

**State of Maryland** 

**State Board of Elections – March 10, 2022 Meeting**

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Attendees (via conference call):

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

**DECLARATION OF QUORUM PRESENT**

Mr. Voelp called the meeting to order at 2:01 pm and declared that a quorum was present.

**ADDITIONS TO THE AGENDA**

There were no additions to the agenda.

**APPROVAL OF MEETING MINUTES: JANUARY 27, 2022**

Mr. Funn made a motion to approve the minutes from the January 27, 2022 open and closed meetings. Mr. Williams 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**

FY23 Budget

Ms. Charlson reported that in mid-February, the Department of Legislative Services released its analysis of our FY23 budget. (A copy of the analysis accompanied this report.) On February 16, the House Appropriation Committee's Public Safety Subcommittee held a hearing on our FY23 budget, and the Senate Budget & Taxation Committee held a similar hearing on March 1, 2022. Our written response to the Department of Legislative Services' analysis also accompanied this report.

Legislative Audit

Every three years, the Office of Legislative Audit conducts an audit. This audit includes reviewing our fiscal and contract management procedures, our performance and oversight functions, and information technical posture. The current audit period is from December 3, 2018 through January 31, 2022. The senior auditors expect that the field work (*i.e.*, when they are requesting documents and meeting with us to understand various processes) will be complete by May 2022.

Election Directors' Meeting

Our monthly meeting with local election directors and deputy directors was held February 10. The meetings generally cover implementation of legislative mandates, voter registration

topics and preparation for the 2022 elections. A meeting summary will be distributed via the County Bulletin when finalized.

### National Association of State Election Directors' Annual Winter Meeting

The annual meeting was held virtually on February 24-25 and March 3-4. Topics discussed included updates from the Cybersecurity and Infrastructure Agency, how to protect election officials' information online, how the US Postal Inspector Service and the USPS' Office of Investigator General protect mail, voter outreach campaigns, state technology certification programs, and updating voter registration systems. The conference also included "closed meetings" where election officials can share information and receive additional briefings.

### **Special Election for the Prince George's County Council District 8**

Ms. Charlson reported that the special general election was held on February 1, 2022, with early voting from January 26-31, 2022. The Prince George's County Board of Elections certified the results of the special general election on February 12, 2022. The ballots cast in this election were audited, and the audit results confirmed the accuracy of the election results. The election results and audit reports are posted on our Prince George's County's [Special Election webpage](#).

### **Election Reform and Management**

#### Mail-In Voting Forms and Information: Usability Review

The final report was submitted to the General Assembly on February 1, 2022. A copy of the report was provided with the meeting materials.

#### Mail-In Ballot Request Form Mailer

Initial mailers were delivered early February to voters known to be eligible to vote in the 2022 Primary Election (*e.g.*, registered Republicans and Democrats). This mailer generated an increase in the use of our [online ballot request system](#). During the first several days after the mailer hit mailboxes, more than 3,000 users accessed the system daily, an exponential increase from the days leading up to the mailings. The local boards are busy processing the returned forms. A report showing the number of processed forms is posted [here](#); this report will be updated weekly until May, when it will be updated daily.

A second phase will be mailed after the candidate filing deadline to voters who newly become eligible to vote in the primary election by virtue of 1) a contested board of education election, or 2) newly affiliating with a party holding a primary election. There will be one supplemental mailing before the primary election, and then a final phase of the mailing - to all other registered voters - will be mailed after the Primary Election.

#### Permanent Mail-In Ballot Confirmation Communications

This voter communication is required by [Chapter 56](#) (Senate Bill 683) and [Chapter 514](#) (House Bill 1048) of the 2021 Legislative Session. The messages for voters who chose text or email as their preferred method of communication have been sent. The messages for voters who chose USPS mail as their preferred method of communication are being prepared by Maryland Correctional Enterprises (MCE).

#### Early Voting Center and Drop Box locations

Ms. Charlson reported that multiple local boards' drop box submittals have been approved so far. We expect to finalize all other locations this week.

### Translation Services

SBE has engaged LanguageLine for telephone translation services. LanguageLine holds the Statewide telephone translation services contract. These services will also be made available to all local boards. There are no charges for these services other than the per-minute usage rates.

### Call Center

Since the 2010 elections, we have used a call center to assist us in responding to the voters of Maryland. These services began with assisting SBE and then several of the larger local boards. In 2020, the call center answered over 182,600 inquiries for SBE and about 18 local boards. For the 2022 elections, we are utilizing this service to help our voters get answers to their questions. Currently, the call center is handling calls for SBE and eight local boards, and another three local boards are scheduled to come onto the system after the March 22 candidate filing deadline. As of March 7, a total of 6,094 calls have been handled.

### **Voter Registration**

#### MDVOTERS Development

Ms. Wagner reported that several enhancements are in development. Several local boards procured high speed envelope sorting solutions to assist with the sorting of returned mail-in ballot packets. Development to have MDVOTERS and the sorting software to exchange data is currently underway. We are enhancing MDVOTERS' security by adding a screenshot message requiring the user to log in again if the system has been idle for an allotted time and for redistricting purposes, creating a "snapshot" of data which will enable the local boards to be able to ascertain old districts and precincts.

#### MDVOTERS Audits

Monthly audits of voter registration data continue to verify compliance with federal and State laws governing voter registration. The monthly audits include review of the local boards of elections' processing of Electronic Registration Information Center (ERIC) reports, Department of Health 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.

