety on the [EAC's YouTube page](#), and the [complete 2020 EAVS report](#) is available on [the EAC's webpage](#).

### **Election Reform and Management**

#### Mail-In Voting: Usability Review

Chapter 56 (Senate Bill 683) and House Bill 1048 (effective June 1, 2021) require that we have a usability expert review and provide recommendations on mail-in voting information available to voters. Progress on recommendations are ongoing. A final version of the mail-in ballot request form will be presented for Board consideration today (9/9). The University of Baltimore and the Center for Civic Design will be holding additional testing sessions specific to Spanish-language forms in Hyattsville later in September. Recommendations on other materials, including mail-in ballot packages, will be forthcoming.

### Mail-in Voting: Procurement of Vendor

Earlier this year, we issued a Request for Proposals to solicit bids for a vendor to print, insert and mail ballot packets to requesting voters. We have completed the technical evaluation of the six timely proposals we received and are in the financial evaluation stage of the procurement. We expect to award a contract by the end of this year.

### **Voter Registration**

#### MDVOTERS

MDVOTERS 8.1 software release will take place on September 13th. This release includes enhancements to accommodate the MVA driver license changes taking place in December. The enhancements include automating the signature cure letter while allowing the user to configure the voter information to display on the letter and candidacy-related changes to support contest configuration and provisional candidate status.

#### MDVOTERS Audits

On a monthly basis, audits are performed on the local boards of elections' processing of Electronic Registration Information Center (ERIC) reports, Department of Health and Mental Hygiene (DHMH) 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. On a monthly basis, a minimum of 144 audits are conducted.

#### ERIC Files

We are now receiving ERIC data on a monthly basis. On even months (February, April, etc), we receive the In-State Updates, Cross-State, and NCOA (National Change of Address) reports for processing. Odd months bring us the In-State Duplicate and Social Security Administration Death files for processing. As we approach an election and are prohibited from list maintenance mailings (90 days prior to an election), we will receive the In-State Duplicate and SSA Death files on a monthly basis.

#### Motor Vehicle Administration (MVA) Transactions

During July, MVA collected the following voter registration transactions:

New Registration - 12,112	Residential Address Changes - 25,304
Last Name Changes - 3,080	Political Party Changes - 5,377

During August, MVA collected the following voter registration transactions:

New Registration - 12,422	Residential Address Changes - 23,732
Last Name Changes - 3,122	Political Party - 5,268

#### Non-Citizen Registration and Voting

During August, three individuals' voter records were cancelled. None of these individuals have voting history.

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

#### Candidacy

The candidacy filings are currently scheduled by appointment, and as of September 2, 2021, 104 candidates have filed at SBE.

### Campaign Finance

The next campaign finance report due is the January 2022 Annual Report. However, independent expenditure entities and Super PACs must file disclosure reports within 48 hours after making disbursements or expenditures of \$10,000 or more.

#### *County Public Financing Programs*

Montgomery County: There are 3 certified candidates in the program. The program has made a total of \$200,714 in disbursements. One certified candidate cannot receive a disbursement because the contest in the primary is currently uncontested. Committees may file matching fund requests on the first and third Tuesday of every month. Sixteen candidates in Montgomery County have filed a notice of intent to participate in the program.

Howard County: Three candidates in Howard County have filed a notice of intent to participate in the program.

### Website Activity - July and August

In July, the MD Campaign Reporting Information System (MD CRIS) website was visited by 222,897 individuals for an average of 7,190 per day. Additionally, it had 1,668,035 million hits. Each viewer looked at an average of approximately 6.5 page views per day. The Business Contribution Disclosure System (BCDS) website had 837,317 hits, 39,526 visitors with an average of over 20.5 page views per day.

In August, the MD Campaign Reporting Information System (MD CRIS) website was visited by 277,559 individuals for an average of 7,340 per day. Additionally, it had 1,717,943 million hits. Each viewer looked at an average of approximately 6.5 page views per day. The Business Contribution Disclosure System (BCDS) website had 843,804 hits 46,246 visitors with an average of over 17.5 page views per day.

### Enforcement

1. Friends of Zeke Berzoff Cohen committee paid \$1,200.00 on July 27, 2021, for failing to record or report expenditures and contributions on a campaign finance report and failing to maintain account books and records.
2. Friends of Vincent Andres committee paid \$250.00 on August 06, 2021, for failure to include an authority line.
3. Friends of Steven Biddle committee paid \$500.00 on August 20, 2021, for failing to record or report expenditures and contributions on a campaign finance report. The committee filed an Affidavit of Limited Contributions and Expenditures (ALCE) instead of Campaign Finance Report.
4. Friends of Harry V. Preston committee paid \$500.00 on September 7, 2021, for unauthorized cash disbursement - cash greater than \$25.00.
5. Committee to Elect Robert S. Wagner paid \$1, 200.00 on September 8, 2021 for failing to record or report expenditures and contributions on a campaign finance report and making an unauthorized cash disbursement - cash greater than \$25.00.

Jared DeMarinis has been asked to serve as the Political Finance Expert in the Organization of American States (OAS) election monitoring mission for the September 16 Parliamentary elections in the Bahamas. This will be Jared's 5th international election mission. He leaves on September 10 and returns on September 18.

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

### Inventory Management

The PMO continued to perform reconciliation tasks from the FY21 Annual Inventory Audit and submitted to the Department of General Services the first (“Annual Missing and Stolen Report”) of three annual reports. The remaining two reports will be submitted no later than September 15, 2021. The PMO also submitted to the Insurance Division of the State’s Treasurer's Office the Annual Insurance Survey of equipment and supplies for SBE.

### FY2022 Pollbook Project

The PMO continued working on tasks related to the project, including:

- The pollbook Request for Proposal (RFP) solicitation is in the financial evaluation phase. The evaluation team is reviewing the vendor’s responses to the second “best and final offer” request.
- The project team continues to maintain the project communication with the local boards via monthly project status meetings and the biweekly County Bulletin.
- Continued to update and address questions from the Department of Information Technology (DoIT) and updating the project’s Contingency Plan.

### Other

The PMO continued to work with the local boards in an effort to identify the additional number of voting booths, ADA tables, ballot and precinct carts that will be needed for the 2022 elections.

**State of Maryland** 

**State Board of Elections – July 22, 2021 Meeting**

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Attendees (via conference call):

William G. Voelp, Chair  
Malcolm L. Funn, Member  
Severn Miller, Member  
Justin Williams, Member  
T. Sky Woodward, Member  
Linda Lamone, Administrator  
Andrea Trento, Assistant Attorney General  
Nikki Charlson, Deputy Administrator  
Donna Duncan, Assistant Deputy, Election Policy  
Melissia Dorsey, Director of Election Reform and Management  
Mary Cramer Wagner, Director of Voter Registration  
Jennifer McLaughlin, Senior Policy Advisor  
Jared DeMarinis, Director, Candidacy and Campaign Finance  
Tracey Hartman, Director of Special Projects  
Fred Brechbiel, Chief Information Officer  
Shafiq Satterfield, Director of IT Project Management  
Keith Ross, Assistant Deputy, Project Management

Also Present: Dr. Kathryn Summers, Director, University of Baltimore, School of Information Arts and Technologies' User Research Lab.  
Tasmin Swanson, Center for Civic Design

**DECLARATION OF QUORUM PRESENT**

Mr. Voelp called the meeting to order at 2:02 pm and declared that a quorum was present.

**ADDITIONS TO THE AGENDA**

There were no additions to the agenda, but Mr. Voelp announced that agenda item eight (Approval of Mail-In Ballot Application #2 for 2020) would be presented before agenda item seven (Approval of Proposed Changes to COMAR).

**ELECTION OF VICE CHAIRMAN**

Ms. Woodward nominated Mr. Funn as vice chairman, citing his tenure on the Board, and his extensive knowledge of elections. Mr. Williams seconded. Mr. Funn accepted the nomination which passed unanimously. Mr. Funn thanked the other members for electing him as Vice Chairman.

**APPROVAL OF MEETING MINUTES: JUNE 22, 2021**

Mr. Funn made a motion to approve the minutes from the June 22, 2021 open and closed meetings. Mr. Hogan seconded the motion. The motion passed unanimously.

**ADMINISTRATOR'S REPORT**

Mr. Voelp requested that only highlights of the Administrator's Report be presented verbally.

**Announcements & Important Meetings**

Welcome to SBE

Ms. Duncan announced that Melissia Dorsey is joining the election community as the Director of Election Reform and Management. She has a legal background and comes to us from the Maryland Commission on Civil Rights. Melissia has an extensive knowledge of ADA requirements

and anti-discrimination laws. She has expressed great interest and enthusiasm to learn Maryland's election process and share her knowledge to contribute to Maryland's continued election growth, changes and challenges ahead.

### Election Directors' Meetings

We hosted an election directors' meeting on July 15. Topics discussed included an update on the pollbook project, various voter registration issues. A summary of the meeting is provided with the County Bulletin when it is complete.

### SBE's Biennial Meeting and Maryland Association of Election Officials' (MAEO) Annual Conference

Ms. Charlson stated that the State Board's legally mandated meeting will be held in conjunction with MAEO's annual conference. MAEO's conference will begin August 22 through August 27. SBE's Biennial day will be August 25. Ms. Charlson recognized the efforts of Ms. Wagner, SBE's liaison to MAEO for this conference, in organizing our conference planning efforts.

### **Election Reform and Management**

#### Mail-In Voting: Usability Review

Ms. McLaughlin reported that [Chapter 56 \(Senate Bill 683\)](#) and [House Bill 1048](#) (effective June 1, 2021) require that we have a usability expert review and provide recommendations on mail-in voting information available to voters. Ms. McLaughlin introduced Dr. Summers and Ms. Swanson who conducted the study at the University of Baltimore (UBalt), which included focus groups for local board representatives and testing sessions with potential voters. Using the information from these sessions, UBalt will participate in this meeting and share its proposed mail-in ballot request form. Recommendations on other mail-in voting materials and information will be forthcoming.

#### Mail-In Voting: Procurement of Vendor

The deadline to submit technical and financial proposals for the procurement of a vendor to print, insert, and mail ballot packets for the 2022, 2024, and 2026 elections was July 16. Only vendors who are certified to print ballots and submitted sample ballot packets were eligible to submit a technical and financial proposal. Seven proposals were received, and our review of the technical proposals has begun.

### **Voter Registration**

#### MDVOTERS

Ms. Wagner reported that refresher training is being conducted on "district and precincts." This will assist the local boards with cleaning up their street files prior to the upcoming redistricting and reapportionment process.

The Maryland Democratic Party is making changes to how central committee candidates file for office. There is now a new gender designation - "non-binary." All development to support this change, including the "Certificate of Candidacy" and ballot contest headings, has been implemented within MDVOTERS.

#### MDVOTERS Audits

On a monthly basis, audits are performed on the local boards of elections' processing of Electronic Registration Information Center (ERIC) reports, Department of Health and Mental Hygiene (DHMH) 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. On a monthly basis, a minimum of 144 audits are conducted.

### MVA Data

SBE is working with MVA to collect information on individuals who have surrendered their licenses in another state. Correspondence has been developed and translated, and SBE will send letters that comply with the federal National Voter Registration Act (NVRA) guidelines.

SBE is also working with MVA to do a residential address comparison with MDVOTERS' "inactive" voters. SBE will send letters to "inactive" voters for whom MVA has a different residential address to request an updated address. This mailing will also comply with NVRA guidelines.

Both mailings will be sent the first week of August.

### Motor Vehicle Administration (MVA) Transactions

During June, MVA collected the following voter registration transactions:

New Registration - 11,065	Residential Address Changes - 22,709
Last name changes - 2,742	Political Party Changes - 5,283

### Non-Citizen Registration and Voting

Ms. Wagner reported that between June 19, 2021 and July 16, 2021, six voter records were cancelled due to a status of non-citizen. Two of these records have voting history from 2012 and 2020. These records will be forwarded to the Office of the State Prosecutor.

Mr. Trento, Mr. DeMarinis, and Ms. Wagner will meet with the Office of the State Prosecutor the first week of August to discuss how to best present findings to the State Board.

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

### Candidacy

Me. DeMarinis reported that candidacy filings are currently scheduled by appointment, and as of July 21, 2021, 78 candidates have filed at SBE.

### Campaign Finance

The next campaign finance report due is the 2022 Annual Report. However, independent expenditure entities and Super PACs must file disclosure reports within 48 hours after making disbursements or expenditures of \$10,000 or more.

### County Public Financing Programs

Ms. DeMarinis reported on the following county public financing programs:

*Montgomery County:* The disbursement period opened and as of July 21, 2021, the Montgomery County Public Election Fund made \$113,765 in disbursements to a certified candidate. On July 20, a second candidate requested certification and qualification for public funds; this candidate's filing is currently under review. Committees may file matching fund requests on the first and third Tuesday of every month. 15 candidates in Montgomery County have filed a notice of intent to participate in the program.

*Howard County:* Two candidates in Howard County have filed a notice of intent to participate in the program.



*Baltimore County*: Mr. DeMarinis will attend a work group for the Baltimore County public financing program to assist in drafting legislation and answering questions.

### Website Activity - May

The MD Campaign Reporting Information System (MD CRIS) website was visited by 217,853 individuals for an average of 7,261 per day. Additionally, it had 1,549,464 million hits. Each viewer looked at an average of over 7 page views per day.

The Business Contribution Disclosure System (BCDS) website had 844,306 hits, 49,455 visitors with an average of over 16 page views per day.

### Enforcement

Mr. DeMarinis reported on the following enforcement actions:

1. Pat McDonough Leadership Team paid \$250.00 on June 28, 2021 for the failure to include an authority line.
2. Committee to Elect Anthony Triplin paid \$100.00 on July 16, 2021 for the failure to record expenditure(s) on a campaign finance report.
3. Friends of Dana Beyer committee paid \$600.00 on July 20, 2021 for the failure to record all contributions and expenditures.
4. Friends of Dj (Donjuan) Williams committee paid \$100.00 on July 20, 2021 for disbursement by unauthorized method -Cash greater than \$25.00.
5. John Krowka for Board of Education committee paid \$200.00 on July 20, 2021 for the failure to record all contributions and expenditures.

Any differences in the fine amount for the same violation are due to certain extenuating circumstances, such as self-reporting, the number of transactions not reported, second or subsequent offenses, and if the violations occurred over multiple reports.

The Audit and Enforcement Unit (AEU) sent two notices to 59 political committees which have a vacancy in the position of the responsible officer. If vacancy occurs in the “responsible officer” position, the committee must promptly fill the vacancy. The committee may not engage in any financial activity until the vacancy is filled. If the committee fails to fill the vacancy, AEU will notify the Office of the State Prosecutor.

In response to a question from Mr. Voelp, Mr. DeMarinis clarified that “prompt” is not defined, which is why notices are sent after 30 days. In response to a follow up statement from Mr. Voelp, Mr. DeMarinis stated that there are currently around 2,000 active political committees, and of that, 59 have a vacancy of the responsible officer. Of those 59 committees, a majority of them should have already been closed if the committee had filed a final report.

### **Voting System Division**

#### Voting System Upgrade

Ms. Satterfield reported that after months of thorough testing, we no longer plan to present for certification a new software version (EVS6110) for our voting system. Although our goal was to upgrade the voting system and its associated software and hardware in 2021, we identified inefficiencies in portions of the software suite that would negatively impact the election calendar, processes and workflows used in Maryland. In keeping with SBE's goal to continuously enhance and improve elections, ES&S and SBE will proactively collaborate to ensure future software suites meet or exceed the standards and needs of Maryland.

### Ballot Marking Device – Calibration Checks

Mr. Satterfield reported that SBE, in conjunction with the local boards of elections, will conduct additional screen calibration checks on a subset of ballot marking devices used during the 2020 General Election. This assessment will be in addition to the already completed post election maintenance. A checklist will be used to ensure the same steps are performed on all ballot marking device units with reported screen calibration issues. SBE expects this assessment to begin as early as Monday, July 26, 2021.

In response to questions from Mr. Voelp regarding the decision not to upgrade the voting system, Ms. Charlson stated that the current contract option with ES&S ends in March 2023. We have an optional period after that which, if exercised, would end in March 2025. Additionally, Mr. Satterfield responded that talks with ES&S regarding future enhancements have been positive thus far.

In response to a question from Ms. Woodward regarding the inefficiencies identified by the EVS6110 software, Mr. Satterfield explained that the upgrades to the software would cause certain processes in the creation of the election and the ballots to take longer than allowed. Ms. Charlson elaborated that window of time from when candidates are finalized to when ballots must be printed is very short and is compounded by the number of ballots that must be created.

In response to a follow up question from Ms. Woodward, Mr. Satterfield clarified that the proactive collaboration between SBE and ES&S includes a series of meetings prior to future software releases to ensure that standards that must be met in Maryland are met or exceeded. Mr. Satterfield additionally stated that he can't speak to ES&S's timeframe of the next software release.

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

#### Inventory Management

Mr. Ross reported that the FY21 Inventory Audit started on February 1 and completed on June 30, 2021. The current statewide inventory audit completion is 96.65%. The reconciliation of the inventory audit is currently taking place in preparation for the annual inventory report submissions to the Department of General Services (DGS) in August and September.

#### FY2022 Pollbook Project

The PMO continued working on tasks related to the project that included the following areas of note:

- The pollbook Request for Proposal (RFP) solicitation is in the financial evaluation phase. Discussions about the requirements for Best and Final Offer (BAFO) requests of the vendors are on-going.
- Continued to share information with the local boards via monthly project status meetings, County Bulletins, and Election Directors' meetings.
- Continued to update and address questions from the Department of Information Technology (DoIT) and new developments into the pollbook Contingency Plan.
- Continued planning for the post-evaluation (e.g., BPW approval) and the implementation phase of the project.

In response to questions from Mr. Funn, Mr. Ross stated that we are currently evaluating the financials phase of the project. Because there is not comparable project at SBE or a different jurisdiction, and because the vendor has not been selected yet, it is impossible to estimate the cost of the project. Mr. Voelp stated that because the project is still in procurement, the

## Other

We are working with the local boards to identify additional number of voting booths, ADA tables, ballot and precinct carts that will be needed for the 2022 elections.

## **Information Systems & Technology and Security**

### Auxiliary Data Processing Centers

Mr. Brechbiel reported that [House Bill 1048](#) of the 2021 Legislative Session requires applications for mail-in ballots be sent to all eligible voters at least 60 days prior to the elections. We expect that this mailing will result in the local boards receiving and needing to process a significant number of applications for the 2022 Primary and General Elections.

As they did for the 2020 General Election, the MVA has indicated its willingness to provide secure workspace and workstations for an auxiliary data processing center (if needed) to process mail-in ballot requests for the 2022 Primary and General Elections. Points of contact have been established and procedures have been documented for establishing secure data communication between the MVA data processing center and SBE's primary and secondary data centers.