#### Electronic Registration Information Center (ERIC) - Membership

ERIC's membership now has 31 states plus the District of Columbia. Additional states are in the process of joining. For more information on ERIC, please visit <https://ericstates.org/>.

#### 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 January, MVA collected the following voter registration transactions:

New Registration - 11,786	Residential Address Changes - 22,802
Last Name Changes - 2,887	Political Party Changes - 4,096

During February, MVA collected the following voter registration transactions:

New Registration - 11,131	Residential Address Changes - 19,274
Last Name Changes - 2,651	Political Party Changes - 3,498

### Non-Citizen Registration and Voting

From January 21, 2022 to February 28, 2022, a total of 135 voters have been canceled due to not being U.S. citizens. Eleven voters of these voters have voting history. We will review these records prior to submitting them to the Office of the State Prosecutor.

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

### Candidacy

Mr. DeMarinis reported that the candidacy filing deadline was changed by the Court of Appeals from February 22, 2022, to March 22, 2022, at 9 pm. The candidacy filings are scheduled by appointment, and as of March 3, 465 candidates have filed at SBE.

### Campaign Finance

#### *State Public Financing Program*

In order to qualify for a public contribution, the candidate must raise \$120,000 from 1,500 Maryland residents. Mr. DeMarinis reported that one gubernatorial candidate has been certified and qualified for nearly \$600,000 in public funds. This marks the third consecutive gubernatorial election with a certified public financed candidate.

#### *County Public Financing Programs*

Montgomery County: There are 16 certified candidates in the program. One candidate was denied certification due to a failure to cure their deficiencies in a timely manner. Ten more candidates have filed a notice of intent to participate. The program has disbursed a total of \$1,865,900.

Howard County: There are 2 certified candidates in the program. Two more candidates have filed a notice of intent to participate in the program. The program has disbursed a total of \$484,809.49.

### Website Activity

In January 2022, the MD Campaign Reporting Information System (MD CRIS) website was visited by 377,681 individuals for an average of 12,183 per day. Additionally, it had 3,858,569 hits. Each viewer looked at an average of approximately 8 page views per day. The Business Contribution Disclosure System (BCDS) website had 847,325 hits, with 54,311 visitors with an average of nearly 15 page views per day.

In February 2022, the MD Campaign Reporting Information System (MD CRIS) website was visited by 286,836 individuals for an average of 8,063 per day. Additionally, it had 1,875,200 hits. Each viewer looked at an average of approximately 5.2 page views per day. The Business Contribution Disclosure System (BCDS) website had 766,892 hits, with 54,514 visitors with an average of nearly 15.5 page views per day.

### Enforcement

1. Friends of Kristin Mink paid \$250.00 on January 26, 2022, for failure to include an authority line.
2. Citizens for Tim (Timothy) Fazenbaker paid \$1,650.00 on February 2, 2022, for failure to record all contributions and expenditures, failure to maintain bank records.

3. American College Of Cardiology, Maryland Chapter PAC paid \$600.00 on February 9, 2022, for failure to record all contributions and expenditures.
4. Friends Of Richard Impallaria paid \$1,100.00 on February 11, 2022, for failure to record all contributions and expenditures and failure to maintain bank records.
5. Committee to Elect Gregory Alton paid \$50.00 on February 11, 2022, for cash disbursement greater than \$25.00.
6. Friends of Lorna Phillips Forde paid \$300.00 on February 16, 2022, for failure to record all contributions and expenditures.
7. Friends of Jeff Cline paid \$250.00 on February 16, 2022, for disbursement by an unauthorized individual.
8. Friends of Julie Ensor paid \$350.00 on March 1, 2022, for failure to record all contributions and expenditures and failure to maintain bank records.
9. The Committee to Elect Kathleen Kositzky Crank paid \$500.00 on March 1, 2022, for cash disbursement greater than \$25.00.

#### Request for Confidentiality – February Meeting Follow Up

Mr. DeMarinis reported that the judge's request for confidentiality that was conditionally approved at the last meeting has been cured. The voter is now a confidential voter.

### **Voting Systems**

#### Electronic Pollbook

Mr. Brechbiel reported that at the February 16, 2022, meeting of the Board of Public Works, SBE presented for approval a contract for the procurement of a new electronic pollbook. The contract was approved, and the initial kick-off meeting between SBE and the new electronic pollbook vendor (DemTech) took place. The new electronic pollbook solution will be first used in the 2024 elections.

### **Project Management**

#### Inventory Management

Mr. Ross noted that the FY22 inventory auditing of equipment and supplies statewide started on February 1. Currently, between SBE and the local boards, 28.83% of the inventory has been audited. The scheduled end date for completing the inventory auditing is June 31, 2022.

Most of the additional equipment and supplies have been received and recorded or will soon be recorded into the SBE inventory system. The same inventory protocol will be followed when the remaining equipment is received.

#### Document Management

Planning efforts continued with SBE's Document Management System Modernization Project.

#### Baltimore City Office and Warehouse Relocation

SBE is working with the Baltimore City Board of Elections to relocate their office and warehouse to a central location and visited two potential locations.

### **Legislation**

Ms. Duncan reported that we are currently tracking about 145 pieces of legislation. A copy of our current list is included. We track many types of bills including changes to Election Law Article, including campaign finance, and constitutional amendments that lead to a statewide ballot question in a general election, local ballot questions for counties, changes to the offices that appear on the ballot, including Board of Education. Requirements or changes to the operation of

State government are sometimes included (*e.g.*, PIA mandates). The “crossover” deadline, the day when bills need to leave the chamber in which they were introduced and move to other chamber, is March 21. After this date, we should have a better understanding of which bills are likely to be passed this legislative session.

### **ASSISTANT ATTORNEY GENERAL’S REPORT**

Mr. Trento gave the following updates:

1. *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 27, 2021, WinRed filed a motion for preliminary injunction against enforcement of subpoenas served by the State AGs. On July 29, 2021, the State AGs moved to dismiss the complaint. Oral argument on both motions took place on November 2, 2021. On January 26, 2022, the Court issued an order denying Plaintiff’s motion for preliminary injunction and granting the defendants’ motion to dismiss and dismissed the Complaint. WinRed has appealed the dismissal to the U.S. Court of Appeals for the Eighth Circuit. WinRed’s opening brief is due March 23, 2022. The Appellees’ response will be due approximately 30 days later.
2. *Conners v. State of Maryland, et al.*, No. C-02-CV-21-001282 (Cir. Ct. A.A. Cnty.). On September 23, 2021, the Plaintiff filed a lawsuit challenging the SBE’s disclosure of personalized voter information on lists of registered voters without obtaining voters’ consent. She alleges that SBE’s practices of (i) disclosing information beyond just the names of voters on the voter list, (ii) disclosing the voter list to non-Maryland registered voters, (iii) transmitting the voter list to individuals or organizations who do not swear the oath that the list will only be used for electoral purposes, (iv) failing to ensure that the purpose for which the list is intended to be used by the applicant comports with that requirement, and (v) allowing only some voters to participate in the voter confidentiality program, violates various State and federal laws and constitutional provisions. The plaintiff is seeking, among other things, damages in the amount of \$400,000 for each instance her voter information was disclosed on a voter list transmitted to an applicant, and seeks injunctive relief in the form of an order forbidding SBE from disclosing voter information without the affirmative consent of the voter and requiring SBE to issue new voter ID numbers to every Maryland registered voter. The State of Maryland, the State Administrator, and the Governor are named as defendants in the case.

On November 8, 2021, the Defendants filed a motion to dismiss the Complaint. On November 23, 2021, Plaintiff filed an opposition to the motion to dismiss. The motion to dismiss was heard on February 14, 2022.

3. *Baltimore Cnty. Branch of the NAACP, et al. v. Baltimore Cnty., Md., et al.*, No. 1:21-cv-03232 (D. Md.). On December 21, 2021, the Baltimore County Branch of the NAACP, the League of Women Voters, Common Cause of Maryland, and several individual plaintiffs filed a lawsuit challenging the Baltimore County redistricting map for county council districts, on the ground

that it violated section 2 of the Voting Rights Act. Baltimore County, the individual members of the Baltimore County Council, and the Baltimore County Board of Elections were named as defendants. (The individual County Council members have since been dismissed from the case.) On January 19, 2022, the plaintiffs filed a motion for preliminary injunction, and the court entered an order setting a hearing for February 15, 2022 on the plaintiffs' motion. On February 22, 2022, the court ruled in favor of the plaintiffs, and ordered Baltimore County to produce a compliant map by March 9, 2022. On March 9, 2022, Baltimore County filed its proposed remedial map. The Court has asked the plaintiffs to respond to the filing by 5 pm today, and will hold a conference with the parties on March 11, 2022 to discuss further proceedings.

4. *Parrott, et al. v. Lamone, et al.*, No. C-02-CV-21-001773 (Cir. Ct. A.A. Cnty.); *Szeliga, et al. v. Lamone, et al.*, No. C-02-CV-21-001816 (Cir. Ct. A.A. Cnty.). On December 21 and 23, 2021, respectively, two groups of individual plaintiffs filed lawsuits challenging the State's Congressional redistricting map under various provisions of the Maryland Constitution. Collectively, plaintiffs allege that the map is an unlawful partisan gerrymander under Articles 7, 24 and 40 of the Declaration of Rights, and Articles I, § 7 and III, § 4 of the Maryland Constitution. The defendants named in the lawsuits are Ms. Lamone, Mr. Voelp, and the State of Maryland. On January 21, 2022, the Democratic Congressional Campaign Committee filed motions to intervene in both cases. These motions were rejected by the Court.

On February 7, 2022, the defendants moved to dismiss the Complaint in the *Szeliga* matter. The Court ordered an expedited response to that motion, and scheduled argument for February 16, 2022. On February 11, 2022, the *Parrott* plaintiffs moved to intervene in the *Szeliga* matter for the purpose of participating in the briefing and argument on the motion to dismiss. Argument took place on February 16, 2022. The parties made further submissions to the Court on February 18, 2022, and the Court ordered further argument on February 23, 2022. Following argument, on February 23, 2022, the Court denied the defendants' motion to dismiss as to all but one of the plaintiffs' claims, and set a schedule for further proceedings in the case. The parties have completed discovery and proposed findings of fact are due March 11, 2022. Trial is scheduled to run for four days beginning March 15, 2022.