### Texting Solutions

Also to comply with [House Bill 1048](#) and [Chapter 56 \(Senate Bill 683\)](#), SBE's IT Division has been researching technology solutions for communicating to Maryland voters via text messaging. Several solutions have been identified and are undergoing more detailed analysis to determine the best solution for Maryland elections.

### Hybrid Meeting Solutions

The IT Division is evaluating technology solutions to facilitate hybrid meetings at SBE headquarters. A hybrid meeting is defined as a meeting with a mixture of in-person and virtual participants. The participants must be able to interact effectively. Results are positive thus far.

In response to questions from Mr. Voelp, Mr. Brechbiel stated that ideally, yes, the hybrid meeting solution would work for board meetings, but that a timeframe for the solution depends on the procurement schedule.

### National "TableTop the Vote" Exercise

Ms. Charlson reported that earlier this month, SBE participated in a nation-wide tabletop exercise sponsored by the federal Cybersecurity and Infrastructure Agency (CISA). SBE Cybersecurity brought together a team of 27 participants from information technology, cybersecurity, local boards, vendors and partners. The exercise was facilitated by Art Trechiel, Paula Paschall, one of SBE's Regional Managers, and Ms. Hartman.

This exercise provided an opportunity to come together to plan for various scenarios and test and improve our response plans. This year's exercise included discussions about relevant cybersecurity, misinformation/disinformation, and physical security threats before and during elections. Reactions to the exercises have been positive.

## **ASSISTANT ATTORNEY GENERAL'S REPORT**

Mr. Trento gave the following updates:

1. *Fusaro v. Davitt et al.*, No. 20-1879 (U.S.C.A. for the 4th Cir.). No change from the last update. Plaintiff Dennis Fusaro brought a complaint in federal court alleging that

Maryland violates the First and Fourteenth Amendments by limiting access to the voter list to Maryland voters and only for purposes related to the electoral process. On September 4, 2018, the State defendants' motion to dismiss the complaint was granted, and the plaintiff appealed. On July 12, 2019, the Fourth Circuit vacated the dismissal order, and remanded the case for further proceedings. The parties then conducted discovery and briefed dispositive summary judgment motions. On July 14, 2020, the Court awarded Summary Judgment to the defendants on the issue of whether the "electoral process" requirement was unconstitutionally vague, and declined to reach the issue of whether Maryland's registered voter requirement violates the First Amendment. Plaintiff has appealed to the United States Court of Appeals for the Fourth Circuit, and briefing is now complete. Oral argument has been scheduled for the week of September 21, 2021.

2. *National Federation of the Blind, Inc., et al. v. Lamone et al.*, No. 1:19-CV-02228-ELH (U.S. District Court, D. Md.). On August 1, 2019, the National Federation of the Blind ("NFB"), NFB's Maryland chapter, and three individual plaintiffs filed a lawsuit against the State Administrator and the individual members of the State Board of Elections alleging that SBE's BMD policy has, in practice, violated the rights of voters with disabilities "to an equal opportunity vote in person by a secret ballot," in violation of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. Plaintiffs seek an order requiring the State Board "in all future elections to offer BMDs to every in-person voter as the default method of voting, with paper ballots offered only to those voters who affirmatively opt out of using the BMD or in cases where there are long lines of people waiting to vote." On September 3, 2019, defendants filed a motion to dismiss the complaint, and on September 20, 2019, plaintiffs filed a motion for a preliminary injunction, seeking relief in time for the November 2020 election. On February 10, 2020, the court denied the defendants' motion to dismiss, and denied the plaintiffs' motion for preliminary injunction, and the parties proceeded to discovery. On October 6, 2020, the parties filed a joint motion to extend the discovery deadline to December 9, 2020, which was granted by the Court. On November 12, 2020, the parties filed a joint motion to stay the case for 60 days to allow for a focused period of settlement discussions, which was also granted by the Court. The parties have agreed in principle on the terms of a final resolution of this case and are in the process of negotiating the terms of a settlement agreement. The stay has since been extended several times and is now set to expire August 2, 2021.
3. *Chong Su Yi v. Hogan*, Nos. 464985, 466396, 480720, 480721, 480722, 480723 (Cir. Ct. Montgomery Cty.). On September 8, 2019, plaintiff Chong Su Yi filed two complaints in the Circuit Court for Montgomery County challenging the results of Maryland's 2018 elections, and naming Governor Larry Hogan as defendant (Nos. 464985, 466396). Specifically, Mr. Yi argued that the results of that election are invalid because of the use of religious facilities as polling places, that the State's use of "scanners" to tabulate ballots is unconstitutional and/or not permitted by federal law, and that the State's identification of candidates' party affiliations on the general election ballot is not permitted by State law. Mr. Yi amended his complaints, and in January 2019 both of his amended complaints were dismissed by the Circuit Court. On January 21, 2020, Mr. Yi appealed from the dismissal in No. 466396. (Mr. Yi had also previously filed interlocutory appeals from non-final orders, but these were dismissed by the Court of Special Appeals.) On November 4, 2020, the Court of Special Appeals dismissed Mr. Yi's appeal for failure to file a civil information report, but on November 30, 2020 granted Mr. Yi's motion for reconsideration and

reinstated the appeal. The appeal is now fully briefed, and on June 21, 2021 the Court of Special Appeals indicated that it would be ruling on the case without oral argument.

Meanwhile, on March 6, 2020, Mr. Yi filed four complaints in the Circuit Court for Montgomery County (Nos. 480720, 480721, 480722, 480723) asserting substantially identical claims to those asserted in his prior two complaints. Beginning on May 15, 2020, Mr. Yi filed amended complaints in these actions, this time adding the State of Maryland as a Defendant in addition to Governor Hogan. Defendants filed motions to dismiss and/or for summary judgment as to these complaints, and on August 25, 2020 those motions were granted. After moving for reconsideration unsuccessfully, on October 9, 2020, plaintiff filed notices of appeal to the Court of Special Appeals in each of these matters. Plaintiff also sought waivers of the filing fees associated these appeals, which were denied. On January 6, 2021, the Court of Special Appeals dismissed the appeals for failure to pay the filing fee. On February 4, 2021, plaintiff filed a petition for writ of certiorari in the Court of Appeals, and also requested waiver of the filing fees. The Court of Appeals granted Mr. Yi's request for waiver of filing fees. On April 23, 2021, the Court denied Mr. Yi's petition for certiorari.

4. *Bravo, et al. v. Pelosi, et al.*, No. 6-21-cv-162 (W.D. Tex.). On February 22, 2021, several individual plaintiffs filed a purported class action complaint on behalf of "all 328 million Americans deprived of an elected form of government" by the conduct of government official and private sector defendants. The named defendants include President Biden and Vice President Harris, all current members of the U.S. Congress, all Governors and Secretaries of State of the 50 states (including Governor Hogan and Secretary Wobensmith), the Democratic and Republican National Committees, the Democratic Congressional and Senate Campaign Committees, Facebook and its CEO (Mark Zuckerberg), Twitter and its CEO (Jack Dorsey), Sapphire Strategies (a Democratic consultancy) and several of its employees, the National Vote at Home Institute and its CEO (Amber McReynolds), the Center for Tech and Civic Life, Mike Podhorzer and Beto O'Rourke. The theory of the case is that, beginning in 2019, and continuing into and during the election of 2020, the defendants conspired to enact laws (or refuse to enact laws) and promulgate rules that violated HAVA and the Civil Rights Act of 1960, and violated the Plaintiffs' First Amendment Rights. The plaintiffs are pursuing constitutional and RICO conspiracy claims against the defendants and seek a restraining order against the "illegitimate Congress and Executive Branch" and an order that the election be redone. On June 10, 2021, a Second Amended Complaint was filed. On June 24, 2021, Governor Hogan and Secretary Wobensmith were voluntarily dismissed from the case. With their dismissal, Mr. Trento noted that this case will not be listed on his next report as no Maryland officials remain as defendants.
  
6. *WinRed, Inc. v. Ellison, et al.*, No. 21-cv-1575 (D. Minn.). On July 7, 2021, WinRed, Inc. – a federal PAC created to assist Republican Party candidates – filed a lawsuit against the Attorneys General of Connecticut, New York, Maryland, and Minnesota, seeking a declaration that State consumer protection statutes and regulations are preempted by federal law, to the extent that these State laws are being enforced to regulate the use of pre-checked recurring contribution boxes for solicitations for federal offices. WinRed had received letters from the defendants requesting information and documents regarding its use of pre-checked boxes in that context. (It is now public that ActBlue – the PAC formed to assist Democratic Party candidates – has received a similar request from the same State AGs, but has not joined this lawsuit.) A response to the complaint is due on July 29, 2021.

Mr. Trento noted that *Johnson v. Prince George's County Board of Elections*, No. CAL16-42799 (Cir. Ct. Prince Georges Cnty.) has been removed from his update list. The case involved a challenge under the U.S. Constitution and Maryland Constitution and Declaration of Rights to SBE's alleged failure to provide information and access to voter registration and voting resources to eligible voters detained by the Prince George's County Department of Correction during the 2016 election. The case had been originally filed in the Circuit Court for Prince George's County but was removed on the basis of the federal claims asserted by the Plaintiffs. On February 27, 2018, the U.S. District Court for the District of Maryland granted SBE's motion to dismiss the Plaintiffs' federal claims, declined to exercise jurisdiction over the state claims, and remanded the case to the Circuit Court for further proceedings, where it has sat dormant for three years. Legislation was passed during the 2021 Legislative Session that sets the requirements for voter registration and getting voting resources and to eligible voters, therefore making the suit moot.

In response to a question from Ms. Woodward, Mr. Trento confirmed that the Plaintiff in *Bravo, et al. v. Pelosi, et al.*, is being represented by counsel.

### **APPROVAL OF MAIL-IN BALLOT APPLICATION #2 FOR 2022 ELECTIONS**

Ms. Charlson explained that the current mail-in ballot application, which was approved at the June meeting, and the proposed version which is based on the testing by UBalt and the Center for Civic Design were provided. Ms. Charlson introduced Dr. Summers and Ms. Swanson to present the proposed application.

After a brief introduction, Dr. Summers explained that the goal of the project, which was set by the legislature, is to make mail-in voting easier for voters, specifically by helping voters in requesting a mail-in ballot, which also benefits election administrators by reducing processing time. Dr. Summers identified four guiding principles of the project which all relate to reducing cognitive load:

1. Make it look easy to read;
2. Use simple, familiar words and simple sentences;
3. Create a linear path; and
4. Support immediate action.

Dr. Summers explained the testing procedures which included 1) focus groups with 15 administrators from local election offices to understand pain points during the 2020 general election, and 2) rapid iterative testing and evaluation where 17 participants filled out the mail-in ballot request form. In the second step, small revisions were made based on observed errors or moments of confusion of the participants, and then the revised materials were tested again.

The focus groups identified several specific issues from the 2020 General Election, including voters not providing their registration address, submission of multiple requests, selecting multiple ways to receive the mail-in ballot, and voters not expecting to need to print ballots received by email.

- Dr. Summers explained the changes that were made to the mail-in ballot request form, including: Section 2 - Rewrote and tested language explaining that this address must be where you are registered to vote. Pre-filled "MD" in the State section to prompt users to provide the address where they are registered in Maryland;

- Section 3 - Added a line to the instructions on the left explaining that you need to be affiliated with a party in order to vote in the primary election;
- Section 5 - Rewrote instructions on the left for plain language (shorter sentences) and to explain delivery options for email ballots; added word and visual cues to make it clear that you only need to fill out one of the delivery options; set mailing address blanks off to the side next to the "different address" option to make it clearer that you can skip this if it doesn't apply to you; used and/or in email option; changed the option headers to be verb focused ("send my ballot" instead of "I want my ballot mailed to..."); changed all mentions of email to "email a link to print my ballot;"
- Section 6 - Created a new section dedicated to contact info to make it easier for election officials to contact a voter if needed;
- Section 7 - Used color to bring attention to the voter signature;
- LBE Contact Information - Changed background to white and made it bilingual.

Dr. Summers explained that the next steps for the project were to continue testing with Spanish-speaking voters, test language about mail-in voting in the online request tool, revise and test email and text communications about mail-in voting, and test information about mail-in voting on SBE's website.

In response to a question from Mr. Funn, Dr. Summers stated that including locations of ballot drop boxes on the contact list form option could be explored and thanked Mr. Funn for bringing it to her attention.

Ms. Woodward thanked Dr. Summers and Ms. Swanson for their significant efforts to update application. She suggested use of the word "correct" instead of "right" in section one. Mr. Williams brought up, in regard to the instructions to the left of section five, that a ballot faxed to a voter would also require the voter to use their own envelope. Mr. Trento pointed out, in regard to political party affiliation in section three, that only the Democratic and Republican Parties have primary elections. Mr. Voelp reiterated the desire of the board to balance the needs to voters with disabilities to print their ballot with the preference of the board for voters who can receive their ballot by mail to do so. Mr. Voelp expressed his appreciation for Dr. Summers' and Ms. Swanson's work on the updated mail-in ballot application.

In response to a statement from Mr. Voelp, Ms. Charlson confirmed that the next step was for the Board to approve the application as presented, and any future edits to the application could be brought back to the Board for approval. There was a short discussion regarding approving multiple versions of the application, of which Ms. Woodward, Mr. Williams, and Mr. Miller had concerns. Mr. Voelp recognized their concern but noted that the updated application is much improved from the current application.

Mr. Funn made a motion to approve the mail-in ballot application, as presented by Dr. Summers, as an interim form, recognizing that the application will be finalized at a future meeting. Mr. Williams seconded the motion. It passed unanimously. Mr. Voelp thanked Dr. Summers, Ms. Swanson, and Sean Johnson from the Center for Civic Design for their work on updating the application.

**APPROVAL OF REGULATIONS: COMAR 33.01.01.01 – DEFINITIONS, 33.05.04.02C – VOTER REGISTRATION, 33.11.02.05 – ABSENTEE BALLOTS, 33.11.03.06A & 06F & 08A – ABSENTEE BALLOTS, AND 33.17.05.01D – EARLY VOTING**

Ms. Charlson presented for adoption proposed amendments to COMAR 33.11.01.01, 33.05.04.02C, 33.11.02.05, 33.11.03.06A, 33.11.03.06A, 33.11.03.08, and 33.17.05.01D. The proposed changes related to this implementation are:

1. 33.01.01.01B (General Provisions – Definitions): Since “ballot drop box” will be used in various chapters of COMAR Title 33, it should be a defined term. The proposed change adds “ballot drop box” as a defined term and references the definition in Election Law Article, §1-101(d-1), added by Chapters [56](#) and [514](#) of the 2021 Laws of Maryland.
2. 33.05.04.02C (Voter Registration – Processing Applications) and 33.11.02.01D (Absentee Ballots – Applications): Under Chapters 56 and 514 of the 2021 Laws of Maryland, voters can use a ballot drop box to return voted ballots, absentee ballot applications, and voter registration applications. These proposed changes add a reference to voter registration applications returned at a ballot drop box when determining whether the application was timely and establishes a deadline for an application for an absentee ballot deposited into a ballot drop box.
3. 33.11.02.05A (Absentee Ballots – Processing Applications): Election officials are now required to mail to eligible voters the form to request a mail-in ballot. Because this mailing is expected to generate a larger than normal number of applications, this proposed change streamlines the processing of completed requests while preserving the ability to identify the date the application was received.
  - If a local board receives an application for an absentee ballot on or before the Friday before the deadline to request a ballot by mail, the local board is not required to date stamp the application but it must store the application in a container with a label showing the date the applications were received. The deadline to request an absentee ballot by mail is the Tuesday before election day.
  - If a local board receives an application on or after the Saturday before the deadline, a local board must date stamp each application.

This change is similar to an emergency change made before the 2020 General Election.

4. 33.11.03.06A and F (Absentee Ballots – Return of Ballot)  
*Regulation .06A*: Election officials are now required to mail to eligible voters the form to request a mail-in ballot. Because this mailing is expected to generate a larger than normal turnout by mail, this proposed change streamlines the processing of return envelopes while preserving the ability to identify the date the voted ballot was returned.
  - If a local board receives a return envelope two or more days before election day, the local board is not required to date stamp the return envelope but it must store the return envelopes in a container with a label showing the date the return envelopes were received.
  - If a local board receives a return envelope the day before the election, election day, or any day after election day, a local board must date stamp each return envelope.

This change is the same as an emergency change approved for the 2020 elections.

*Regulation .06F*: These proposed changes authorize a voter to return a voted ballot to a ballot drop box and establishes requirements for the ballot drop boxes and retrieving voted ballots. This is now authorized under Chapters 56 and 514 of the 2021 Laws of Maryland.



These changes are substantively the same as the emergency changes adopted for the 2020 General Election. The only change is the use of “ballot drop box,” now a defined term under the new law, instead of “ballot drop off location.” For the 2020 elections, we issued procedures for the retrieval of voted ballots from ballot boxes; these procedures are now required by law.

5. 33.11.03.08B (Absentee Ballots – Timely): The proposed change incorporates into the “timely” definition ballots returned at a ballot drop box.
6. 33.17.05.01D (Early Voting – Election Judges): This proposed change means that a representative of the local board does not need to be physically present to open or close the vote center every day of early voting. Under these proposed changes, onsite support is required to open and close the early voting center on the first day of early voting and to close the early voting center on the last day of early voting. On other days of early voting, the local board must provide remote support if there is not someone providing onsite support.

This change is similar to an emergency change made for elections in 2020. The emergency changes provided for remote support for all days of early voting, while this proposed change allows for remote support on the second through seventh days of early voting.

In response to a question from Mr. Funn regarding why the forms use “mail-in ballots” but the regulations use “absentee,” Ms. Charlson explained that the Maryland Constitution uses “absentee”, but a recent law requires that public documents must use “mail-in.” Mr. Trento, in response to a follow up question from Mr. Funn, confirmed that COMAR could be amended to reflect the word “absentee” in parenthesis following the use of “mail-in.” After a discussion, Mr. Funn agreed that defining “mail-in” in the Definitions chapter of Subtitle 11 – Absentee Ballots would be an adequate solution. Ms. Woodward concurred with Mr. Funn regarding the confusion in the use of the two terms. In response to a question from Ms. Woodward, Ms. Charlson explained the promulgation process of adopting new or amendments to existing regulations.

Mr. Williams made a motion to approve the proposed amendments as presented by Ms. Charlson. Ms. Woodward seconded the motion. It passed unanimously.

### **APPROVAL OF DEPARTMENTAL LEGISLATIVE PROPOSALS**

Mr. DeMarinis presented two proposed legislative changes to the Election Law Article for approval, both of which were approved by the Board last year as departmental legislation in whole or in part.