5. *In the Matter of Seth Wilson*, No. C-02-CV-22-000078 (Cir. Ct. A.A. Cnty.). On January 14, 2022, Seth Wilson, the Chairman of the Washington County Republican Party Central Committee, filed a petition for judicial review of the determination and approval, respectively, by the Washington County Board of Elections and SBE, of the locations for early voting centers in Washington County for the 2022 elections. On January 19, 2022, the agencies were provided notice of the petition for judicial review by the Clerk of the court. The agencies must compile and submit the administrative record to the Court by March 21, 2022.
6. *Thurston, et al. v. Prince George's County*, No. CAL22-01728 (Cir. Ct. P.G. Cnty.). On January 23, 2022, four individual plaintiffs filed a lawsuit challenging the Prince George's County redistricting map for county council districts, on the ground that the map was promulgated by resolution, and not law, and therefore is invalid. Neither SBE nor the PG County local board of elections is party to the case. The Circuit Court ruled in favor of the plaintiffs, and the Court of Appeals granted certiorari and scheduled expedited briefing and argument. On March 7, 2022, the Court of Appeals affirmed the ruling of the Circuit Court. As a result, the councilmanic map prepared by the independent commission established to draw such maps, and which the County Council had sought to override, will be implemented.

7. *In the Matter of 2022 State Legislative Redistricting*, Misc. Nos. 21, 24, 25, 26, 27 (Md.). On January 28, 2022, the Court of Appeals promulgated procedures for challenging the State legislative district map promulgated by the General Assembly. The Court established a deadline of February 10, 2022, for the filing of challenges, and ordered the Attorney General's Office to respond to any such challenges by February 15, 2022. The Court appointed Retired Judge Alan Wilner to serve as Special Magistrate to preside over these proceedings.

On February 10, 2022, four separate petitions were filed challenging various aspects of the State legislative district map. On February 15, 2022, the State filed motions to dismiss each petition. On February 18, 2022, Judge Wilner entered a scheduling order requiring that the parties exchange discovery by March 11, 2022, and submit proposed findings of fact by March 22, 2022. The Court has since extended the March 11, 2022 discovery deadline to March 14, 2022 for the limited purpose of allowing the State to serve expert reports that respond to the petitioners' expert reports, if any. A hearing is scheduled to begin on March 23, 2022. Judge Wilner expects to have his post-hearing report completed and delivered to the Court of Appeals by April 5, 2022.

8. *In re Petition for Declaratory Ruling by Del. Mary Ann Lisanti* (State Bd. of Elec.). On March 7, 2022, Delegate Mary Ann Lisanti filed a petition for Declaratory Ruling asking the State Board of Elections to rule on the propriety of the Harford County Board of Elections' implementation of the new councilmanic district map. The petition notes that the textual provisions of the bill that was passed by the County Council implementing the map are inconsistent with the map that was included with the bill. The local Board of Elections opted to effectuate the map version of the bill, as opposed to the textual version of the bill. The State Board must rule within 60 days or notify the petitioner within that period of time of any reasons for which it will not issue such a ruling.

In response to a question from Mr. Voelp, Mr. Trento stated that this would likely be his last meeting with the Board, depending on when the next meeting is scheduled for. Mr. Voelp thanked Mr. Trento for his service to the State Board as the Assistant Attorney General, stating that it has been an honor and great experience to work with him. Mr. Trento thanked Mr. Voelp and echoed his sentiment, stating that he has been honored to work with the board members and staff over the last four years.

#### **APPROVAL OF PROPOSED REGULATIONS TO COMAR 33.01.07.01- COMAR 33.01.07.06- (VOTING IN CORRECTIONAL FACILITIES)**

Ms. Hartman presented proposed new regulations to COMAR 33.01.07, as required by [SB 525](#) and [HB 222](#) of the 2021 Legislative Session. The proposed new regulations are:

1. [33.01.07.01](#) (Voting in Correctional Facilities – Definitions): The first regulation of the Chapter defines nine terms related to the regulations including election official, election-related materials, and eligible voter, which are key to the regulations.
2. [33.0107.02](#) (Voting in Correctional Facilities – Duties of the State Board): This regulation defines the duties of the State Board, including:
  - a. Providing a ballot drop box for the Baltimore City Central Booking facility, as required by SB 525, and written notification of how to use the drop box; and
  - b. Creating a program to notify eligible voters of how to vote in upcoming elections. Based on the number of eligible voters in each correctional facility, SBE will send each

correctional facility voting information packets that contain voter registration applications, mail in ballot applications, instructions for each, and return envelopes.

3. 33.01.07.03 (Voting in Correctional Facilities – Duties of the Department of Public Safety and Correctional Services (DPSCS)): This regulation defines the responsibilities of the DPSCS, which include:
  - a. Installing and 24/7 video monitoring of the ballot drop box(es) at the Baltimore City Centralized Booking Facility and other ballot drop boxes that the Department elects to install;
  - b. Allowing eligible voters to deposit election-related materials in the drop box(es);
  - c. Providing SBE with the number of eligible voters in each State correctional facility by a specific date;
  - d. Distributing the voting information packet to eligible voters and processing all outgoing postal mail both in a timely manner so as to not delay any election processes;
  - e. Storing any excess voting information packets and notifying SBE if there is a shortage of packets; and
  - f. Allowing election officials to empty the drop box(es) at pre-determined times.
4. 33.01.07.04 (Voting in Correctional Facilities – Duties of the Local Board of Election for Baltimore City): This regulation defines the duties of the Baltimore City Board of Elections, which include emptying the drop box(es) on a regular basis and distributing an election-related materials and ballots received from the drop box(es) that should go to a different local board.
5. 33.01.07.05 (Voting in Correctional Facilities – Duties of the Local Correctional Facilities): This regulation defines the duties of local correctional facilities, which include:
  - a. Distributing the voting information packet to eligible voters and processing all outgoing postal mail both in a timely manner so as to not delay any election processes; and
  - b. Storing any excess voting information packets and notify the SBE if there is a shortage of packets.
6. 33.01.07.06 (Voting in Correctional Facilities – Duties of Eligible Voters): This regulation defines the duties of eligible voters in correctional facilities which include completing and returning all election related materials by the appropriate deadlines either by ballot drop box or through the normal outgoing postal mail process.