The first bill protects contributors’ information on the website and campaign finance reports and is modeled after a federal campaign finance contribution information protection statute preventing the use of the information for commercial solicitations. See 52 U.S.C. §3011(a)(4) and 11 CFR 104.15. During the 2021 Legislative Session, the bill passed the Senate but failed in the House on Sine Die, and during the 2020 Legislative Session, the bill passed in the House, but failed in the Senate due to the Legislative Session being adjourned early.

The other proposed bill combines two previously approved departmental bills into one comprehensive enforcement bill and also proposes a new civil enforcement provisions for the State Board. First, the bill would increase statute of limitations on Election Law Article offenses from three years to four years. Additionally, the proposed legislation:

- Clarifies the enforcement powers of the Office of State Prosecutor to seek civil penalties against entities filing a late disclosure statement under Title 14. Title 14 mandates that business entities that have a single contract of at least \$200,000 with a governmental entity file contribution disclosure statements with the State Board listing the business' applicable contributions.
- Changes the criminal penalties to \$25,000 from \$1,000, which mirrors the penalty for a criminal violation of Title 13 of Election Law Article<sup>1</sup>.
- Mandates that the entities that employ a lobbyist and make applicable contributions maintain certain records for a period of years and makes the criminal penalty similar to the penalties for Title 13 and Title 14 filers.
- Grants the State Board civil enforcement authority over technical Title 14 violations. This is a similar power to authority granted under Title 13 of the Election Law Article.

Mr. DeMarinis stated that he is also working with the MAEO on legislation to allow local boards to continue to open mail-in ballots prior to election day, as was done in 2020.

In response to a question from Mr. Voelp on the first proposed bill regarding the penalty for violations, Mr. DeMarinis responded that the penalty would fall under the General Penalty Provision of Title 13 of the Election Law Article, which has fines of up to \$5,000 for civil violations and \$25,000 for criminal violations. Mr. Trento clarified that the information referred to in the bill is already public information, but the bill clarifies what can be done with that information.

Mr. Miller made a motion to approve the departmental legislative proposals as presented, and Ms. Woodward seconded the motion. The motion passed unanimously.

### **APPROVAL OF TITLE 13 LATE FEE WAIVERS**

Mr. DeMarinis explained that the requests to waive Title 13 late fees are submitted by campaign committees assessed late filing fees. He added that the deadlines are statutory, and all campaign committees are sent physical and electronic reminders of the deadlines. Campaigns can pay the fine or apply for a waiver of the late fees if there is an extenuating circumstance. The Board does not take action on requests for waivers that have been denied but must approval waivers that are granted.

Mr. DeMarinis presented requests from six campaign committees to waive late fees incurred by the committee. Two campaign committees were denied waivers of late fees and were presented to the board for informational purposes.

The committees requesting a waiver of late filing fees were:

1. Building Industry PAC Baltimore City, Maryland
2. Hawkins, Wesley Friends of
3. Mason, Tom (Philip) Citizens for
4. Massett, Sabrina for Senate

In response to a question from Mr. Williams regarding if the Board has the authority to override a waiver denial, Mr. DeMarinis stated that the committee has the opportunity to submit a request for reconsideration, which would then be brought to the Board

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<sup>1</sup> See Election Law Article §13-603.

Ms. Woodward made a motion to approve the waiver requests, and Mr. Williams seconded the motion. The motion passed unanimously.

### **APPROVAL OF TITLE 14 LATE FEE WAIVERS**

Mr. DeMarinis explained that Title 14 of the Election Law Article pertains to doing business with the State. Reports must be filed twice a year (May and December), and that the businesses are contractually obligated to file the reports. As with Title 13 waiver requests, the Board does not need to take any action on waiver denials but must approval waivers that are granted.

Mr. DeMarinis presented requests from 18 businesses to waive late fees incurred by the committee. 17 campaign committees were denied waivers of late fees and were presented to the board for informational purposes.

The business requesting a waiver of late filing fees is:

1. CAPSA, Inc. & Grindon Lane., Joint Venture

In response to a question from Mr. Williams, Mr. DeMarinis explained that generally he waits until he has a significant number of requests before presenting to the Board, but the businesses whose waiver requests were denied have already been notified.

Mr. Williams made a motion to approve the Title 14 late fee waiver as presented, and Ms. Woodward seconded the motion. The motion passed unanimously.

Ms. Woodward explained her vote, stating that she agrees with the philosophy of the previous Boards to hold businesses that are contractually obligated to file reports to a higher standard than the campaigns under Title 13.

### **OLD BUSINESS**

There was no old business.

### **NEW BUSINESS**

#### Approval of Confidentiality Request Form

Ms. Wagner explained that the Board had previously requested that the Confidentiality Request Form include a note stating that when confidentiality is granted to a voter, they will not receive certain notices. Ms. Wagner read the note as it is presented on the form:

*“Note: When a voter record is designated confidential, there are several voter services that become unavailable to that voter: the voter’s voter registration information will not be available on our Voter Lookup website, and the voter will not receive ballot status email updates or a sample ballot mailing.”*

She noted additional changes include that the voter making the request only list their month and day of birth, and that the request, when required, is subject to appropriate documentation satisfactory to the “election board.” Mr. DeMarinis added that the word “candidacy” has been added to a statement regarding if the request is based on candidacy for public office, as well as a checkbox for immediate family members of an individual who is eligible status.

In response to a question from Mr. Williams, Ms. Wagner clarified that the request before the Board is for approval of the updated form, as opposed to each change.

There was discussion regarding the statement “*My request for confidentiality is based on my candidacy for public office or serving as an officer of a political campaign or both. Please circle one: Yes / No.*” Mr. DeMarinis clarified that this statement is separate from the listed categories that qualify a voter for confidential status and to signify to the Candidacy and Campaign Finance office that any personal information on the voter’s Certificate of Candidacy must also be removed. After a further discussion regarding the wording of the document, and with no objection from the Board, Ms. Duncan stated that we would rework the document and resubmit at a future meeting.

#### **DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

There were no campaign disclosures.

#### **SCHEDULE NEXT MEETING**

The next meeting is scheduled for Thursday, September 9, at 2 p.m.

#### **CLOSED SESSION – LEGAL ADVICE & SECURITY**

Mr. Voelp requested a motion to close the board meeting under General Provisions Article, §3-305(b) (1), (7) and (8), which permits closing a meeting to discuss compensation of officials over whom the State Board has jurisdiction, receive advice from counsel, and consult with staff about pending or potential litigation.

Mr. Miller made a motion to convene in closed session under General Provisions Article, §3-305(b)(1), (7) and (8), and Mr. Funn seconded the motion. The motion passed unanimously.

The motion having passed, the Board met in closed session in accordance with exemptions defined in (b)(1), (7) and (8) of Section 3-305 of the Open Meetings Act to discuss compensation of officials over whom the State Board has jurisdiction, receive advice from counsel, and consult with staff about pending or potential litigation.

The closed session began at 3:43 pm. Mr. Voelp, Mr. Funn, Mr. Miller, Ms. Woodward, and Mr. Williams attended the closed meeting. In addition to the board members, Ms. Lamone, Ms. Charlson, Mr. Trento, and Ms. Duncan attended the closed meeting. Shermaine Malcolm, SBE's HR Director, and the President and Vice President of a local board of elections attended part of the closed meeting.

The local board members shared information about the compensation request pending before the State Board and left the closed meeting. Ms. Lamone made a recommendation on the compensation request. Ms. Woodward made a motion to accept the State Administrator’s recommendation, and Mr. Miller seconded the motion. The motion passed unanimously. Ms. Malcolm left the meeting.

Mr. Trento provided legal advice on potential or pending litigation. Ms. Woodward made a motion to accept the course of action proposed by Mr. Trento in connection with that litigation, and Mr. Miller seconded the motion. The motion passed unanimously.

Mr. Miller made a motion to adjourn the closed meeting, and Ms. Woodward seconded the motion. The motion passed unanimously.

The closed meeting adjourned at 5:50 pm.

**ADJOURNMENT**

The open meeting adjourned at 4:30 pm.

UNOFFICIAL COPY OF HOUSE BILL 1368  
EMERGENCY BILL

G1

(6lr2473)

ENROLLED BILL

-- Ways and Means/Education, Health, and Environmental Affairs --

Introduced by ~~Delegates Hixson, Patterson~~ Patterson, Hixson, Cardin, King,  
~~and McKee~~ McKee, Ross, Bozman, C. Davis, Goodwin, Gordon, Healey,  
Heller, Howard, Kaiser, Marriott, Ramirez, and Rosenberg  
Rosenberg,  
and Conroy

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Election Law - Voter Bill of Rights**

3 FOR the purpose of requiring a local board of elections to establish, under certain  
4 circumstances, a separate precinct to serve certain institutions of higher  
5 education; requiring each institution at which a precinct is established to  
6 provide certain facilities and services to the local board; requiring that local  
7 boards, when establishing early voting polling places, select sites that are  
8 consistent with certain guidelines and regulations established by the State  
9 Board of Elections; requiring certain polling places to be equipped with a certain  
10 computer device; requiring the Governor to allocate certain resources to  
11 implement the requirements of this Act; requiring the Governor to appropriate  
12 sufficient funds to reimburse the counties for a certain portion of certain  
13 expenditures; requiring the State Administrator of Elections to ensure that  
14 selected sites for early voting have adequate infrastructure to accommodate

1 certain computer devices; requiring early voting polling places to be open for  
 2 voting during certain hours; specifying certain early voting polling sites;  
 3 providing for certain alternate sites to be selected under certain circumstances;  
 4 requiring the State Board and the local boards to engage in certain voter  
 5 outreach activities regarding early voting prior to each primary and general  
 6 election; requiring the Governor to include certain funds in the annual budget for  
 7 a certain purpose; providing that certain powers and duties assigned to the State  
 8 Board shall be exercised in accordance with an affirmative vote of a  
 9 supermajority of the members of the Board; requiring local boards of elections to  
 10 administer voter registration and absentee balloting for certain facilities in  
 11 accordance with procedures established by the State Board; establishing and  
 12 altering certain powers and duties of local boards of elections, the election  
 13 directors of local boards, and the State Administrator of Elections; authorizing  
 14 the State Administrator to file suit for injunctive relief under certain  
 15 circumstances; authorizing a registered voter or applicant for registration to file  
 16 suit for injunctive relief under certain circumstances; authorizing the State  
 17 Administrator to take certain disciplinary actions and make interim  
 18 appointments under certain circumstances; requiring certain local boards to  
 19 adopt certain regulations; requiring the regulations to be adopted, reviewed, and  
 20 approved before the local board may take certain actions; placing certain  
 21 restrictions on the alteration of precinct boundaries and polling place locations;  
 22 placing certain restrictions on the removal of registered voters from the registry  
 23 and on the rejection of voter registration applications; requiring the issuance of  
 24 certain reports and the Internet publication of certain lists; providing for the  
 25 application of certain provisions of this Act only to jurisdictions that meet certain  
 26 criteria; providing for the termination of certain provisions of this Act; generally  
 27 relating to the powers and duties of election boards, local election directors, and  
 28 the State Administrator of Elections; requiring the State Administrator of  
 29 Elections and the Office of the Attorney General to review and report on issues  
 30 related to election day voter registration; making this Act an emergency  
 31 measure; and generally relating to a voter bill of rights.

32 BY repealing and reenacting, with amendments,  
 33 Article - Election Law  
 34 ~~Section 2-303(a) and 10-302~~  
 35 Section 2-102, 2-103, 2-202(b), 2-206, 2-301, 2-303(a), 3-501, and 10-302  
 36 Annotated Code of Maryland  
 37 (2003 Volume and 2005 Supplement)

38 BY repealing and reenacting, with amendments,  
 39 Article - Election Law  
 40 ~~Section 10-301.1(e)(1)~~ 10-301.1(b) and (c)  
 41 Annotated Code of Maryland  
 42 (2003 Volume and 2005 Supplement)  
 43 (As enacted by Chapter 5 of the Acts of the General Assembly of 2006)

44 BY adding to

1 Article - Election Law  
2 Section 2-202.1  
3 Annotated Code of Maryland  
4 (2003 Volume and 2005 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article - Election Law**

8 2-102.

9 (a) The State Board shall manage and supervise elections in the State and  
10 ensure compliance with the requirements of this article and any applicable federal law  
11 by all persons involved in the elections process.

12 (b) In exercising its authority under this article and in order to ensure  
13 compliance with this article and with any requirements of federal law, the State Board  
14 shall:

15 (1) supervise the conduct of elections in the State;

16 (2) direct, support, monitor, and evaluate the activities of each local  
17 board;

18 (3) have a staff sufficient to perform its functions;

19 (4) adopt regulations to implement its powers and duties;

20 (5) receive, and in its discretion audit, campaign finance reports;

21 (6) appoint a State Administrator in accordance with § 2-103 of this  
22 subtitle;

23 (7) maximize the use of technology in election administration, including  
24 the development of a plan for a comprehensive computerized elections management  
25 system;

26 (8) canvass and certify the results of elections as prescribed by law;

27 (9) make available to the general public, in a timely and efficient manner,  
28 information on the electoral process, including a publication that includes the text of  
29 this article, relevant portions of the Maryland Constitution, and information gathered  
30 and maintained regarding elections;

31 (10) subject to §§ 2-106 and 13-341 of this article, receive, maintain, and  
32 serve as a depository for elections documents, materials, records, statistics, reports,  
33 certificates, proclamations, and other information prescribed by law or regulation;

34 (11) prescribe all forms required under this article; and



1           (12) serve as the official designated office in accordance with the  
2 Uniformed and Overseas Citizens Absentee Voting Act for providing information  
3 regarding voter registration and absentee ballot procedures for absent uniformed  
4 services voters and overseas voters with respect to elections for federal office.

5           (C) THE POWERS AND DUTIES ASSIGNED TO THE STATE BOARD UNDER THIS  
6 ARTICLE SHALL BE EXERCISED IN ACCORDANCE WITH AN AFFIRMATIVE VOTE BY A  
7 SUPERMAJORITY OF THE MEMBERS OF THE STATE BOARD.

8 2-202.

9           (b) Each local board, in accordance with the provisions of this article and  
10 regulations adopted by the State Board, shall:

11           (1) oversee the conduct of all elections held in its county and ensure that  
12 the elections process is conducted in an open, convenient, and impartial manner;

13           (2) pursuant to the State Personnel and Pensions Article, or its county  
14 merit system, whichever is applicable, appoint an election director to manage the  
15 operations and supervise the staff of the local board;

16           (3) maintain an office and be open for business as provided in this article,  
17 and provide the supplies and equipment necessary for the proper and efficient conduct  
18 of voter registration and election, including:

19                   (i) supplies and equipment required by the State Board; and

20                   (ii) office and polling place equipment expenses;

21           (4) adopt any regulation it considers necessary to perform its duties under  
22 this article, which regulation shall become effective when it is filed with and approved  
23 by the State Board;

24           (5) serve as the local board of canvassers and certify the results of each  
25 election conducted by the local board;

26           (6) establish and alter the boundaries and number of precincts in  
27 accordance with § 2-303 of this title, and provide a suitable polling place for each  
28 precinct, and assign voters to precincts;

29           (7) provide to the general public timely information and notice, by  
30 publication or mail, concerning voter registration and elections;

31           (8) make determinations and hear and decide challenges and appeals as  
32 provided by law;

33           (9)   (i) aid in the prosecution of an offense under this article; and

34                   (ii) when the board finds there is probable cause to believe an offense  
35 has been committed, refer the matter to the appropriate prosecutorial authority; [and]

1 (10) maintain and dispose of its records in accordance with the plan  
 2 adopted by the State Board under § 2-106 of this title; AND

3 (11) ADMINISTER VOTER REGISTRATION AND ABSENTEE VOTING FOR  
 4 NURSING HOMES AND ASSISTED LIVING FACILITIES IN ACCORDANCE WITH  
 5 PROCEDURES ESTABLISHED BY THE STATE ADMINISTRATOR, SUBJECT TO THE  
 6 APPROVAL OF THE STATE BOARD.

7 2-303.

8 (a) (1) [As] SUBJECT TO PARAGRAPH (2) OF THIS SECTION, AS it deems it  
 9 expedient for the convenience of voters, a local board may:

10 [(1)] (I) create and alter the boundaries for precincts in the county;

11 [(2)] (II) designate the location for polling places in any election district,  
 12 ward, or precinct in the county; and

13 [(3)] (III) combine or abolish precincts.

14 (2) (I) EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (III) OF THIS  
 15 PARAGRAPH, A LOCAL BOARD SHALL ESTABLISH A SEPARATE PRECINCT ON CAMPUS  
 16 OR WITHIN ONE-HALF MILE OF THE CAMPUS TO SPECIFICALLY SERVE A PUBLIC OR  
 17 PRIVATE INSTITUTION OF HIGHER EDUCATION IF THE LOCAL BOARD DETERMINES  
 18 THAT AT LEAST 500 STUDENTS, FACULTY, AND STAFF WHO ATTEND OR WORK AT THE  
 19 INSTITUTION ARE REGISTERED VOTERS IN THE PRECINCT IN WHICH THE  
 20 INSTITUTION IS LOCATED.

21 (II) IF, IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS  
 22 PARAGRAPH, A POLLING PLACE IS ESTABLISHED AT AN INSTITUTION OF HIGHER  
 23 EDUCATION THAT RECEIVES STATE FUNDS, THAT INSTITUTION SHALL:

24 1. PROVIDE WITHOUT CHARGE TO THE LOCAL BOARD A  
 25 FACILITY FOR USE AS A POLLING PLACE THAT MEETS ALL APPLICABLE  
 26 REQUIREMENTS UNDER THIS ARTICLE AND AS ESTABLISHED BY THE STATE BOARD;  
 27 AND

28 2. PROVIDE ASSISTANCE TO THE LOCAL BOARD IN  
 29 RECRUITING ELECTION JUDGES TO STAFF THE POLLING PLACE.

30 (III) A LOCAL BOARD MAY NOT BE REQUIRED TO ESTABLISH A  
 31 SEPARATE PRECINCT AS PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH  
 32 IF THERE IS AN ESTABLISHED PRECINCT WITHIN ONE-HALF MILE OF THE PUBLIC OR  
 33 PRIVATE INSTITUTION OF HIGHER EDUCATION'S CAMPUS THAT SERVES THE VOTERS  
 34 WHO ATTEND OR WORK AT THE PUBLIC OR PRIVATE INSTITUTION OF HIGHER  
 35 EDUCATION.

1 10-301.1.

2 (e) (1) (I) Each local board shall establish the early voting polling places  
3 in its county.