In response to a question from Mr. Voelp, Ms. Hartman clarified that SB 525 only required that a ballot drop box be installed at the Baltimore City Booking and Intake Center.

Mr. Miller made a motion to adopt the proposed amendments to COMAR 33.01.01.01, 33.11.01.04, 33.11.02.03, 33.11.02.05, 33.11.03.06, and 33.17.02.02 for final adoption and publication, as presented by Ms. Hartman. Ms. Woodward seconded the motion. The motion passed unanimously.

**APPROVAL OF FINAL REGULATIONS- COMAR 33.01.01.01- GENERAL PROVISIONS – DEFINITIONS; 33.11.01.04 (ABSENTEE BALLOTS – BALLOT DROP BOXES); 33.11.02.03 (ABSENTEE BALLOT – INFORMAL, WRITTEN REQUEST); 33.11.02.05 (ABSENTEE BALLOT – INFORMAL, WRITTEN REQUEST); 33.11.03.06 (ABSENTEE BALLOTS – RETURN OF BALLOT); 33.17.02.02 (EARLY VOTING – EARLY VOTING CENTERS)**

Ms. Charlson presented proposed amendments to COMAR 33.01.01.01, 33.11.01.04, 33.11.02.03, 33.11.02.05, 33.11.03.06, and 33.17.02.02 for final adoption. These proposed regulations were approved by the Board at several meetings in 2021. The proposed changes were published in the January 14, 2022, edition of the *Maryland Register* (Vol. 49, Issue 2). The public comment period closed on February 14, 2021. We received comments on two of the proposed changes.

The proposed changes presented for final adoption were:

1. 33.01.01.01 (General Provisions – Definitions): Defines “mail-in ballot” and “mail-in voting”; amends the “proof of residency” definition to include certain documents for students at independent Maryland institutions of higher education who reside on that institution’s campus; and corrects an incorrect reference. We received a letter from MaryPIRG in support of the change to the “proof of residency” definition. These proposed changes were approved at the September 9, 2021, and October 28, 2021, meetings.
2. 33.11.01.04 (Absentee Ballots – Ballot Drop Boxes): Incorporates the factors for the local boards to consider and require when determining where to locate ballot drop boxes and security requirements and defines the process for approving proposed locations for ballot drop boxes. This new regulation was approved at the October 28, 2021, meeting.
3. 33.11.02.03 (Absentee Ballot – Informal, Written Request): Incorporates an existing requirement for military and overseas voters who submit a hand-written request for a mail-in ballot and want to receive their ballot electronically. These proposed changes were approved at the September 9, 2021, meeting. No comments were submitted on these changes.
4. 33.11.02.05 (Absentee Ballots – Processing Applications) and 33.11.03.06 (Absentee Ballots – Return of Ballot): Changes the requirement to date stamp all requests for mail-in ballots and mail-in ballots. Applications and returned ballots do not need to be date stamped until several days before the deadline to request or return a ballot, respectively. These proposed changes were approved at the July 22, 2021, meeting. No comments were submitted on these changes.

We received from Lynn Garland comments on the proposed language for 33.11.03.06G(3), which was published as: *The local board shall retrieve ballots and any other election materials according to chain of custody procedures issued by the State Administrator.*

Two of Ms. Garland’s suggestions are in the chain of custody procedures issued to the local boards in December 2021. (The procedures are attached for your information.) These procedures and two forms used during this process require the local boards to pick up ballots at least once of day and record the pick-up time and receipt time on the appropriate forms.

While Ms. Garland’s comments would require a bipartisan team to collect ballots, the procedures recommend – but do not require – using a team of two election officials to retrieve ballots. This recommendation reflects the staffing resources of the local boards and that the individuals assigned this task have taken an oath and most have a criminal background check on file<sup>1</sup>.

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<sup>1</sup> Members of the local board of elections and elections judges who pick up ballots are sworn in but are not required to have criminal background checks.

Ms. Garland recommends adding to the regulations “prompt” entering the return of the ballots into the system. This is already the practice, as our long-standing and on-going instruction to the local boards is to promptly process all returned ballots into the system – regardless of how the ballots are received.

Ms. Garland provides regulations from other states that include detailed procedures for the collection of ballots from ballot boxes, but this level of detail is not consistent with the SBE’s approach to regulations. The goal of the rewrite of the Election Law Article in the late 1990s was to define policies in the Election Law Article, outline processes in the regulations, and define the specific steps for election officials in procedures. Ms. Garland is proposing to introduce procedures into the regulations, which is not consistent with SBE’s long-standing approach to regulations.

For the reasons stated above, Ms. Charlson recommend that the members approve the proposed subsection G, as published.

5. 33.17.02.02 (Early Voting – Early Voting Centers): Incorporates the factors for the local boards to consider when determining where to locate early voting centers, defines the population density required for all jurisdictions, reorganizing the regulation to reflect requirements for early voting centers and the contents for the form, and renumbering the regulation due to the new subsections. The proposed changes were approved at the October 28 meeting. No comments were submitted on these changes.

Mr. Funn requested that the concerns addressed by Ms. Garland be addressed in the future.