4 (II) ~~EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS~~  
5 ~~PARAGRAPH, WHEN ESTABLISHING THE EARLY VOTING POLLING PLACES, THE~~  
6 ~~LOCAL BOARD SHALL, CONSISTENT WITH THE GUIDELINES AND REGULATIONS~~  
7 ~~ESTABLISHED BY THE STATE BOARD:~~

8 1. ~~SELECT A SITE IN THE COUNTY THAT IS~~  
9 ~~GEOGRAPHICALLY CENTRAL AND EASILY ACCESSIBLE SEAT, IF ONLY ONE LOCATION~~  
10 ~~IS BEING USED IN THE COUNTY; OR~~

11 2. ~~SELECT SITES FROM RECOMMENDATIONS PROVIDED BY~~  
12 ~~THE CHAIRMEN OF THE LOCAL CENTRAL COMMITTEES OF THE RECOGNIZED~~  
13 ~~POLITICAL PARTIES, IF MULTIPLE LOCATIONS ARE USED IN THE COUNTY SELECT:~~

14 A. ~~ONE SITE LOCATED IN THE COUNTY SEAT FOR EACH~~  
15 ~~COUNTY;~~

16 B. ~~AT LEAST ONE SITE LOCATED AT A COMMUNITY COLLEGE~~  
17 ~~IN THE COUNTY; AND~~

18 C. ~~ANY ADDITIONAL SITES IN THE COUNTY ONLY FROM THE~~  
19 ~~RECOMMENDATIONS OF THE CHAIRMEN OF THE LOCAL CENTRAL COMMITTEES OF~~  
20 ~~THE RECOGNIZED POLITICAL PARTIES.~~

21 (III) ~~IN BALTIMORE CITY, THE LOCAL BOARD SHALL, CONSISTENT~~  
22 ~~WITH THE GUIDELINES AND REGULATIONS ESTABLISHED BY THE STATE BOARD,~~  
23 ~~ESTABLISH EARLY VOTING POLLING PLACES AT:~~

24 1. ~~MORGAN STATE UNIVERSITY;~~

25 2. ~~COPPIN STATE UNIVERSITY; AND~~

26 3. ~~THE DUBURNS RECREATION CENTER.~~

27 (b) *Each early voting polling place shall be open for voting:*

28 (1) *beginning the Tuesday before a primary or general election through*  
29 *the Saturday before the election; and*

30 (2) *[8 hours each day] DURING THE HOURS BETWEEN 7 A.M. AND 8 P.M.*  
31 *during the period specified under paragraph (1) of this subsection.*

32 (c) (1) *[Each] AS PROVIDED IN THIS SUBSECTION, EACH local board shall*  
33 *establish the early voting polling places in its county.*

1                   (2)     (i)     *In the following counties, the local board shall establish [at*  
 2 *least] three early voting polling places for each primary or general election AS*  
 3 *SPECIFIED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH:*

- 4                                 *1.     Anne Arundel;*  
 5                                 *2.     Baltimore City;*  
 6                                 *3.     Baltimore County;*  
 7                                 *4.     Harford;*  
 8                                 *5.     Howard;*  
 9                                 *6.     Montgomery; and*  
 10                                *7.     Prince George's.*

11                               (ii)    *1.     [In] EXCEPT FOR CHARLES COUNTY, IN each county other*  
 12 *than a county specified in subparagraph (i) of this paragraph, the local board shall*  
 13 *establish [at least] one early voting polling place for each primary or general election*  
 14 *IN THE COUNTY SEAT.*

15                                *2.     IN CHARLES COUNTY, THE EARLY VOTING POLLING*  
 16 *PLACE SHALL BE ESTABLISHED IN WALDORF.*

17                               (III)   *EARLY VOTING POLLING PLACES SHALL BE ESTABLISHED AT*  
 18 *THE LOCATIONS SPECIFIED IN THIS SUBPARAGRAPH FOR THE FOLLOWING*  
 19 *COUNTIES:*

- 20                                *1.     ANNE ARUNDEL COUNTY:*  
 21                                    *A.     BROOKLYN PARK SENIOR CENTER*  
 22 *202 HAMMONDS LANE*  
 23 *BALTIMORE, MD 21225;*  
 24                                    *B.     WEST COUNTY LIBRARY*  
 25 *1325 ANNAPOLIS ROAD*  
 26 *ODENTON, MD 21114; AND*  
 27                                    *C.     AMERICAN LEGION POST #141*  
 28 *1707 FOREST DRIVE*  
 29 *ANNAPOLIS, MD 21401;*  
 30                                *2.     BALTIMORE CITY:*  
 31                                    *A.     MORGAN STATE UNIVERSITY*  
 32 *1700 E. COLD SPRING LANE*  
 33 *BALTIMORE, MD 21251;*

- 1 B. COPPIN STATE UNIVERSITY  
2 2500 NORTH AVENUE  
3 BALTIMORE, MD 21216; AND
- 4 C. DU BURNS RECREATION CENTER  
5 1301 S. ELLWOOD AVENUE  
6 BALTIMORE, MD 21224;
- 7 3. BALTIMORE COUNTY:
- 8 A. RANDALLSTOWN LIBRARY  
9 8604 LIBERTY ROAD  
10 RANDALLSTOWN, MD 21133;
- 11 B. TOWSON UNIVERSITY  
12 8000 YORK ROAD  
13 TOWSON, MD 21252; AND
- 14 C. ESSEX LIBRARY  
15 1110 EASTERN BOULEVARD  
16 ESSEX, MD 21221;
- 17 4. HARFORD COUNTY:
- 18 A. ABERDEEN BRANCH LIBRARY  
19 21 FRANKLIN STREET  
20 ABERDEEN, MD 21001;
- 21 B. HARFORD COUNTY GOVERNMENT BUILDING  
22 212 SOUTH BOND STREET  
23 BEL AIR, MD 21014; AND
- 24 C. JOPPA BRANCH LIBRARY  
25 655 TOWNE CENTER DRIVE  
26 JOPPA, MD 21085;
- 27 5. HOWARD COUNTY:
- 28 A. EAST COLUMBIA LIBRARY (OWEN BROWN)  
29 6600 CRADLEROCK WAY  
30 COLUMBIA, MD 21045;
- 31 B. MILLER BRANCH LIBRARY  
32 9421 FREDERICK ROAD  
33 ELLCOTT CITY, MD 21042; AND
- 34 C. SAVAGE BRANCH LIBRARY  
35 9525 DURNESSE LANE  
36 LAUREL, MD 20723;



1 (B) (1) EACH POLLING PLACE SHALL BE EQUIPPED WITH A COMPUTER  
 2 DEVICE THAT CONTAINS A RECORD OF ALL REGISTERED VOTERS IN THE COUNTY  
 3 AND THAT IS CAPABLE OF BEING NETWORKED TO OTHER POLLING PLACE  
 4 COMPUTER DEVICES.

5 (2) THE STATE ADMINISTRATOR SHALL ENSURE THAT A SITE SELECTED  
 6 FOR EARLY VOTING HAS ADEQUATE INFRASTRUCTURE TO ACCOMMODATE THE  
 7 COMPUTER DEVICES REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

8 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 9 read as follows:

10 Article - Election Law

11 2-103.

12 (a) There is a State Administrator of Elections.

13 (b) The State Administrator shall:

14 (1) be appointed by the State Board, with the advice and consent of the  
 15 Senate of Maryland, and serve at the pleasure of the State Board;

16 (2) receive a salary as provided in the State budget;

17 (3) as provided in the State budget, employ and supervise:

18 (i) a deputy administrator, who shall serve as State Administrator  
 19 in the event the State Administrator resigns, becomes disabled, or dies, pending the  
 20 appointment of a successor State Administrator; and

21 (ii) pursuant to the State Personnel and Pensions Article, other staff  
 22 of the State Board;

23 (4) supervise the operations of the local boards AND, IN ACCORDANCE  
 24 WITH SUBSECTION (C) OF THIS SECTION, INITIATE A LEGAL ACTION TO ENJOIN THE  
 25 ACTIONS OF A LOCAL BOARD OR THE ELECTION DIRECTOR OF A LOCAL BOARD;

26 (5) perform all duties and exercise all powers that are assigned by law to  
 27 the State Administrator or delegated by the State Board;

28 (6) implement, in a uniform and nondiscriminatory manner, a single,  
 29 uniform, official, centralized, interactive computerized statewide voter registration list;

30 (7) provided the State Board is fully constituted with five duly confirmed  
 31 members, be subject to removal by the affirmative vote of four duly confirmed members  
 32 of the State Board for incompetence, misconduct, or other good cause except that:

1 (i) prior to removal, the State Board shall set forth written charges  
 2 stating the grounds for dismissal and afford the State Administrator notice and an  
 3 ample opportunity to be heard; and

4 (ii) subsequent to a valid vote for removal by at least four duly  
 5 confirmed members of the State Board, the State Administrator is authorized to  
 6 continue to serve until a successor is appointed and confirmed by the Senate of  
 7 Maryland; and

8 (8) be the chief State election official.

9 (C) (1) THE STATE ADMINISTRATOR MAY FILE SUIT IN A COURT OF  
 10 COMPETENT JURISDICTION TO ENJOIN A LOCAL BOARD OR ITS ELECTION DIRECTOR  
 11 FROM VIOLATING ANY PROVISION OF THIS ARTICLE OR OF A REGULATION,  
 12 GUIDELINE, OR PROCEDURE ADOPTED UNDER THIS ARTICLE.

13 (2) A REGISTERED VOTER OR AN APPLICANT FOR VOTER REGISTRATION  
 14 MAY PETITION THE STATE ADMINISTRATOR TO FILE A SUIT UNDER PARAGRAPH (1)  
 15 OF THIS SUBSECTION.

16 (3) A VOTER OR APPLICANT WHO HAS PETITIONED UNDER PARAGRAPH  
 17 (2) OF THIS SUBSECTION MAY FILE THE SUIT FOR INJUNCTIVE RELIEF IF THE STATE  
 18 ADMINISTRATOR DECLINES OR FAILS TO FILE SUIT:

19 (I) WITHIN 10 BUSINESS DAYS AFTER THE PETITION IS  
 20 SUBMITTED; OR

21 (II) DURING THE PERIOD THAT IS LESS THAN 20 DAYS BEFORE AN  
 22 ELECTION, WITHIN 3 BUSINESS DAYS AFTER THE PETITION IS SUBMITTED.

23 [(c)] (D) Before taking office, the appointee to the office of State Administrator  
 24 shall take the oath required by Article I, § 9 of the Maryland Constitution.

25 2-202.1.

26 (A) EACH LOCAL BOARD SHALL ADOPT REGULATIONS RELATING TO:

27 (1) PROCEDURES TO BE FOLLOWED BY THE BOARD UNDER § 3-301 OF  
 28 THIS ARTICLE IN DETERMINING WHETHER AN APPLICANT IS QUALIFIED TO BECOME  
 29 A REGISTERED VOTER; AND

30 (2) PROCEDURES TO BE FOLLOWED BY THE BOARD IN ADMINISTERING  
 31 TITLE 3, SUBTITLE 3 OF THIS ARTICLE, INCLUDING:

32 (I) PROCEDURES AND TIMETABLES FOR OBTAINING, RECEIVING,  
 33 AND PROCESSING INFORMATION ABOUT VOTERS' CHANGES OF ADDRESS OR  
 34 CHANGES IN ELIGIBILITY STATUS; AND

35 (II) PROCEDURES AND TIMETABLES FOR REMOVING VOTERS FROM  
 36 THE VOTER REGISTRY.



1 (B) NOTWITHSTANDING § 2-202 OF THIS SUBTITLE, BEFORE A LOCAL BOARD,  
2 OR AN EMPLOYEE OF THE BOARD, ALTERS PRECINCT BOUNDARIES OR ALTERS THE  
3 LOCATION OF A POLLING PLACE, THE LOCAL BOARD SHALL:

4 (1) ISSUE PUBLIC NOTICE OF THE PROPOSED ALTERATION AT LEAST 90  
5 DAYS BEFORE THE DATE OF THE ELECTION TO WHICH THE ALTERATION WOULD  
6 APPLY;

7 (2) ACCEPT PUBLIC COMMENTS ON THE PROPOSED ALTERATION;

8 (3) SUBMIT THE PROPOSED ALTERATION, AND ANY COMMENTS  
9 RECEIVED, TO THE STATE ADMINISTRATOR FOR THE STATE ADMINISTRATOR'S  
10 REVIEW; AND

11 (4) RECEIVE THE APPROVAL OF THE STATE ADMINISTRATOR.

12 2-206.

13 (A) Subject to the requirements of this article and the policies and guidance of  
14 the local board, the election director [may]:

15 (1) MAY appoint the employees of the local board;

16 (2) MAY train judges of election;

17 (3) MAY give notice of elections;

18 (4) MAY, upon the request of an elderly or disabled voter whose polling  
19 place is not structurally barrier free, provide an alternate polling place to the voter;

20 (5) MAY issue voter acknowledgment notices and voter notification cards;

21 (6) MAY receive certificates of candidacy;

22 (7) MAY verify nominating petitions;

23 (8) MAY receive and maintain campaign finance reports;

24 (9) MAY, in consultation with the local board, conduct the canvass  
25 following an election; [and]

26 (10) subject to § 9-306 of this article, MAY process and reject absentee  
27 ballot applications;

28 (11) SHALL PUBLISH ON AN INTERNET WEBSITE, NOT LATER THAN 30  
29 DAYS BEFORE THE CLOSE OF REGISTRATION PRIOR TO AN ELECTION, A LIST OF ANY  
30 PROPOSED DELETIONS OF REGISTRANTS FROM THE VOTER REGISTRY; AND

31 (12) SHALL ENSURE THAT THERE IS AT LEAST ONE WORKING VOTING  
32 MACHINE OR DEVICE FOR EVERY 200 REGISTERED VOTERS AT EACH POLLING PLACE.

1 (B) THE ELECTION DIRECTOR SHALL MAKE REGULAR PUBLIC REPORTS, ON A  
 2 SCHEDULE DETERMINED BY THE STATE ADMINISTRATOR, REGARDING:

3 (1) THE NUMBER AND TYPES OF VOTER REGISTRATION APPLICATIONS  
 4 RECEIVED;

5 (2) THE NUMBER OF VOTER REGISTRATION APPLICATIONS ACCEPTED  
 6 AND REJECTED; AND

7 (3) THE REASONS THE APPLICATIONS WERE REJECTED.

8 2-301.

9 (a) This section applies to:

10 (1) a member of the State Board;

11 (2) a regular or substitute member of a local board;

12 (3) the State Administrator;

13 (4) an employee of the State Board or of a local board, including the  
 14 election director of a board;

15 (5) counsel appointed under § 2-205 of this title; and

16 (6) an election judge.

17 (b) (1) An individual subject to this section may not, while holding the  
 18 position:

19 (i) hold or be a candidate for any elective public or political party  
 20 office or any other office created under the Constitution or laws of this State;

21 (ii) use the individual's official authority for the purpose of  
 22 influencing or affecting the result of an election; or

23 (iii) except as provided in paragraph (2) of this subsection, as to any  
 24 candidate or any matter that is subject to an election under this article:

25 1. be a campaign manager;

26 2. be a treasurer or subtreasurer for a campaign finance  
 27 entity; or

28 3. take any other active part in political management or a  
 29 political campaign.

30 (2) Notwithstanding paragraph (1)(iii) of this subsection, an election  
 31 judge may engage in the activities of a political campaign, except:

1 (i) while performing official duties on election day; and

2 (ii) by serving as a campaign manager for a candidate or as the  
3 treasurer for a campaign finance entity.

4 (C) IF THE STATE ADMINISTRATOR DETERMINES THAT AN INDIVIDUAL IS IN  
5 VIOLATION OF THIS SECTION, THE STATE ADMINISTRATOR:

6 (1) SHALL SUSPEND THE INDIVIDUAL FROM DUTY UNTIL THE  
7 COMPLETION OF THE NEXT ELECTION; AND

8 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, MAY MAKE AN  
9 INTERIM APPOINTMENT TO ENSURE THE ORDERLY ADMINISTRATION OF THIS  
10 ARTICLE.

11 3-501.

12 (A) An election director may remove a voter from the statewide voter  
13 registration list only:

14 (1) at the request of the voter, provided the request is:

15 (i) signed by the voter;

16 (ii) authenticated by the election director; and

17 (iii) in a format acceptable to the State Board or on a cancellation  
18 notice provided by the voter on a voter registration application;

19 (2) upon determining, based on information provided pursuant to §  
20 3-503 of this subtitle, that the voter is no longer eligible because:

21 (i) the voter is not qualified to be a registered voter as provided in §  
22 3-102(b) of this title; or

23 (ii) the voter is deceased; or

24 (3) if the voter has moved outside the State, as determined by conducting  
25 the procedures established in § 3-502 of this subtitle.

26 (B) AN ELECTION DIRECTOR MAY NOT REMOVE A VOTER FROM THE LIST IN  
27 ACCORDANCE WITH SUBSECTION (A)(2) OR (3) OF THIS SECTION DURING THE PERIOD  
28 THAT:

29 (1) BEGINS 30 DAYS BEFORE THE CLOSE OF REGISTRATION BEFORE AN  
30 ELECTION; AND

31 (2) ENDS AT THE CLOSE OF THE POLLS ON THE DAY OF THE ELECTION.

32 SECTION ~~2~~. 3. AND BE IT FURTHER ENACTED, That the State  
33 Administrator of Elections and the Office of the Attorney General shall:

1 (1) review the efficacy of, and any legal impediments to, implementing a  
2 system of election day voter registration that would allow eligible unregistered voters,  
3 commencing with the 2008 primary election, to register and then vote on election day;

4 (2) (i) consult with local election officials in Maryland to ascertain the  
5 impact and assess any administrative challenges associated with implementing a  
6 statewide system of election day voter registration in this State; and

7 (ii) query election officials in any other states around the country  
8 that have implemented statewide election day voter registration about their  
9 experiences with such a system;

10 (3) note any legal impediments to implementing a statewide system of  
11 election day voter registration and identify any changes to State statutory or  
12 constitutional law that would be required to implement such a system;

13 (4) estimate the additional cost to the State and to the counties to  
14 implement a system of election day voter registration; and

15 (5) on or before December 31, 2006, submit a report of its findings and  
16 recommendations to the Governor, and, in accordance with § 2-1246 of the State  
17 Government Article, to the General Assembly.

18 ~~SECTION 3. AND BE IT FURTHER ENACTED, That the Governor shall~~  
19 ~~allocate the resources required to implement the requirements of this Act, including~~  
20 ~~any gift received by the State for the purposes of this Act under § 2-201 of the State~~  
21 ~~Finance and Procurement Article, and except for federal funds received by the State~~  
22 ~~to implement the requirements of the Help America Vote Act of 2002, any federal or~~  
23 ~~other special funds or grant received by the State in accordance with federal and~~  
24 ~~State law for the purposes of this Act.~~

25 ~~SECTION 4. AND BE IT FURTHER ENACTED, That in fiscal year 2008, the~~  
26 ~~Governor shall appropriate sufficient funds to reimburse each county at a rate of 50%~~  
27 ~~of the total expenditures made during fiscal year 2007 to implement early voting,~~  
28 ~~including expenditures made for the purchase of electronic poll books.~~

29 ~~SECTION 4. AND BE IT FURTHER ENACTED, That the regulations required~~  
30 ~~to be adopted by a local board of elections under § 2-202.1(a) of the Election Law~~  
31 ~~Article, as enacted by Section 2 of this Act, must be submitted to, reviewed by, and~~  
32 ~~approved by the State Administrator of Elections before the local board:~~

33 (1) denies any application for registration on or after the effective date of  
34 this Act; or

35 (2) removes any voter from the registration list on or after the effective  
36 date of this Act.

37 ~~SECTION 5. AND BE IT FURTHER ENACTED, That Sections 2 and 4 of this~~  
38 ~~Act shall apply only to jurisdictions of the State in which, based on data from the 2000~~  
39 ~~Decennial Census:~~

1           (1)     less than 60 percent of the population lives in owner-occupied  
2  dwellings; and

3           (2)     the median income is less than \$40,000 per year.

4     SECTION 6. AND BE IT FURTHER ENACTED, That the Governor shall  
5  include each year in the State budget sufficient State general funds to implement the  
6  requirements of § 10-302(b) of the Election Law Article.

7     SECTION 7. AND BE IT FURTHER ENACTED, That Sections 2, 4, and 5 of  
8  this Act shall remain effective until the end of June 30, 2008 and, at the end of June  
9  30, 2008, with no further action required by the General Assembly, Sections 2, 4, and  
10  5 of this Act shall be abrogated and of no further force and effect.

11     SECTION 4, ~~5,~~ 8. AND BE IT FURTHER ENACTED, That this Act ~~shall take~~  
12  ~~effect June 1, 2006~~ is an emergency measure, is necessary for the immediate  
13  preservation of the public health or safety, has been passed by a ye and nay vote  
14  supported by three-fifths of all the members elected to each of the two Houses of the  
15  General Assembly, and shall take effect from the date it is enacted.

**STATE BOARD OF ELECTIONS**  
**P.O. BOX 6486, ANNAPOLIS, MD 21401-0486 PHONE (410) 269-2840**

William G. Voelp, Chairman  
Malcolm L. Funn, Vice Chairman  
Severn Miller  
Justin Williams  
T. Sky Woodward



Linda H. Lamone  
Administrator  
  
Nikki Charlson  
Deputy Administrator

August 30, 2021

**Via Electronic Mail**

The Honorable Guy Guzzone  
Chair, Senate Budget & Taxation Committee  
3 West, Miller Senate Office Building  
11 Bladen St  
Annapolis, Maryland 21401

The Honorable Maggie McIntosh  
Chair, House Appropriations Committee  
121 House Office Building  
6 Bladen St  
Annapolis, Maryland 21401

Re: 2021 Joint Chairman's Report (D38I01 – p. 35) – Local Cost Sharing

Dear Senator Guzzone and Delegate McIntosh:

In the Joint Chairmen's Report on the Fiscal 2022 State Operating Budget and the State Capital Budget (Report), this office was asked to a one-time report explaining the State's cost sharing structures with the local boards of elections. This report was due August 1, 2021, but we requested and received an extension until August 31, 2021.

I am pleased to submit the requested report on how election administration costs are shared between the State and local jurisdictions. As explained in the attached report, funding of elections has evolved from being historically locally funded to an increasing shared cost model.

In recent legislative sessions, there has been discussion about the sharing of election administration costs, and I hope that this report is useful to the General Assembly as you and your colleagues consider election-related legislation in future sessions. If you or any committee members have any questions about this report, please do not hesitate to contact me.

Sincerely,

Handwritten signature of Linda H. Lamone in cursive.

Linda H. Lamone  
State Administrator

Enclosure: Local Cost Sharing

cc (with 5 copies): Sarah Albert, Mandated Reports Specialist, DLS Library and Information Services

**2021 Joint Chairmen's Report - Operating Budget**  
**State Board of Elections (D38101)**  
**Local Cost Sharing Report (p 35)**

This report is submitted in response to the [2021 Joint Chairmen's Report - Operating Budget](#) (April 2021, page 35). In the Joint Chairmen's Report, the committees stated their interest in the State's cost-sharing structures with local boards of elections (LBEs) and requested that the State Board of Elections (SBE) submit a report identifying:

- how SBE interprets current statutory provisions governing the allocation of costs between SBE and LBEs, including identifying areas in which cost-sharing is viewed to be required and where it is discretionary, and how it makes those determinations;
- in as much detail as possible, each category of election expenditures and the current allocation of costs between SBE and LBEs for each category;
- any categories of expenditure in which the allocation of costs between SBE and LBEs has changed in the last two years; and
- categories of election expenditure for which the cost-sharing structure is defined on a case-by-case basis

**History of Cost Sharing in Election Administration**

Historically, elections were funded exclusively by local jurisdictions.<sup>1</sup> With the enactment of [Chapter 564](#) of the Laws of Maryland (2001),<sup>2</sup> SBE was required to select a statewide, uniform voting system and fund one-half of the costs related to this system.<sup>3</sup>

Section 4 of Chapter 564 listed specific costs to be shared equally between the State and county governments. The listed costs were:

- Acquiring and operating the voting system used at voting locations
- Acquiring and operating the voting system used to count provisional and mail-in ballots
- Technical support and programming of the voting system
- Voting system related supplies, materials and software licenses
- Printing of ballots

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<sup>1</sup> Over the decades, elections in Maryland became more uniform and centrally administered. The benefits of uniformity and centralization are significant for voters and election officials. Regardless of where voters live, the voting process will be the same; a voter who moves to another jurisdiction in Maryland will not have to learn a new voting process or system to vote. Similarly, election officials can share best practices because they are using the same equipment and following the same procedures. There are economies of scale when purchasing equipment and supplies for the whole State rather than each jurisdiction buying its own supplies. The final system to centralize and make uniform was the statewide voting system. To facilitate this transition, the State agreed to pay one-half of the costs related to the acquisition and implementation of the system. For more information about the movement to centralize and create uniformity, see the [December 1997 report](#) of the [Commission to Revise the Election Code](#) and the [February 2001 report](#) of the [Special Committee on Voting Systems and Election Procedures in Maryland](#).

<sup>2</sup> Chapter 564 was introduced as [House Bill 1457](#) and [Senate Bill 833](#) of the 2001 Legislative Session.

<sup>3</sup> Section 4 of Chapter 564 reads: That, subject to Section 5 of this Act, each county shall pay its share of one-half of the State's cost of acquiring and operating the uniform statewide voting systems for voting in polling places and for absentee voting provided for under this Act, including the cost of maintenance, storage, printing of ballots, technical support and programming, related supplies and materials, and software licensing fees. A county's share of the cost of acquiring and operating the uniform statewide voting systems shall be based upon the county's voting age population.

The costs listed in Chapter 564, however, were not intended to be an exhaustive list (as evidenced by the use of the preposition “including”). Since the enactment of Chapter 564, other costs have been identified as related to the operation of the voting system and are shared equally between the State and county governments.<sup>4</sup> These costs are:

- Storing and transporting the voting system to and from the voting locations
- Maintaining and storing printed ballots
- Temporary staff hired for each election performing tasks related to the voting system. These individuals include voting system technicians and support technicians, individuals who perform the required pre-election testing, provide on-site and field support for the LBEs, train local election officials and voters on the voting system, and other technical and project support.

There are two other cost sharing agreements for other election systems.

- In 2005, SBE and the Maryland Association of Counties entered into a cost sharing agreement for the implementation and maintenance of the statewide voter registration, candidacy and election management system (MDVOTERS) through FY 2011.<sup>5</sup> Under this agreement, the State used \$6 million of federal funds to develop and implement this system and \$5.2 million in federal funds to maintain the system through FY 2011. The LBEs were responsible for paying non-contract, ancillary costs through FY 2011. When the agreement ended in FY 2012, the LBEs resumed paying for the operation and maintenance of a voter registration system.<sup>6</sup>
- In 2006, the State paid \$28 million to purchase (with financing through the State Treasurer’s Office) the current electronic pollbook solution. After the initial State investment, the LBEs paid and continue to pay all costs associated with the electronic pollbooks.

Recent legislation defines the funding source for two expenditures.

- Chapters [36](#) (House Bill 37) and [37](#) (Senate Bill 145) of the Laws of Maryland (2020) require that SBE reimburse each local board for 50% of the cost of prepaid postage for mail-in ballots. This cost sharing agreement was used for the 2020 Primary and General Elections and all future elections.

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<sup>4</sup> In 2004, the Office of the Attorney General issued advice on whether costs associated with two contracts were subject to the cost sharing agreement required by Chapter 564. The contracts related to project management support for the 2004 implementation in 22 counties of the statewide voting system. The contractor’s duties ranged from typical project management duties to voter outreach and public awareness to election official training to reviewing deliverables to drafting procedures related to the new voting system. Assistant Attorney General Bonnie Kirkland advised that language in Section 4 was intended to have “broad application” to costs associated with the voting system. See Appendix A (November 16, 2004 letter from Assistant Attorney General Bonnie Kirkland to Simon Powell of the Department of Legislative Services).

<sup>5</sup> See Appendix B (October 14, 2005 letter from Linda H. Lamone, State Administrator, and Nelson Bolender, President, Maryland Association of Counties, to Senator Ulysses Currie, Chairman, Senate Budget & Taxation Committee, and Senator Norman Conway, Chairman, House Appropriations Committee).

<sup>6</sup> Prior to the implementation of MDVOTERS, each LBE was responsible for paying all costs associated with maintaining its voter registration system.



- [Chapter 646](#) (Senate Bill 525) of the Laws of Maryland (2021) requires that SBE pay for a ballot box at the Baltimore City Centralized Booking Facility.

Except as described above, there are no other legal requirements or other agreements that require State funds for other election systems or costs related to election administration.

## Categories of Election Expenditures & Allocation of Costs

### 1. Shared Costs

The table below lists costs associated with the voting system, and as described above, all of these costs are shared equally between the State and LBEs.

For some costs, SBE shares based on actual costs rather than voting age population. For example, some LBEs use temporary staff provided under SBE’s contract while other LBEs do not. If the voting age population calculation was used to share this cost, it would create an unfair situation for some LBEs. A LBE that did not use the temporary staff would be charged, and an LBE that used less staff would be subsidizing a LBE that used more staff. Other examples of costs shared based on actual costs are storage and transportation costs, leasing or renting additional equipment, and the production and mailing of mail-in ballot packets.

ITEM	DESCRIPTION / COMMENTS
Activation Cards	Cards are used with the ballot marking device. The device prints the voter’s selections on these cards, and the voter feeds the card into the scanner for tabulation.
Automated Ballot Tabulation Audit	Audit to verify the accuracy of the voting system by re-tabulating 100% of all ballot images and comparing the audit results from the audit with the voting system’s results. It is performed before election results are certified.
Black and Gray Carts	Used to transport and store voting equipment, electronic equipment and other supplies.
Blank Ballot Paper	Used to duplicate mail-in ballots delivered to voters electronically or print ballots as needed.
Blue Tote Bins	Once a voter feeds a ballot into a scanner, the voted ballot falls into this bin. The bin holds the ballots until it is removed and secured by an election judge.
Business Reply Postage	Costs associated with voters using USPS to return: (1) completed mail-in ballot request forms for the 2020 General Election; and (2) voted ballots in the 2020 Primary and General Elections
Central voting system networks, including servers and UPS	Networks that aggregate election results and equipment that supports that aggregation.
Central Warehouse	SBE’s warehouse to receive and deploy voting equipment.

ITEM	DESCRIPTION / COMMENTS
DS200 Scanner with Ballot Box	Tabulates and securely stored voted ballots.
DS850 High Speed Scanner	Certain local boards use this high-speed scanner to tabulate mail-in and provisional ballots.
Election Management System <sup>7</sup>	This system (called “Agency Election Management System” (AEMS)) is middleware that interfaces with the voting system to provide data to create ballots and aggregate results. Also performs non-voting system related functions before and after each election.
ExpressVote Unit (ballot marking device), Tables and Carrying Cases	Touchscreen device voters can use to mark ballots. It is also the accessible way most voters with disabilities can vote independently and secretly.
Manual Ballot Tabulation Audit	Audit verifies the accuracy of the voting system by manually tabulating ballots from a number of precincts and comparing the results from the audit with the voting system’s results for that precinct. It is performed after election results are certified.
Printed Ballots	Ballots are used for in-person voting, provisional voting, and in person mail-in ballot requests.
Privacy Sleeves	Voters place their voted ballots in these folders to keep their selections secret before they feed the ballot into the scanner.
Project Management Personnel	Vendors who provide project management personnel and support for the voting system.
Regional Managers	SBE employees that support the voting system and serve as a liaison between SBE and the LBEs. <sup>8</sup>
Storage and Transportation	Expenses related to storing and transporting the voting system and ballot boxes to and from voting locations.
Temporary Staff	Individuals hired before each election to assist the local boards with preparing the voting system and training election judges on the voting system.
Test Deck Ballots	Pre-marked ballots used in pre-election testing to confirm that each scanner is counting accurately.

<sup>7</sup> Historically, the State’s internal election management system was funded with State funds. A portion of the system’s funding should have shifted to the LBEs once Chapter 564 of the Law of Maryland (2001) was enacted, but it was not. Starting in FY23, the LBEs will pay one half of the voting system-related costs for the new AEMS system, and SBE will pay the other half of the voting system-related costs and all of the other costs.

<sup>8</sup> These employees were formally employees of the voting system or project support vendor. In FY13, these positions were transferred to state service with the same cost sharing structure.

ITEM	DESCRIPTION / COMMENTS
Voting Booths	Booths voters use when marking their ballots. There are two types of booths - one for voters who mark their ballots while standing and one for voters who mark their ballots while sitting.

## 2. **LBE Costs**

The table below shows costs that are allocated to the LBEs. Although SBE procures these items, SBE does not pay for any portion of these costs.

ITEMS	DESCRIPTION / COMMENTS
Ballot on Demand Printers Warranties	Warranty support for the printers capable of printing scannable ballots.
Call Center	State's call center vendor provides basic election information to callers.
Electronic Pollbooks, Software, Licenses and Ancillary Supplies	The tablet-like devices used to check-in voters and manage the same day registration and address process at voting locations.
LBE Election Supplies	Election supplies depend on the needs of each LBE. Supplies include "I Voted" stickers, voting location signage, accessibility equipment and supplies, blank voter authority cards, and privacy screens for scanners and voting areas for provisional voters.
MDVOTERS - Application Support	A vendor performs software development and support, licenses and project management services
MDVOTERS & Voter Services - Data Center Hosting	A vendor hosts MDVOTERS and affiliated systems.

## 3. **SBE Costs**

SBE generally pays for expenses that are not directly attributable to any one LBE but benefit all LBEs. These expenses include:

- SBE staff supporting the election judges' training, absentee and provisional voting programs
- SBE's contractual election security team and protecting election systems and data
- Annual membership dues for the Electronic Registration Information Center (ERIC)
- Printing and mailings required under ERIC membership agreement
- Printing and mailings to eligible but unregistered individuals with information about same day registration
- Printing and mailings to eligible individuals in correctional institutions<sup>9</sup>
- Printing and distribution of voter registration applications

<sup>9</sup> See [Chapter 734](#) (House Bill 222) of the Laws of Maryland (2021).

- Initial purchase of ballot boxes for the 2020 Primary Election
- Development and maintenance of AEMS for non-voting system related functionality

**Categories of Expenditures: Revised Cost Allocations in FY 2019 and FY 2020**

Prior to FY 2020, the LBEs paid all costs associated with printing and mailing the application to request a mail-in ballot and printing and mailing of all mail-in ballot packets. In FY 2020, these costs were shared equally.<sup>10</sup>

**Categories of Expenditures: Case-by-Case Basis**

Occasionally, there are times when SBE funds expenses that would otherwise be paid for by the LBEs. For example, SBE’s FY21 budget included State funds to share equally the costs for project management support for the new electronic pollbook solution. SBE requested and received these funds to share the costs of this statewide project.

Another example was FY20 costs associated with setting up a data processing center to process the large volume of requests for mail-in ballots received leading up to the 2020 General Election. While MVA provided the facility and information systems at no charge, SBE hired temporary employees to process the applications. The cost of the temporary employees was shared between SBE and the LBEs who used the data center processing center. MVA has graciously agreed to allow SBE to use their facilities and information systems for the 2022 election cycle.

**Categories of Expenditures: 2021 Legislative Initiatives**

Several legislative initiatives were adopted during the 2021 Legislative Session that did not define whether implementation costs were SBE, LBE or shared costs. These initiatives are:

- Chapters [56](#) and [514](#): Pre-election mailing to eligible voters of applications to request a mail-in ballot
- Chapters [646](#) and [734](#): Pre-election mailing to eligible individuals in correctional facilities

Without specific instruction by the General Assembly, SBE will continue to follow the cost-sharing requirements, agreements, and principles outlined in the report.

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<sup>10</sup> Both mailings included a return envelope with pre-paid postage, also a shared cost. The cost of postage is not listed in this section because it is a new cost, and the cost-sharing arrangement did not change in FY19 or FY20.

**Appendix A: November 16, 2004 letter from Assistant Attorney General Bonnie Kirkland to Simon Powell of the Department of Legislative Services**

J. JOSEPH CURRAN, JR.  
Attorney General

ROBERT A. ZARNOCH  
Assistant Attorney General  
Counsel to the General Assembly



DONNA HILL STATON  
MAUREEN DOVE  
Deputy Attorneys General

BONNIE A. KIRKLAND  
KATHRYN M. ROWE  
SANDRA J. COHEN  
Assistant Attorneys General

**THE ATTORNEY GENERAL OF MARYLAND  
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY**

November 17, 2004

TELECOPIER NO.  
410-946-5601

WRITER'S DIRECT DIAL NO.  
410-946-5600

Mr. Simon Powell  
Department of Legislative Services  
90 State Circle  
Annapolis, MD 21401-1991

Dear Mr. Powell:

You have asked for advice on the applicability of Section 4 of Chapter 564 of the Acts of the General Assembly of 2001 to two contracts between the State Board of Elections (SBE) and a project management contractor. While I cannot say with absolute certainty what the legislature intended with the language of section 4, it is my view that the costs associated with the two contracts do fall within the broad scope of Section 4 and thus are subject to the cost sharing provisions of that section.

Chapter 564 of 2001 put into place a Statewide uniform voting system. As a part of that bill, Section 4 provides that:

Subject to Section 5 of this Act, each county shall pay its share of one-half of the state's cost of acquiring and operating the uniform statewide voting systems for voting in polling places and for absentee voting provided for under this Act, including the cost of maintenance, storage, printing of ballots, technical support and programming, related supplies and materials, and software licensing fees. A county's share of the cost of acquiring and operating the uniform statewide voting systems shall be based upon the county's voting age population. (emphasis added)

The SBE entered into two contracts with ACCENTURE, LLP (Accenture) on January 8, 2004 and April 29, 2004 to provide project management support for the March 2004 presidential primary election and the November 2004 presidential general election,

respectively.<sup>1</sup> These contracts were an integral part of implementing the new statewide

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<sup>1</sup> Under the January contract, Accenture was to provide the following services:  
A. Provide election reform project management support for the March 2004 presidential primary election, including assistance with SBE's oversight of the SBE Voting System Contractor. This work may involve, but is not limited to:

1. Voter outreach and public awareness
2. System upgrade process
3. Training of election officials
4. Reviewing polling place site surveys
5. Ballot preparation process
6. Spanish language translation of voting materials
7. Reviewing third-party deliverables
8. Writing SBE procedures
9. Election day support recommendations
10. Recount procedures, if necessary.