Mr. Funn made a motion to adopt the proposed amendments to COMAR 33.01.01.01, 33.11.01.04, 33.11.02.03, 33.11.02.05, 33.11.03.06, and 33.17.02.02 for final adoption and publication, as presented by Ms. Charlson. Ms. Woodward seconded the motion. The motion passed unanimously.

#### **APPROVAL OF SBE POLICY 2022-01: CONTINGENCY PLANS FOR THE 2022 ELECTIONS**

Ms. Charlson presented SBE Policy 2022-01: Contingency Plans for the 2022 Elections for approval. She explained that before every election, we present a contingency plan that outlines what to do if none of the election equipment at a voting location is available for use. The plan includes general contingency plans, early voting contingency plans, and election day contingency plans. The plan is high-level policy, while details, such as what an election judge needs to pack, are included in procedures developed by SBE. The procedures are developed from the policy.

Mr. Miller made a motion to adopt the SBE Policy 2022-01: Contingency Plans for the 2022 Elections. Mr. Williams seconded the motion. The motion passed unanimously.

#### **APPROVAL OF TITLE 13 LATE FEE WAIVER REQUESTS**

Mr. DeMarinis presented requests from 14 campaigns to waive or reduce late fees incurred by the committee. Five campaigns were denied waivers of late fees and was presented to the board for informational purposes.

The campaigns requesting a waiver or reduction of late filing fees are:

1. Badillo, Darren Friends of
2. Brooks, Kevin Andre Friends of
3. Chappell, Justin Citizens Empowered for

4. De'Narde English for Maryland
5. Fenati, Pat Friends of
6. Harrison, Charles Citizens for
7. Jeang, David Citizens for
8. Johnson, Slyvia Friends of
9. Long, Robert (Bob) Friends of
10. Mattingly, Bill Friends of
11. Porompyae, Jordan 2022 District Friends of
12. Varney, Donta Committee to Elect
13. Veterinary PAC of Maryland
14. Walberg, Jerry for Washington County Board of Education

Mr. Funn made a motion to approve the Title 13 late fee waiver and reduction requests as presented, and Mr. Miller seconded the motion. The motion passed unanimously.

#### **APPROVAL OF TITLE 14 LATE FEE WAIVER REQUESTS**

Mr. DeMarinis presented requests from one business, the CSAA Insurance Group, to reduce late fees incurred by the committee. No businesses were denied waivers of late fees.

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

#### **APPROVAL OF CONFIDENTIALITY REQUESTS**

Mr. DeMarinis presented requests from seven voters (all sitting judges) to keep their address and phone numbers confidential and stated that the Candidacy and Campaign Finance Division verified that the requesting individuals were eligible to have their residential address and telephone numbers be confidential. Mr. DeMarinis stated that all requests for confidentiality have met all conditions.

Mr. Miller made a motion to approve the confidentiality requests as presented. Mr. Williams seconded the motion. The motion passed unanimously.

#### **APPROVAL OF ADMINISTRATIVE CLOSURE OF CAMPAIGN ACCOUNTS**

Mr. DeMarinis presented a request to administratively close the campaign committee account of Michael Daras. Pursuant to §13-313 of the Election Law Article, the State Board has the authority to administratively close a political committee upon determination that good cause exists and when other criteria are met.

Mr. DeMarinis stated that the request meets the requirements for extenuating circumstances, and that State Prosecutor has stated has declined to take enforcement action.

Mr. Williams made a motion to approve the administrative closure requests, and Mr. Miller seconded the motion. The motion passed unanimously.

#### **OLD BUSINESS**

There was no old business.

#### **NEW BUSINESS**

There was no new business.

## **DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

There were no contributions to report.

## **SCHEDULE NEXT MEETING**

The next meeting is scheduled for Wednesday, April 27, 2022 at 2 p.m.

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

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. Williams 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 3:15 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, and Ms. Duncan attended the meeting. Ms. Malcolm attended part of the closed meeting.

Ms. Malcolm provided an update on a personnel matter, and Mr. Trento provided legal advice on pending or potential litigation. No actions were taken.

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

The closed meeting adjourned at 4:12 pm.

## **ADJOURNMENT**

The open meeting adjourned at 2:59 pm.

## **Announcements & Important Meetings**

### U.S. Election Assistance Commission's Standards Board Meeting

On April 14, the U.S. Election Assistance Commission's (EAC) Standards Board met virtually for its annual meeting. The Standards Board has two election officials - one State official and one local election official - from each State. Nikki Charlson and Guy Mickley, Election Director for the Howard County Board of Elections, are Maryland's representatives on the Standards Board. During this meeting, the members received an update from the work of the EAC, implementation of the Voluntary Voting System Guidelines 2.0, a discussion about supply chain issues and the impact on election materials (including ballot paper), and Ohio's proposed voter registration certification program.

### Election Directors' Meeting

In response to the work required to implement the new Congressional and legislative redistricting plans, we hosted weekly election directors' meetings in March and April. Other election-related information was shared during these calls, but most of the discussion related to redistricting. Meeting summaries will be distributed via the County Bulletin when finalized.

### Redistricting Updates

Boundaries for [Congressional districts](#), [legislative districts](#), and county districts are now final, and the local boards of elections are updating the voter registration database to place voters into their new districts. This is a time-consuming and manual process, and while it would normally take several months, the local boards will be performing this process in three weeks.

We have on our website a [redistricting landing page](#) and direct people there from information on our homepage. We explain on our [Voter Look-Up](#) what information is shown (*i.e.*, voters' "current" district and polling place information) and ask voters to check back to see their updated district and polling place information. Redistricting information also appears on the candidate list and will be added to sample ballots and mail-in voting instructions.

### Clear Ballot Annual User Conference

On the afternoons of April 29 and 30, Tracey Hartman participated in the Clear Ballot Second Annual User Conference, which was held virtually. Following with the theme of "Charting the Course," the 200-plus attendees participated in panel discussion, breakout sessions, and heard from speakers that highlighted using Clear Ballot's suite of products, and products in the near future, to navigate successfully through an election cycle. Ms. Hartman gave a short presentation during the second session on April 29, which was dedicated to customer spotlight. Ms. Hartman explained how Maryland uses Clear Ballot to conduct a 100% independent automated tabulation audit of all election results statewide to confirm the accuracy of the voting system results.

## **Election Reform and Management**

### Replacement Early Voting Centers and Drop Box Locations

SBE staff are working with the local boards to review proposed replacement locations for early voting centers and resulting ballot drop boxes moves for the July 19 Primary Election. The State Board approves early voting centers, while the State Administrator approves ballot drop box locations.

### Call Center

Since the 2010 elections, we have used a call center to assist us in responding to the voters of Maryland. These services began with assisting SBE and then several of the larger local boards. In 2020, the call center answered over 182,600 inquiries for SBE and about 18 local boards. For the 2022 elections, we are utilizing this service to help our voters get answers to their questions. Currently, the call center is

handling calls for SBE and nine local boards, and another two local boards are scheduled to come onto the system. As of April 24, a total of 14,855 inquiries have been handled.

## **Voter Registration**

### MDVOTERS

Several local boards procured high speed envelope sorting solutions. Development to allow MDVOTERS and the sorting solution software to exchange data was in the 8.4 release, which was placed into production on April 22. This release also implements an additional level of security by adding screen lock messaging requiring the user to “log” back in after sitting idle after an allotted time.

To support the redistricting process, MDVOTERS created a “snapshot” of data which will enable the local boards to review prior districts and precincts if need be.

### MDVOTERS Audits

Monthly audits of voter registration data continue to verify compliance with federal and State laws governing voter registration. The monthly audits include review of the local boards of elections’ processing of Electronic Registration Information Center (ERIC) reports, Department of Health 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.

### Electronic Registration Information Center (ERIC) - Membership

ERIC’s membership now has 31 states plus the District of Columbia. For more information on ERIC, please visit <https://ericstates.org/>.

### 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. Now that we are within 90 days prior to an election and prohibited from sending list maintenance mailings, we will receive the In-State Duplicate and SSA Death files monthly.

### Motor Vehicle Administration (MVA) Transactions

During March, MVA collected the following voter registration transactions:

New Registration - 11,750	Residential Address Changes - 20,529
Last Name Changes - 2,445	Political Party Changes - 3,545

### Non-Citizen Registration and Voting

From March 1, 2022 to April 19, 2022, a total of 364 voters have been canceled due to these voters not being U.S. citizens. Six voters have voting history. SBE will review these records prior to submitting them to the Office of the State Prosecutor.

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

### Candidacy

The candidacy filing deadline was changed by the Court of Appeals from February 22, 2022, to March 22, 2022, and then to April 15, 2022 at 9 pm. The candidacy filings were scheduled by appointment, and as of April 20, 2022 (after the deadline to withdraw and central committee filling vacancies), 589 candidates have filed at SBE.

## Campaign Finance

### *State Public Financing Program*

In order to qualify for a public contribution, the candidate must raise \$120,000 from 1,500 Maryland residents. One gubernatorial candidate has been certified and qualified for \$722,663.68 in public funds. This marks the third consecutive gubernatorial election with a certified public financed candidate.

### *County Public Financing Programs*

Montgomery County: There are 17 certified candidates in the program. Eight additional candidates have filed a notice of intent to participate. The program has disbursed \$168,873 in March and an aggregate disbursement total of \$1,973,207.

Howard County: There are two certified candidates in the program. Four more candidates have filed a notice of intent to participate in the program. As of April 5, the program has disbursed a total of \$561,284.49.

## Website Activity

In March, the MD Campaign Reporting Information System (MD CRIS) website was visited by 305,773 individuals for an average of 9,863 per day. Additionally, it had 1,953,545 hits. Each viewer looked at an average of approximately five page views per day. The Business Contribution Disclosure System (BCDS) website had 861,441 hits, with 68,306 visitors with an average of nearly twelve page views per day.

## Enforcement

1. Friends of Lauren Lipscomb paid \$350.00 on March 23, 2022, for failure to record all contributions and expenditures and for cash disbursement greater than \$25.00.
2. Danielle Meitiv for Montgomery paid \$2,000.00 on April 8, 2022, for failure to record all contributions and expenditures and failure to maintain bank records.
3. Potomac Edison PAC paid \$1,000.00 on April 11, 2022, for failure to record all contributions and expenditures.
4. Friends of Tom DeGonia paid \$1,000.00 on April 15, 2022, for failure to record all contributions and expenditures.
5. Wes Moore For Maryland paid \$50.00 on April 20, 2022, for the failure to include an authority line.
6. Friends of Daniel Koroma paid \$250.00 on April 20, 2022, for the failure to include an authority line.

## **Voting Systems**

### New Electronic Pollbook

Work on implementing the new electronic pollbooks continues. We are simultaneously in the Project Initiation and Planning and the Analysis and Design phases. The project initiation and planning phase is on schedule for completion in the second quarter of 2022, and the analysis and design phase is on schedule for completion in the third quarter of 2022.