Note: Accenture is not responsible for the work of the SBE Voting System Contractor.

B. Assist SBE in assessing its public relation strategy and voting system implementation approach.

Under the April contract, Accenture was to provide the following services:

A. Provide project management support for the November 2004 presidential general election. This work will involve, but is not limited to:

1. Perform daily, accountable project manager functions in the absence of the SBE Voting System Project Manager.
  - i. When a new SBE Voting System Project Manager is hired, perform knowledge transfer to that individual.
  - ii. SBE is currently going through an RFP (Request for Proposals) process for Election Reform Program Management Office support. If Accenture is not selected, perform knowledge transfer to the selected contractor.
2. Represent SBE on the Voting System Implementation Steering Committee by assisting the chair of the meetings, setting the direction of the committee, and ensuring that the charter is adhered to.
3. Develop and manage on a daily basis an integrated Project Management Plan that defines the roles and responsibilities of the key stakeholders: SBE, local boards of election (LBEs), and the voting system contractor. The Project Management Plan incorporates scope, schedule, and resources available to complete the tasks and must include, at a minimum:
  - i. Work Breakdown Structure

- ii. Tasks
  - iii. Resource Management Plan
  - iv. Schedule
  - v. Milestones
  - vi. Cost
4. Develop a Risk Management Plan that includes risks and mitigation strategies. Manage the implementation of the risk mitigation strategies.
  5. Develop a Quality Management Plan.
  6. Develop and manage Key Performance Indicators (KPIs) using the CMMI (Capability Maturity Model Institute) methods that measure project scope, schedule, resources, quality, and risk. These KPIs will be tracked and reported on a monthly basis.
  7. Develop and manage (non-contractual) Service Level Agreements between SBE and the 23 LBEs that are using the Diebold AccuVote Touch Screen Voting System, so that expectations can be established and managed. Establish and implement communication plan to address appropriate communication channels, contacts, and frequency.
  8. Develop a People Change Management strategy for working with the LBEs to change from a locally administered, locally delivered system to a State administered, locally delivered system.
  9. Make recommendations for process improvements.
- Note: Accenture is not responsible for the work of the SBE voting system contractor or for work that is specifically defined in the SBE Voting System Implementation Plan.
- B. Provide contract management oversight to assist SBE is managing the SBE voting system contract.
1. Review contract obligations.
    - i. Develop and maintain a contract compliance matrix.
    - ii. Develop checklists and define monitoring frequency.
  2. Review progress on meeting contract obligations and provide a Contract Compliance Report. Maintain this report on a monthly basis.
  3. Review contract deliverables for accuracy and quality.
    - i. Provide a Deliverable Review Report.
    - ii. Perform a gap analysis and provide supporting documentation.
    - iii. Hold a Deliverable Review Walk-Through with appropriate SBE personnel and LBE personnel, as necessary.
    - iv. Monitor SBE and the voting system contractor to facilitate compliance with completion of deliverables.
    - v. Make recommendations in writing for improvements.
  4. Provide documentation for contract remedial actions whenever the SBE voting system contractor does not meet contract obligations.

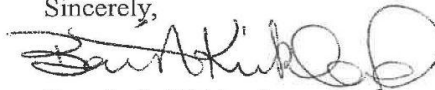
Mr. Simon Powell  
Page 4  
November 17, 2004

voting system, through oversight of the voting system contractor among other things. It is my view that the Scope of Work sections of the two contracts relate to "operating the uniform statewide voting systems" contemplated by Section 4.

According to the Maryland Style Manual for Statutory Law, "includes" is used with a list that is intended to be partial or illustrative. Thus, inclusion of the list of specific activities in Section 4 was not intended to limit cost sharing just to those activities listed, but rather to any costs associated with operating the new system. Further, the former counsel to the Senate Committee on Economic and Environmental Affairs, which adopted the amendment adding Section 4, has indicated that the Committee intended the section to have broad application. Finally, the FY 2005 Operating Budget included a new budget code for the SBE and stated that SBE "will use this program to appropriately account for expenditures related to improving election administration in the State," including the implementation of a statewide voting system. The new program (D38I01.02) in the FY 2005 budget includes funds relating to operation of the new voting system. For these reasons, it is my view that the language of Section 4 applies to the costs associated with the two Accenture contracts.

I hope this is responsive to your inquiry.

Sincerely,

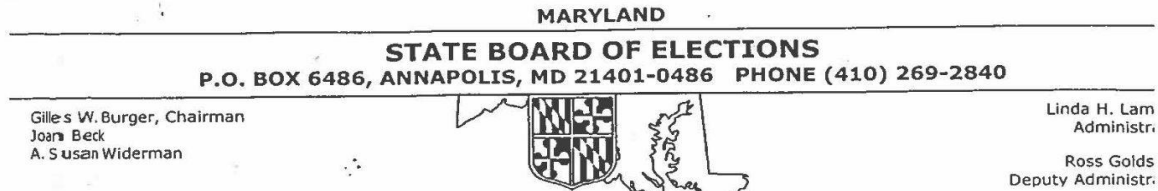
A handwritten signature in black ink, appearing to read "Bonnie A. Kirkland", written in a cursive style.

Bonnie A. Kirkland  
Assistant Attorney General

BAK:as



**Appendix B:** October 14, 2005 letter from Linda H. Lamone, State Administrator, and Nelson Bolender, President, Maryland Association of Counties, to Senator Ulysses Currie, Chairman, Senate Budget & Taxation Committee, and Senator Norman Conway, Chairman, House Appropriations Committee



October 14, 2005

The Honorable Ulysses Currie  
Chairman  
Senate Budget & Taxation Committee  
3 West Miller Senate Building  
11 Bladen Street  
Annapolis, MD 21401-1991

The Honorable Norman H. Conway  
Chairman  
House Appropriations Committee  
131 Lowe House Office Building  
6 Bladen Street  
Annapolis, MD 21401-1991

Dear Sirs:

In the letter dated April 11, 2005 between the State Board of Elections (SBE) and the Maryland Association of Counties (MACo), both parties agreed how the implementation costs of the new voter registration system (MDVOTERS) would be shared. Under this agreement, the State funds up to \$6 million of implementation costs through federal funds, and the counties fund the remainder (\$3.31 million plus costs outside of the Saber contract). Each county's share of the implementation costs is based on its percentage of the State's voting age population.

With this letter, both parties agree that SBE will pay the full cost of the maintenance portion of the current Saber contract totaling \$5.2 million in federal funds through fiscal year 2011, and the counties will pay any ancillary costs associated with MDVOTERS that are outside the current Saber contract. Ancillary costs are *estimated* at \$2 million through fiscal year 2011 and include, but are not limited to, consulting fees, replacement costs, any equipment /services outside of the contract, and connectivity for system. It is expected that the estimated \$2 million will be staggered over the final four or five years. Like the allocation for implementation costs, each county's share will be based on its percentage of the State's voting age population.

FAX (410) 974- 2019  
MD Relay Service (800) 735-2258

Toll Free Phone Number (800) 222-8683  
<http://www.elections.state.md.us>

151 West Street Suite 2  
Annapolis, Maryland 21401


The Honorable Ulysses Currie  
The Honorable Norman Conway  
October 14, 2005  
Page 2

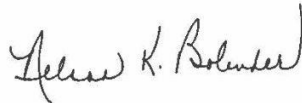
This funding agreement for the maintenance portion of the current Saber contract means that the total cost of MDVOTERS through fiscal year 2011 (\$16.7 million) is allocated as follows:

	State (in millions)	County (in millions)
Implementation	\$6.0	\$3.31
Maintenance	\$5.2	2.0
<b>Total (% of total)</b>	<b>\$11.2 (65%)</b>	<b>\$5.31 (35%)</b>

SBE continues to be committed to providing the counties with the necessary budget information to ensure sound fiscal planning. Thank you for your consideration of this agreement.

Respectfully,

  
Linda H. Lamone  
State Administrator of Elections

  
Nelson Bolender  
President, Maryland Association of Counties

## ASSISTANT ATTORNEY GENERAL'S REPORT

September 9, 2021

1. *Fusaro v. Davitt et al.*, No. 20-1879 (U.S.C.A. for the 4th Cir.). No change from the last update. Plaintiff Dennis Fusaro brought a complaint in federal court alleging that Maryland violates the First and Fourteenth Amendments by limiting access to the voter list to Maryland voters and only for purposes related to the electoral process. On September 4, 2018, the State defendants' motion to dismiss the complaint was granted, and the plaintiff appealed. On July 12, 2019, the Fourth Circuit vacated the dismissal order, and remanded the case for further proceedings. The parties then conducted discovery and briefed dispositive summary judgment motions. On July 14, 2020, the Court awarded Summary Judgment to the defendants on the issue of whether the "electoral process" requirement was unconstitutionally vague, and declined to reach the issue of whether Maryland's registered voter requirement violates the First Amendment. Plaintiff has appealed to the United States Court of Appeals for the Fourth Circuit, and briefing is now complete. Oral argument has been scheduled for September 23, 2021.

2. *National Federation of the Blind, Inc., et al. v. Lamone et al.*, No. 1:19-CV-02228-ELH (U.S. District Court, D. Md.). On August 1, 2019, the National Federation of the Blind ("NFB"), NFB's Maryland chapter, and three individual plaintiffs filed a lawsuit against the State Administrator and the individual members of the State Board of Elections alleging that SBE's BMD policy has, in practice, violated the rights of voters with disabilities "to an equal opportunity vote in person by a secret ballot," in violation of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. Plaintiffs seek an order requiring the State Board "in all future elections to offer BMDs to every in-person voter as the default method of voting, with paper ballots offered only to those voters who affirmatively opt out of using the BMD or in cases where there are long lines of people waiting to vote." On September 3, 2019, defendants filed a motion to dismiss the complaint, and on September 20, 2019, plaintiffs filed a motion for a preliminary injunction, seeking relief in time for the November 2020 election. On February 10, 2020, the court denied the defendants' motion to dismiss, and denied the plaintiffs' motion for preliminary injunction, and the parties proceeded to discovery. On October 6, 2020, the parties filed a joint motion to extend the discovery deadline to December 9, 2020, which was granted by the Court. On November 12, 2020, the parties filed a joint motion to stay the case for 60 days to allow for a focused period of settlement discussions, which was also granted by the Court. On or around July 26, 2021, the parties finalized and executed a settlement agreement resolving the claims in the case,

including any claim for attorneys' fees, contingent on approval by the Board of Public Works. On September 1, 2021, the Board of Public Works approved the settlement. Plaintiffs are required to dismiss the case with prejudice shortly after receiving the attorneys' fees payment under the settlement agreement. In the meantime, court extended the stay of proceedings to October 6, 2021.

3. *Chong Su Yi v. Hogan*, Nos. 464985, 466396, 480720, 480721, 480722, 480723 (Cir. Ct. Montgomery Cty.). No change from the last update. On September 8, 2019, plaintiff Chong Su Yi filed two complaints in the Circuit Court for Montgomery County challenging the results of Maryland's 2018 elections, and naming Governor Larry Hogan as defendant (Nos. 464985, 466396). Specifically, Mr. Yi argued that the results of that election are invalid because of the use of religious facilities as polling places, that the State's use of "scanners" to tabulate ballots is unconstitutional and/or not permitted by federal law, and that the State's identification of candidates' party affiliations on the general election ballot is not permitted by State law. Mr. Yi amended his complaints, and in January 2019 both of his amended complaints were dismissed by the Circuit Court. On January 21, 2020, Mr. Yi appealed from the dismissal in No. 466396. (Mr. Yi had also previously filed interlocutory appeals from non-final orders, but these were dismissed by the Court of Special Appeals.) On November 4, 2020, the Court of Special Appeals dismissed Mr. Yi's appeal for failure to file a civil information report, but on November 30, 2020 granted Mr. Yi's motion for reconsideration and reinstated the appeal. The appeal is now fully briefed, and on June 21, 2021 the Court of Special Appeals indicated that it would be ruling on the case without oral argument.

Meanwhile, on March 6, 2020, Mr. Yi filed four complaints in the Circuit Court for Montgomery County (Nos. 480720, 480721, 480722, 480723) asserting substantially identical claims to those asserted in his prior two complaints. Beginning on May 15, 2020, Mr. Yi filed amended complaints in these actions, this time adding the State of Maryland as a Defendant in addition to Governor Hogan. Defendants filed motions to dismiss and/or for summary judgment as to these complaints, and on August 25, 2020 those motions were granted. After moving for reconsideration unsuccessfully, on October 9, 2020, plaintiff filed notices of appeal to the Court of Special Appeals in each of these matters. Plaintiff also sought waivers of the filing fees associated these appeals, which were denied. On January 6, 2021, the Court of Special Appeals dismissed the appeals for failure to pay the filing fee. On February 4, 2021, plaintiff filed a petition for writ of certiorari in the Court of Appeals, and also requested waiver of the filing fees. The Court of Appeals granted Mr. Yi's request for waiver of filing fees. On April 23, 2021, the Court denied Mr. Yi's petition for certiorari.

4. *WinRed, Inc. v. Ellison, et al.*, No. 21-cv-1575 (D. Minn.). On July 7, 2021, WinRed, Inc. – a federal PAC created to assist Republican Party candidates – filed a lawsuit against the Attorneys General of Connecticut, New York, Maryland, and Minnesota (the “State AGs”), seeking a declaration that State consumer protection statutes and regulations are preempted by federal law, to the extent that these State laws are being enforced to regulate the use of pre-checked recurring contribution boxes for solicitations for federal offices. WinRed had received letters from the defendants requesting information and documents regarding its use of pre-checked boxes in that context. (It is now public that ActBlue – the PAC formed to assist Democratic Party candidates – has received a similar request from the same State AGs, but has not joined this lawsuit.) On July 16, 2021, each of the State AGs served formal subpoenas seeking the information and documents previously requested by letter from WinRed.

On July 27, 2021, WinRed filed a motion for preliminary injunction against enforcement of the subpoenas served by the State AGs. On July 29, 2021, the State AGs moved to dismiss the complaint. Both motions are fully briefed. No argument date has been set.

# Maryland

## Mail-in Ballot Request Form

To vote by mail, you must be registered to vote in Maryland. Visit [elections.maryland.gov](https://elections.maryland.gov) to register or update your voter record.

### Print voter information

Use blue or black ink.

1

Last name \_\_\_\_\_ Suffix (Jr., Sr., III, IV, if applicable) \_\_\_\_\_  
First name \_\_\_\_\_ Middle name or initial \_\_\_\_\_  
Date of birth (mm/dd/yyyy) \_\_\_\_\_

### Residential address

Provide the address where you are registered to vote.

No P.O. Boxes

2

This address must match your voter registration so that we can send the correct ballot for your precinct or ward.  
Street \_\_\_\_\_ Unit # \_\_\_\_\_  
City \_\_\_\_\_ State **MD** Zip \_\_\_\_\_

### Political party affiliation

To vote in a party's primary, you must choose a political party.

3

Democratic  Republican  Unaffiliated (independent of any party)  Libertarian  Green  
 Bread and Roses  Working class  Other \_\_\_\_\_

### Election

You can sign up for a mail-in ballot for the 2022 elections or for all future elections.

4

June 28, 2022 Primary Election **only**  
 November 8, 2022 General Election **only**  
 **Both** the 2022 Primary and General Elections  
 I would like to receive a mail-in ballot for **all future federal and state elections**

### Where should we send your ballot?

If you choose option B, we will email you a link to print your ballot about 3 weeks before the election.

If you choose option B or C, we will use the information on your ballot to mark an official ballot for you. Then we will scan the official ballot.

If you choose option B or C, you will need to use your own envelope and stamp to return your ballot by mail. Or you can deliver it to your election office or a drop box (when available).

Please see the instructions for deadlines.

#### Choose A, B, or C (only choose 1)

#### A Send my ballot(s) by U.S. Mail to

Same address as above  
 Or a **different** address: Street \_\_\_\_\_ Unit # \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

#### B Email a link to print my ballot(s)

Email \_\_\_\_\_  
**And**  
MD Driver's License or ID Card # \_\_\_\_\_  
Issue date (mm/dd/yyyy) \_\_\_\_\_  
**Or**  
Last 4 digits of your Social Security # \_\_\_\_\_

#### C Fax my ballot(s)

Fax \_\_\_\_\_

### About you

In case we have a question.

6

Phone \_\_\_\_\_  
Email \_\_\_\_\_  
If we have a question, how should we contact you?  Phone  Email  Mail

### Signature

**Required.**

**Use a pen.** No electronic signatures allowed.

Anyone can help you fill out this form except

- A candidate on your ballot
- Your employer or an agent of your employer
- An officer or agent from your union

7

#### Voter, sign and date here (Required)

<b>X</b>	_____	Date (mm/dd/yyyy)
----------	-------	-------------------

#### Assistant, sign and date here (Required if the voter received help on this form)

Under penalty of perjury, I hereby certify that this voter needed help with this form because he or she has a disability or is unable to read or write. The voter authorized me to complete this form. If the voter could not sign this form, I printed the voter's name and wrote my initials.

<b>X</b>	_____	Print voter name
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# Maryland

## Mail-in Ballot Request Form — Contact Sheet

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Fill out and sign your Mail-in Ballot Request Form. Then deliver it or mail it to your local election office. Or put it in a drop box (when available). Please see the instructions for deadlines.

### **Allegany County**

701 Kelly Rd., Ste. 231  
Cumberland, MD 21502  
301-777-5931  
301-777-2430 (fax)  
[elections@alleganygov.org](mailto:elections@alleganygov.org)

### **Carroll County**

300 S. Center St. Rm. 212  
Westminster, MD 21157  
410-386-2080  
410-876-3925 (fax)  
[ccboe@carrollcountymd.gov](mailto:ccboe@carrollcountymd.gov)

### **Harford County**

133 Industry Ln.  
Forest Hill, MD 21050-1621  
410-638-3565  
410-638-3310 (fax)  
[elections@harfordcountymd.gov](mailto:elections@harfordcountymd.gov)

### **St. Mary's County**

23250 Hollywood Rd.  
P.O. Box 197  
Leonardtowntown, MD 20650  
301-475-4200 ext. 1625  
301-475-4077 (fax)  
[wendy.adkins@stmarysmd.com](mailto:wendy.adkins@stmarysmd.com)

### **Anne Arundel County**

6740 Baymeadow Dr.  
P.O. Box 490  
Glen Burnie, MD 21060  
410-222-6600  
410-222-6824 (fax)  
[elections@aacounty.org](mailto:elections@aacounty.org)

### **Cecil County**

200 Chesapeake Blvd., Ste. 1900  
Elkton, MD 21921-6395  
410-996-5310  
888-979-8183 (fax)  
[voting@ccgov.org](mailto:voting@ccgov.org)

### **Howard County**

9770 Patuxent Woods Dr.,  
Ste. 200  
Columbia, MD 21046  
410-313-5820  
410-313-5833 (fax)  
[Tiffany.ferrell1@maryland.gov](mailto:Tiffany.ferrell1@maryland.gov)

### **Somerset County**

11916 Somerset Ave., Ste 102  
P.O. Box 96  
Princess Anne, MD 21853  
410-651-0767  
410-651-5130 (fax)  
[elections@somersetmd.us](mailto:elections@somersetmd.us)

### **Baltimore City**

Benton Office Bldg.  
417 E. Fayette St., Rm. 129  
Baltimore, MD 21202-3432  
410-396-5550  
410-727-1775 (fax)  
410-783-7394 (fax)  
[election.judge@baltimorecity.gov](mailto:election.judge@baltimorecity.gov)

### **Charles County**

201 East Charles St.  
P.O. Box 908  
La Plata, MD 20646-0908  
301-934-8972  
301-870-3167  
301-934-6487 (fax)  
[elections@charlescountymd.gov](mailto:elections@charlescountymd.gov)

### **Kent County**

135 Dixon Dr.  
Chestertown, MD 21620  
410-778-0038  
410-778-0265 (fax)  
[Cheemoandia.blake@maryland.gov](mailto:Cheemoandia.blake@maryland.gov)

### **Talbot County**

215 Bay St.  
P.O. Box 353  
Easton, MD 21601-0353  
410-770-8099  
410-770-8078 (fax)  
[jeri.cook@maryland.gov](mailto:jeri.cook@maryland.gov)

### **Baltimore County**

11112 Gilroy Rd., Ste. 104  
Hunt Valley, MD 21031  
410-887-5700  
410-832-8493 (fax)  
[elections@baltimorecountymd.gov](mailto:elections@baltimorecountymd.gov)

### **Dorchester County**

501 Court Ln., Rm. 105  
P.O. Box 414  
Cambridge, MD 21613-0414  
410-228-2560  
410-228-9635 (fax)  
[brittanym.phillips@maryland.gov](mailto:brittanym.phillips@maryland.gov)

### **Montgomery County**

18753 North Frederick Ave.,  
P.O. Box 10159  
Rockville, MD 20849-0159  
240-777-8550  
800-735-2258 (TDD)  
240-777-8560 (fax)  
[absentee@montgomerycountymd.gov](mailto:absentee@montgomerycountymd.gov)

### **Washington County**

17718 Virginia Ave.  
Hagerstown, MD 21740  
240-313-2050  
240-313-2062 (fax)  
[washco.elections@maryland.gov](mailto:washco.elections@maryland.gov)

### **Calvert County**

30 Duke St., Lower Level  
P.O. Box 798  
Prince Frederick, MD 20678  
410-535-2214  
410-535-5009 (fax)  
[elections@calvertcountymd.gov](mailto:elections@calvertcountymd.gov)

### **Frederick County**

340 Montevue Ln.  
Frederick, MD 21702  
301-600-8683  
301-600-2344 (fax)  
[electionboard@frederickcountymd.gov](mailto:electionboard@frederickcountymd.gov)

### **Prince George's County**

1100 Mercantile Ln., Ste. 115A  
Largo, MD 20774  
301-341-7300  
301-726-3352 (TDD)  
301-341-7399 (fax)  
[election@co.pg.med.us](mailto:election@co.pg.med.us)

### **Wicomico County**

345 Snow Hill Rd.  
P.O. Box 4091  
Salisbury, MD 21803-4091  
410-548-4830  
410-548-4849 (fax)  
[wicomico.elections@maryland.gov](mailto:wicomico.elections@maryland.gov)

### **Caroline County**

Health & Public Services Bldg.  
403 S. Seventh St., Ste. 247  
Denton, MD 21629-1378  
410-479-8145  
410-479-5736 (fax)  
[election@carolinemd.org](mailto:election@carolinemd.org)

### **Garrett County**

2008 Maryland Hwy, Ste. 1  
Mountain Lake Park, MD 21550  
301-334-6985  
301-334-6988 (fax)  
[sfratz@garrettcountry.org](mailto:sfratz@garrettcountry.org)

### **Queen Anne's County**

110 Vincit St., Ste. 102  
Centreville, MD 21617  
410-758-0832  
410-758-1119 (fax)  
[gac.elections@maryland.gov](mailto:gac.elections@maryland.gov)

### **Worcester County**

201 Belt St., Ste. C  
Snow Hill, MD 21863-1300  
410-632-1320  
410-632-3031 (fax)  
[teresa.riggin@maryland.gov](mailto:teresa.riggin@maryland.gov)

STATE BOARD OF ELECTIONS

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

William G. Voelp, Chairman  
Malcolm L. Funn, Vice Chairman  
Severn Miller  
Justin Williams  
T. Sky Woodward



Linda H. Lamone  
Administrator  
  
Nikki Charlson  
Deputy Administrator

# Memorandum

**To:** Members of the State Board of Elections  
**From:** Nikki Charlson  
**Date:** August 14, 2021  
**Re:** Proposed Regulations for September 9 Meeting

At the September 9 meeting, I will present proposed changes to existing regulations to update and correct three regulations. This memo summarizes the requirements of the proposed changes, and the text of the proposed changes accompanies this memo.

The proposed changes related to this implementation are:

1. 33.01.01.01B (General Provisions – Definitions): The proposed changes define the terms “mail-in ballot” and “mail-in voting” as requested at the July 2021 meeting and add reference to “mail-in ballot” in the “absentee ballot” definition. Section 9-301(c) of the Election Law Article requires that the State and local boards of elections use these terms (instead of absentee ballot and absentee voting) when communicating with voters and the general public.
2. 33.05.04.04 (Voter Registration – Processing VRAs and Other Requests): The proposed change to §B(3) reflects current practice. Online voter registration and other electronic transactions require digitized signatures from MVA. This was previously approved at the May 2021 meeting but was withdrawn as explained below.

The proposed change to §B(5) incorporates the new requirement that a Common Access Card (CAC) signature can be used to sign the Federal Post Card Application, a federal form for military and overseas voters to register to vote, update an existing registration, and request a mail-in ballot. At the May 2021 meeting, the State Board approved a proposed change that authorized the use of a CAC-affixed signature for certain voter transactions (those by already registered voters) but not other transactions (new voter registration applicants).

During the pre-publication review by the General Assembly’s Administrative, Legislative and Executive Review Committee, committee counsel stated that the intent of the legislation was to allow a CAC-affixed signature for all voter registration transactions, including new registrations. This was confirmed by staff from the bill sponsor’s office, who explained the purpose of an amendment that led us to present the prior version of the proposed change, and further research by SBE’s Assistant Attorney General. The proposed changes approved at the May 2021 meeting were withdrawn before publication



in the *Maryland Register*, and the change being proposed now complies with the legislative intent of the new law.

3. 33.11.02.03 (Absentee Ballots – Applications): The proposed regulation incorporates the requirement for military and overseas voters who submit a hand-written request for a mail-in ballot and want to receive their ballot electronically. This information is required by Election Law Article, §9-305(b)(2) and should have been incorporated when it was added to Regulation .02 (Formal Request).

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

**Title 33 STATE BOARD OF ELECTIONS**  
**Subtitle 01 DEFINITIONS; GENERAL PROVISIONS**  
**Chapter 01 Definitions**

Authority: Election Law Article, §§1-101, 2-102(b)(4), 3-101, [and] 3-305(e), and 9-301;  
State Government Article, §15-715(g); Annotated Code of Maryland; 52 U.S.C.  
21083(a)(5)(A)—(B)

**.01 Definitions.**

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

B. Terms Defined.

(1) “Absentee ballot” has the meaning stated in Election Law Article, §1-101, Annotated Code of Maryland. *The term is synonymous with mail-in ballot.*

(2) – (20) (text unchanged)

(21) “Mail-in ballot” has the meaning stated in Election Law Article, §1-101, Annotated Code of Maryland. *The term is synonymous with absentee ballot.*

(22) “Mail-in voting” refers to the process established by Election Law Article, Subtitle 3, Annotated Code of Maryland. *The term is synonymous with absentee voting.*

[[21]] (23) – [(39)] (41) (text unchanged)

**Title 33 STATE BOARD OF ELECTIONS**  
**Subtitle 05 VOTER REGISTRATION**  
**Chapter 04 Processing VRAs and Other Requests**

Authority: Election Law Article, §§2-102(b)(4) and 3-202.1, Annotated Code of Maryland

**.04 Required Information.**

A. (text unchanged)

B. Signatures.

(1) – (2) (text unchanged)

(3) [At the direction of the State Administrator, digitized] *Digitized* signatures from the MVA shall be accepted.

(4) (text unchanged)

*(5) For the electronic submission of the Federal Post Card Application, a signature may be applied using a Common Access Card.*

C. – D. (text unchanged)

**Title 33 STATE BOARD OF ELECTIONS**  
**Subtitle 11 ABSENTEE BALLOTS**  
**Chapter 02 Applications**

Authority: Election Law Article, §§2-102(b)(4) and 3-202.1, Annotated Code of Maryland

**.03 Informal, Written Request.**

A. (text unchanged)

B. Contents of Request. The request shall include the:

(1) – (4) (text unchanged)

(5) If the voter wants to receive an electronic ballot[,]:

*(a) [voter's] Voter's driver's license or Maryland identification card number, the date the voter's driver's license or identification card was issued, and the last four digits of the voter's Social Security number; or*

*(b) if the voter is an absent uniformed services voter or an overseas voter who does not have a Maryland driver's license or MVA identification card number, the last four digits of the voter's Social Security number.*

(C) – (G) (text unchanged)

SBE Policy 2006-02: Establishing a Precinct on a College Campus

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Adopted: May 16, 2006  
Annapolis, Maryland

WHEREAS, Chapter 61 of the Laws of Maryland (2006) specifies when a local board of elections must create a separate precinct on or near a public or private institution of higher education;

WHEREAS, this law requires a local board of elections to establish a separate precinct on or within one-half mile of the campus if: (1) the institution has at least 500 students, faculty, and staff who attend or work at the institution and are registered voters in the precinct in which the institution is located; and (2) there is not an established polling place within one-half mile of the campus;

WHEREAS, a local board of elections is not required to establish a separate precinct on or within one-half mile of the campus if there is already a polling place within one-half mile of a campus;

WHEREAS, an institution's privacy policies may prevent an institution from providing to a local board of elections a list of the names and home addresses of an institution's faculty and staff;

WHEREAS, local boards of elections must rely on an institution's certification of the number of students, faculty, and staff who live in the precinct(s) in which the institution is located;

WHEREAS, local boards of elections will be unable to determine how many of the students, faculty, and staff who reside in the precinct(s) on which the institution is located are registered voters; and

WHEREAS, approximately 75% of Maryland's voting age population is registered to vote.

THEREFORE, the State Board of Elections approves the following policies for determining whether a local board of elections is required to establish a separate precinct on or within one-half mile of a public or private institution of higher education:

1. A local board of elections shall use an institution's certification of the number of students, faculty, and staff who live in the precinct(s) in which the institution is located.
2. A local board of elections shall establish a separate precinct on or within one-half mile of the institution if the institution has 700 or more students, faculty, and staff that reside within the precinct(s) in which institution or campus is located.<sup>1</sup>

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<sup>1</sup> Because an institution will likely only provide the number of students, faculty, and staff that reside in the precinct(s) on which the institution is located, a local board of elections will not be able to determine how many of the students, faculty, and staff are registered voters. Using 2016 Census and SBE voter registration data, approximately 75% of Maryland's voting age population is registered to vote. Applying this percentage to these students, faculty, and staff, an institution needs to have approximately 700 students, faculty, and staff that reside in the precinct(s) on which the institution is located to reach the threshold of 500 registered voters.

Adopted: \_\_\_\_\_, 2021

## Annapolis, Maryland

WHEREAS, Chapters [656](#) and [657](#) of the Laws of Maryland (2021) require a local board of elections (local board) to contact and obtain input from certain large residential institutional communities when establishing precinct boundaries or designating the location of polling places<sup>1</sup>;

WHEREAS, the State Board of Elections (SBE) has previously adopted a policy requiring a local board to establish a separate precinct on or within one-half mile of the institution if the institution has 700 or more students, faculty, and staff that reside within the precinct(s) in which institution or campus is located<sup>2</sup>;

WHEREAS, SBE wishes to assist the local boards with complying with the requirements of Chapters 656 and 657 by defining “large residential institutional communities”; and

THEREFORE, SBE defines “large residential institutional communities” as any:

1. Higher education institution in the local board’s jurisdiction with on-campus housing for 700 students or more;
2. Continuing care retirement or senior communities in the local board’s jurisdiction with a residential population of 250 persons or more; or
3. Military installations in the local board’s jurisdiction with on base housing for 500 persons or more.

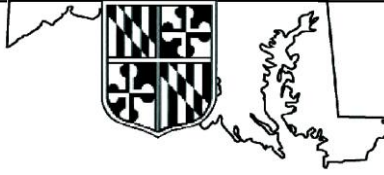
<sup>1</sup> Section 2-303(a)(3) (as amended by Chapters 656 (House Bill 156) and 657 (Senate Bill 283) of the Laws of Maryland (2021)) requires the local board to obtain input from certain institutions when the local board is “establishing precinct boundaries **and** designating the location of polling places.” (Emphasis added.) SBE believes that the “and” in this subsection should be interpreted as an “or.”

<sup>2</sup> See SBE Policy 2006-02: Establishing a Precinct on a College Campus and [Chapter 61](#) of the Laws of Maryland (2006).

STATE BOARD OF ELECTIONS

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

William G. Voelp, Chairman  
Malcolm L. Funn, Vice Chairman  
Severn E. S. Miller  
Justin Williams  
T. Sky Woodward



Linda H. Lamone  
Administrator

Nikki Charlson  
Deputy Administrator

**Memorandum**

**TO:** State Board Members  
**FROM:** Jared DeMarinis, Director  
Division of Candidacy and Campaign Finance  
**DATE:** September 9, 2021  
**SUBJECT:** Waiver of late filing fees standards

Enclosed are the waiver requests, which were submitted by campaign committees that have been assessed late filing fees. The attached Waiver Request Information Page contains an overview of each committee as well as the Administrator's recommendation for Board approval on granting a waiver request.

In the past the Board has considered the following facts in determining whether just cause exists to grant a waiver.

- Administrative error of any kind on the part of the Division.
- The lateness is due to extenuating circumstances, i.e. physical illness or death in the family.
- The late report is the first late report and allows the committee to close, or contains minimal financial activity.
- The fee will cause undue financial hardship, if the liability of the fine is the personal responsibility of the officers.
- Computer problems occurred which made timely filing impossible. However, the filer still must have demonstrated a good faith effort to timely file.

Prior to the meeting please review each waiver request. Note the recommendations that you may disagree with or have questions on that you would like to discuss.

Pursuant to Election Law Article §13-337 (b) (3), the State Administrator has denied two waiver request, for the month of September. No Board action is required on the denials. Late fees collected year to date for Late Fee Waivers are \$100,823.41

Please feel free to contact me at 410-269-2853 if you have any questions.

Waiver List 9-9-21

Grant

Denied

1. Boston-Smith, Terrell Citizens for
2. Dorchester County Democratic Central Committee

## Waiver Request Information Page

### General

<b>Account Name</b>	Boston-Smith, Terrell Citizens for	
<b>CCF ID:</b>	01011614	<b>Status: Active</b>
<b>Date Established</b>	3/8/17	
<b>Date Waiver Requested</b>	7/21/21	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Joy Frances	<b>Start Date: 3/8/17</b>
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Terrell Smith	3/8/17
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/20/21			\$535	\$535
			\$	\$
				Total: \$535.00

All required notices were sent to this campaign account for the above listed report(s).

### Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
2020	\$1000	Waived	Yes

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
Affidavit	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

I apologize for failing keep-up with the reports, especially considering that this is the second time I have had to work with the Board to resolve reporting delays. Therefore, with the current filings, I am moving to close the campaign account

### Division Comments

Deny, committee has a history of non-compliance.

### Administrator's Decision

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Victorica Smith -SBE- <[victorica.smith@maryland.gov](mailto:victorica.smith@maryland.gov)>

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## Fwd: Fee Wavier Request - Account - Citizens for Terrell Boston Smith

1 message

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**Ebony Parran -SBE-** <[ebony.parran@maryland.gov](mailto:ebony.parran@maryland.gov)>  
To: Victorica Smith -SBE- <[victorica.smith@maryland.gov](mailto:victorica.smith@maryland.gov)>

Wed, Jul 21, 2021 at 1:21 PM

----- Forwarded message -----

From: **T. Boston Smith** <[tbostonsmi@aol.com](mailto:tbostonsmi@aol.com)>  
Date: Wed, Jul 21, 2021 at 1:17 PM  
Subject: Fee Wavier Request - Account - Citizens for Terrell Boston Smith  
To: [Jared.DeMarinis@maryland.gov](mailto:Jared.DeMarinis@maryland.gov) <[Jared.DeMarinis@maryland.gov](mailto:Jared.DeMarinis@maryland.gov)>  
Cc: [ebony.parran@maryland.gov](mailto:ebony.parran@maryland.gov) <[ebony.parran@maryland.gov](mailto:ebony.parran@maryland.gov)>

Hi Jared and Ebony:

With this message, please accept my request to waive the late fees associated with the campaign account. We have submitted all outstanding filings and a final report to close the account with the SBE.

I apologize for failing keep-up with the reports, especially considering that this is the second time I have had to work with the Board to resolve reporting delays. Therefore, with the current filings, I am moving to close the campaign account.

Sincerely,

Terrell

T. Boston Smith  
443.540.3807  
[tbostonsmi@aol.com](mailto:tbostonsmi@aol.com)

--

Ebony R. Sherbert-Parran

Maryland State Board of Elections

Division of Candidacy and Campaign Finance

[151 West Street, Suite 200, P.O. Box 6486](#)

Annapolis, Maryland 21401-0486

410-269-2922

410-974-5415 (Fax)

## Reconsideration Waiver Request Information Page

### General

<b>Account Name</b>	Dorchester County Democratic Central Committee	
<b>CCF ID:</b>	05007535	<b>Status: Active</b>
<b>Date Established</b>	1/01/01	
<b>Date Waiver Requested</b>	8/2/21	
<b>Account Type</b>	Party CC Account	

### Officers

<b>Current Treasurer</b>	Dorothy Drahzal	<b>Start Date: 7/07/21</b>
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Sarah Gavian	6/8/20
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/20/21		2/16/21	\$1000.00	\$1000.00
			\$	\$
				Total: \$1000.00

All required notices were sent to this campaign account for the above listed report(s).

### Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
8/28/18	\$500	Waived	Yes
6/15/18	\$500	Waived	Yes
5/22/18	\$500	Waived	Yes

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

Treasurer resigned on just a few days before this report was due. Because we were unsure how to handle the resignation of an elected member. I failed to do the other steps to validate the submission, which is what triggered your Board's notification.

### Division Comments

Deny, committee has a history of non-compliance.

### Administrator's Decision



February 16, 2021  
PO Box 1449  
Cambridge, MD 21613

To the State Board of Elections,

I am writing to acknowledge receipt of your *Fee Running Notice* of February 2, 2021 which informed me, as Chair and Dormain Green, as Treasurer of the apparent failure of the Dorchester County Democratic Central Committee to submit the 2021 Annual Report due on January 20, 2021. The letter lays out the structure of the fines to be assessed on the Committee until such time as the report is submitted, up to a maximum of \$1000.

By this letter, I request a waiver of those fees.

As I explained to Ms. Ebony Parran on February 16:

1. Ms. Green, as Treasurer, resigned on just a few days before this report was due. Because we were unsure how to handle the resignation of an elected member, I had not yet notified the State Party, nor have we appointed an alternate Treasurer in the MDCRIS system.
2. I personally prepared and uploaded the spreadsheet for our expenses on January 21, and receipt of that file is acknowledged in the system. Having never handled any MDCRIS report previously, I failed to do the other steps to validate the submission, which is what triggered your Board's notification.
3. I only received the Fee Running Notice on two days ago (February 15) because I have moved out of town to avoid the high COVID rates afflicting Dorchester County. I have had all mail forwarded to me, but as is currently characteristic of the post office, it arrives with great delay.
4. I immediately contacted your office on February 16 to learn why my submission was incomplete. Ms Parran walked me through the steps needed to verify submission and submit the report; minutes later I received electronic notification that the submission had been accepted but required signature verification. Having again tried, and failed, to accomplish that, I replied to the [info.sbe@maryland.gov](mailto:info.sbe@maryland.gov) email asking for further instruction.

Based on these attempts to comply with the regulations, our committee would be most grateful if the State Board of Elections might forgive the penalties.

Sincerely yours,

A handwritten signature in black ink that reads "Sarah Gavian". The signature is written in a cursive, flowing style with a large initial 'S'.

Sarah Gavian  
Chair  
Dorchester County Democratic Central Committee

**STATE BOARD OF ELECTIONS**  
**P.O. BOX 6486, ANNAPOLIS, MD 21401-0486 PHONE (410) 269-2840**

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Severn E. S. Miller  
Justin Williams  
T. Sky Woodward



Linda H. Lamone  
Administrator  
  
Nikki Charlson  
Deputy Administrator

**Memorandum**

**TO:** State Board Members  
**FROM:** Jared DeMarinis, Director  
Division of Candidacy and Campaign Finance  
**DATE:** September 9, 2021  
**SUBJECT:** Waiver of late filing fees – Persons Doing Public Business, Title 14 of the Election Law Article

Enclosed are the waiver requests, which were submitted by businesses that have been assessed late filing fees. The attached Waiver Request Information Page contains an overview of each entity as well as the Agency's recommendation to the Board.

The Board should consider the following factors in determining whether just cause exists to grant a waiver.

1. Administrative error of any kind on the part of the Division.
2. The lateness is due to extenuating circumstances, i.e. physical illness or death in the family; or
3. Computer problems occurred which made timely filing impossible. However, the filer still must have demonstrated a good faith effort to timely file.

Prior to the meeting please review each waiver request. Note the recommendations that you may disagree with or have questions on that you would like to discuss.

§ 14-107(c) Late Filing Fees

- (1) As provided in this subsection, the State Board may impose fees for late filing of:
  - (i) a statement required under § 14-104 of this title; or
  - (ii) an amended statement required under subsection (b) of this section.
- (2) The State Board may impose late filing fees in the same amounts and in the same manner as provided under § 13-331(a) and (b) of this article for late filing of campaign finance reports.
- (3) Late filing fees imposed under this subsection shall be distributed to the Fair Campaign Financing Fund.

Pursuant to COMAR 33.20.07.01C, the State Administrator has denied three late fee waiver request. No Board action is required on the denials.

Late fees collected year to date for Title 14 Late Fee Waivers are \$20,215.00

Please feel free to contact me at 410-269-2853 if you have any questions.

## Grant

1. Katcef Brother, Inc
2. Maryland Oncology Hematology, P.A.

## Denied

1. Paniagua Enterprise Incorporated
2. Ulliman Schutte Construction LLC.
3. E. Pikounis Construction Co. Inc.

# Business Contribution Disclosure System

## Waiver Request Information Page-Late Fees

### General

Account Name	Katcef Brothers, Inc.
BID ID:	4000182
Date Established	2/4/15
Date Waiver Requested	8/7/21
Account Type	Title 14-Person Doing Public Business

### Officers

Current Filer	Neal Brooks	Start Date: 1/1/15
Principal Officer	Stephaine Crawford	Start Date: 7/24/20

### Waiver Request Dates

Late Report	Date Received	Fees	Total Fees
6/1/21		\$785	\$785
		\$	\$
			Total: \$785.00

All required notices were sent to this campaign account for the above listed report(s).

### Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
5/31/19	\$110	Paid	N/A
11/30/15	\$70	Paid	N/A

### Reason for Waiver

We had received no prior notice of the report. When we went to sign in our login was not recognized by the system. We reach out via phone and email to inquire as to the error message regarding login. We believe we should not be charged a late fee.

### Agency Comments

Grant, the business tried to put in a new filer, instead of deleting the old filer and putting the new information they overwrote the current information which lock them out of the system.





## KATCEF BROTHERS, LLC

2404 A & Eagle Blvd - Annapolis, MD 21401 • tel: (410) 224-2391 • fax: (410) 224-2399

June 30, 2021

Ms. Victoria Smith  
Maryland State Board of Elections  
151 West Street, Suite 200  
Annapolis, Maryland 21401

**SENT VIA E-MAIL**

**Account:** Katcef Brothers, Inc #14000182 – Late Fee Bill Request for Waiver

Dear Ms. Smith,

We received the enclosed Late Fee Bill today regarding the Spring 2021 filing of the Disclosure Report for Katcef Brothers, Inc. in the amount of \$785.00. I am formally requesting a waiver of these fees due to the issues noted below.

On June 7, 2021 we received a Fee Running Report notice stating we had not filed by the 6/1/21 deadline and therefore were incurring a late fee. At that time this notice arrived, we had received no prior notice of a report due or reminders of the same. I immediately went to the website to submit our report only to find our login was not being recognized by the reporting system. When reaching via phone the Board of Elections, I left a message, then e-mailed to [info.sbe@maryland.gov](mailto:info.sbe@maryland.gov) to inquire as to the error message regarding login.

The balance of the timeline is as follows:

- 1) 6/8/21 @ 3:40pm – Erin Dennis stated the account was over written and the developers would have to fix this. She also stated Neal Katcef should have been receiving e-mail notifications which he did not and his login is not working either as I responded back.
- 2) 6/10/21 – E-mail sent to [Jared.demarinis@maryland.gov](mailto:Jared.demarinis@maryland.gov) to request assistance since we had not received an update as to the Katcef Brothers account with detail as to the issue.
- 3) 6/11/21 @ 3:29pm – no response from Mr. Demarinis (later found out he was out of the office) so the e-mail to him was forwarded to all others I had e-mail address for.
- 4) 6/11 @ 5:41pm – Mr. Demarinis responded he was away, asked a few questions then on 6/14 @ 8:35am advised they were working to resolve the problem.
- 5) Emails were sent again on 6/16/21 (no response) and 6/23/21 asking for a progress report to reset/reinstate our online account to file the report.
- 6) 6/23/21 Erin Dennis contacted me and advised we could log in. The report was completed and submitted on 6/23 at 2:41pm.

Considering the circumstances surrounding the ability to file the report we believe we would not be responsible for the Late Fee currently assessed to our company and we hope the Board is also in agreement.

Please feel free to contact me at any time to discuss at 202-322-9911.

Truly,

Evangeline Weese  
Administrations Manager  
Katcef Companies

**Business Contribution Disclosure System  
Reconsideration  
Waiver Request Information Page-Late Fees**

**General**

<b>Account Name</b>	Maryland Oncology Hematology, P.A.
<b>BID ID:</b>	140000708
<b>Date Established</b>	5/31/16
<b>Date Waiver Requested</b>	8/23/21
<b>Account Type</b>	Title 14-Person Doing Public Business

**Officers**

<b>Current Filer</b>	John Pica	Start Date: 5/24/21
<b>Principal Officer</b>	Joe Haggerty	Start Date: 5/26/20

**Waiver Request Dates**

<b>Late Report</b>	<b>Date Received</b>	<b>Fees</b>	<b>Total Fees</b>
11/30/20	12/09/20	\$210	\$210
		\$	\$
			Total: \$210.00

All required notices were sent to this campaign account for the above listed report(s).

**Prior Waiver and Fees**

<b>Report</b>	<b>Late Fee</b>	<b>Waiver/payment</b>	<b>Referred OSP</b>
5/31/18	\$500		yes
5/31/17	\$500		yes
5/31/16	\$60		paid

**Reason for Waiver**

I respectfully request that the Board reconsider its decision to impose a fine of \$210 on Maryland Oncology Hematology. As I mentioned in my initial appeal, I personally completed the form in-person with Jared DeMarinis at his office. I do not see any justification for the fine.

**Agency Comments**

Grant committee made a good faith effort to file report.

## Request for Reconsideration

1 message

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Mon, Aug 23, 2021 at 2:03 PM

To: Victorica Smith -SBE- <victorica.smith@maryland.gov>, "linda.lamone@maryland.gov" <linda.lamone@maryland.gov>, Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>  
Cc: Laura Price <lprice@johnpica.com>

Ms. Lamone

I respectfully request that the Board reconsider its decision to impose a fine of \$210 on Maryland Oncology Hematology. As I mentioned in my initial appeal, I personally completed the form in-person with Jared DeMarinis at his office. I do not see any justification for the fine.

The second attachment clearly states that the report was filed on November 26, 2020.

John Pica

# Business Contribution Disclosure System

## Waiver Request Information Page-Late Fees

### General

Account Name	Paniagua Enterprises Incorporated
BID ID:	14001155
Date Established	9/06/20
Date Waiver Requested	7/13/21
Account Type	Title 14-Person Doing Public Business

### Officers

Current Filer	Jaime Paniagua	Start Date: 9/6/20
Principal Officer	Same	Start Date:

### Waiver Request Dates

Late Report	Date Received	Fees	Total Fees
6/01/21		\$1000	\$1000
		\$	\$
			Total: \$1000.00

All required notices were sent to this campaign account for the above listed report(s).

### Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
11/30/20	\$40	Paid	N/A

### Reason for Waiver

At this time, I would like to request a Waiver of all Late Fees/Penalties, due to our lack of understanding the process and filing requirements.

### Agency Comments

Deny, the business has been filing reports since 2020.

Victorica Smith -SBE- <[victorica.smith@maryland.gov](mailto:victorica.smith@maryland.gov)>

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**Fwd: Maryland Business Contribution Disclosure System - File Affidavit (ALAC)**

1 message

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**Ebony Parran -SBE-** <[ebony.parran@maryland.gov](mailto:ebony.parran@maryland.gov)>  
To: Victorica Smith -SBE- <[victorica.smith@maryland.gov](mailto:victorica.smith@maryland.gov)>

Tue, Jul 13, 2021 at 9:37 AM

Vicki,  
Please use this email as a waiver request for Paniagua Enterprises Paniagua.

----- Forwarded message -----

From: **Robin Cornish-Paniagua**  
Date: Tue, Jul 13, 2021 at 9:30 AM  
Subject: Maryland Business Contribution Disclosure System - File Affidavit (ALAC)  
To: Ebony Parran -SBE- <[ebony.parran@maryland.gov](mailto:ebony.parran@maryland.gov)>

Good Morning Ebony,

I completed the June 1, 2021 Filing Report (see attached).

At this time I would like to request a Waiver of all Late Fees/Penalties, due to our lack of understanding the process and filing requirements.

Best Regards,

Robin

Robin Cornish-Paniagua, **PMP®**

Vice President/Business Operations Director

Paniagua's Enterprises Incorporated

2318 Belair Road

Baltimore, MD 21213

# Business Contribution Disclosure System

## Waiver Request Information Page-Late Fees

### General

Account Name	Ulliman Schutte Construction LLC
BID ID:	14000672
Date Established	4/25/16
Date Waiver Requested	7/13/21
Account Type	Title 14-Person Doing Public Business

### Officers

Current Filer	Matt Ulliman	Start Date: 4/25/16
Principal Officer	Michelle Kenny	Start Date:4/25/16

### Waiver Request Dates

Late Report	Date Received	Fees	Total Fees
6/1/21	6/15/21	\$385	\$385
		\$	\$
			Total: \$385.00

All required notices were sent to this campaign account for the above listed report(s).

### Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
5/31/16	\$150	Paid	N/A

### Reason for Waiver

On July 9, 2021, we received a Late Fee Bill for \$385.00 due to filing the Report after the June 1st due date. We respectfully request a one-time waiver of this fee. As mentioned previously this was an error As we thought we had filed the report.

### Agency Comments

Deny, the business has been filing report since 2016.



July 13, 2021

**Maryland State Board of Elections**  
**Attn: Ebony Parran**  
[Ebony.parran@maryland.gov](mailto:Ebony.parran@maryland.gov)

**To Whom It May Concern,**

Ulliman Schutte Construction, LLC received a Fee Running Notice-Contribution Disclosure Report in the mail on June 14, 2021. The Notice informed us the State Board of Elections had not yet received the Spring 2021 Contribution Disclosure Report due 6/01/2021. This was unexpected because we were under the impression the Report had been filed electronically on June 1, 2021. As a result of receiving the Notice, we accessed our account online and filed the report on 6/15/2021. It appears our first attempt on 6/01/2021 to file the Report was not successful. We have no way of knowing if this was an inadvertent error on our part; perhaps we failed to actually submit the report after the viewing the affidavit preview online. Perhaps there was a system error on the website that affected our submission. Regardless, we appreciate the Notice because it alerted us to the issue and provided us an opportunity to rectify the situation.

On July 9, 2021, we received a Late Fee Bill for \$385.00 due to filing the Report after the June 1<sup>st</sup> due date. We respectfully request a one-time waiver of this fee. As mentioned previously this was an inadvertent error. We have filed a bi-annual Report for many years and have consistently met the filing deadline. We sincerely believe this was an isolated event; it was not a blatant disregard for the filing requirements. Going forward we will do our best to capture a confirmation that our electronic submission has been accepted and/or processed to avoid similar issues with future Reports.

If you have any questions or would like to further discuss this request, please contact me by e-mail to [theigel@ullimanschutte.com](mailto:theigel@ullimanschutte.com) or phone call at 937-910-9900.

Thank you for your consideration in this matter.

Sincerely,

*Tina M. Heigel*

Tina M. Heigel, CPA  
Vice President / CFO

# Business Contribution Disclosure System

## Waiver Request Information Page-Late Fees

### General

Account Name	E. Pikounis Construction Co. Inc.
BID ID:	14001161
Date Established	10/15/20
Date Waiver Requested	6/7/21
Account Type	Title 14-Person Doing Public Business

### Officers

Current Filer	George Pikounis	Start Date: 10/15/20
Principal Officer	John Pikounis	Start Date: 10/15/20

### Waiver Request Dates

Late Report	Date Received	Fees	Total Fees
6/01/21	6/14/21	\$350	\$350
		\$	\$
			Total: \$350.00

All required notices were sent to this campaign account for the above listed report(s).

### Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
11/30/20	\$1000	outstanding	Yes

### Reason for Waiver

The person who originally set this up no longer is employed here. I have never filed this kind of report, the whole thing was new to me, and I thought I had completed it. I was able to reach one of your staff members who helped explain what needed to be done.

### Agency Comments

Deny, committee has filed previous reports.



# EPCCI

E. Pikounis Construction Co., Inc.

GENERAL CONTRACTORS • INDUSTRIAL • COMMERCIAL • RESIDENTIAL • DESIGN/BUILD  
1600 Eastern Avenue • Baltimore, Maryland 21231

July 1, 2021  
State Board of Elections  
P.O. Box 6486  
Annapolis, MD 21401-0486

RECEIVED

JUL 06 2021

STATE BOARD OF ELECTIONS

RE: Contribution Disclosure Report for E Pikounis Construction Co. Inc.  
Late Fee

Board Members,

This letter is regarding the attached, Late Fee Bill. We respectfully would like to request abatement of this fee due to the following;

This report was originally set up, I believe on or around, October 15, 2020 according to e-mails attached. This was set up by an individual who had just started working here and is no longer employed. We are not even sure if we need to file this report because we have not made any political contributions ever. We were confused as to how and why we had to file this report and because of Covid we were very slow with work and tried to figure out what needed to be filed. We had assumed that this report was filed back on October 15<sup>th</sup> 2020 until we received an e-mail regarding a pre report notice on May 6, 2021. The person who originally set this up was no longer employed and myself, Gary Frank, started working here as Accounting Manager the beginning of May. Not sure what this was I proceeded to set up the company again, I believe, and try to file the report on May 7<sup>th</sup> 2021. So I think the company was set up twice because I did not know that it was originally set up on Oct 15<sup>th</sup> 2020.

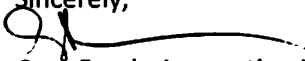
I have never filed this kind of report, however I thought that I filed it on May 7<sup>th</sup>, 2021 when I changed contact information. This whole thing was new to me and I thought I completed it.

Then we received letters stated that the report was not filed. I tried to get into the system to file it but could not do it.

The beginning of June we received a notice saying the report was not filed. I preceded to try and contact someone on the phone, which was difficult due to Covid, however I did speak to someone and they said that it looked like the company was set up twice. She said she would look into it and get back to me. However she never got back to me. So I called again and spoke to Vicky who finally helped and explained what we needed to do. I believe the reports were filed the beginning of June 2021. Then we received a letter stating that the account is closed, which confused us again as to if we are required to file this report and why the account is closed, but we assumed that it was set up twice and the 2<sup>nd</sup> account was closed.

So, therefore, because of the above and all the confusion, Covid, and different people trying to file this report, we are requesting that the fee be abated and if we can be contacted as to what our obligations are with regards to this report and if we even need to file this in the future and when? Thank you very much for your consideration in this confusing matter.

Sincerely,



Gary Frank, Accounting Manager  
E Pikounis Construction Co. Inc.