### Voting System Replacement Project

The current voting system lease ends March 2023, and there is one option remaining. If exercised, the final option ends March 2025. We are currently gathering information about current and future voting system solutions and are on schedule to complete this phase by the third quarter of 2022.

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

### Inventory Management

SBE's FY22 Inventory Auditing of equipment and supplies statewide started on February 1. Currently, 87.80% of the inventory has been audited, with a completion date of June 30, 2022, for auditing to be completed.

### Document Management

There is currently an active Request for Information (RFI) solicitation requesting information from document management system vendors. The closing date for responses is April 29. SBE will review the responses and move forward with developing the requirements for a Request for Proposals (RFP) that is expected to go out for bids later this year.

### Baltimore City Relocation

The PMO continues to work with the Baltimore City Board of Elections on their office and warehouse relocation plans. Keith Ross worked with the local board to develop the space calculations worksheets that helped understand the square footage needed. The local board continues to check into possible facilities in the city to relocate.

### Election Operations Support

The PMO is working on the logistics and planning for the upcoming primary election operations support, including using an election helpdesk system and the setup of an election operations center on election day.

### **Information Security**

#### Managed Security Services (MSS)

After a competitive procurement, a new vendor - Digital Lantern LLC of Hanover, Maryland - was selected to monitor, notify and respond to our election systems and data hosted by our data center. The contract is before the Board of Public Works for approval at its April 27 meeting.

#### Disaster Recovery

SBE's *Disaster Recovery Plan* has been updated for 2022, presented and made available to SBE staff. The updated DR plan incorporates staffing and contact changes related to local boards, SBE, and SBE vendors and partners. Updates also include procedural updates for all critical applications and systems and media communications. Additional updates include critical information and procedures related to SBE's security operations center, primary network operations center and continuity of operations center.

#### Election Security

As we prepare for the 2022 midterm elections, SBE continues to mature its information security program to anticipate, detect and respond to an ever-evolving cyber threat landscape.

These efforts include several ongoing initiatives:

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

- Conducting quarterly tabletop exercises, to practice and improve our incident response for threats of all kinds (including ransomware, malware, misinformation, supply-chain software vulnerabilities, etc.).
- Implementing industry-standard tools which help our teams detect and respond to cyber vulnerabilities and attacks quickly and effectively.

In light of current global events, SBE is working closely with federal and State partners to maintain increased cybersecurity alert and readiness levels. Our close partnerships with federal, State, and local partners including Cybersecurity Infrastructure Security Agency, federal Department of Homeland Security, FBI, and the local boards have provided useful and effective resources and services to support the cybersecurity program.

### **Legislation**

Attached is a list of legislation passed in the 2022 Session of the General Assembly. All may not receive the signature of the Governor, but that will be determined over the next several weeks.



Donna Duncan -SBE- &lt;donna.duncan@maryland.gov&gt;

## MGA Tracking: For Tracking list: Final Election Bills - 04/26/2022 02:00 a.m.

no-reply@mlis.state.md.us &lt;no-reply@mlis.state.md.us&gt;

Tue, Apr 26, 2022 at 2:00 AM

To: donna.duncan@maryland.gov

Current Status 2022 Regular Session - For Tracking list: Final Election Bills (All Bills) - Created on: 04/26/2022 02:00 a.m.

Number/ Chapter (Cross File) Total: 22	Title	Primary Sponsor	Status	Original House Committee(s) and Hearing Dates	Opposite House Committee(s) and Hearing Dates
HB0017 / CH0109	Campaign Finance – Recurring Contributions and Donations – Requirements	Delegate Palakovich Carr	Approved by the Governor - Chapter 109	Ways and Means 1/19/2022 - 1:00 p.m.	Education, Health, and Environmental Affairs 3/23/2022 - 1:00 p.m.
HB0289 / CH0213 (SB0270 / CH0214)	Somerset County – Elections – County Commissioners Districts and Board of Education Candidate Filings	Delegate Otto	Approved by the Governor - Chapter 213	Rules and Executive Nominations 2/16/2022 - 10:00 a.m.	Reapportionment and Redistricting
HB0291 (SB0101)	Election Law - Contested Elections	Delegate Kaiser	Passed Enrolled	Ways and Means 2/1/2022 - 1:00 p.m.	Education, Health, and Environmental Affairs
HB0328 / CH0191 (SB0907 / CH0192)	Elections - Polling Place Location Restrictions - Repeal	Delegate Jones, D.	Approved by the Governor - Chapter 191	Ways and Means 2/8/2022 - 1:00 p.m.	Education, Health, and Environmental Affairs
HB0375 (SB0269)	Open Meetings Act - Application and Enhanced Requirements (Maryland State Agency Transparency Act of 2022)	Delegate Korman	Passed Enrolled	Health and Government Operations 2/15/2022 - 1:30 p.m.	Education, Health, and Environmental Affairs
HB0503 / CH0105	Montgomery County - Board of Education Residence Districts - Ken Gar Neighborhood MC 26- 22	Montgomery County Delegation	Approved by the Governor - Chapter 105	Rules and Executive Nominations 2/16/2022 - 10:00 a.m.	Reapportionment and Redistricting 4/4/2022 - 2:00 p.m.
HB0603	Harford County Board of Education - Appointment of Members - Alterations	Harford County Delegation	Returned Passed	Ways and Means 2/17/2022 - 3:00 p.m.	Education, Health, and Environmental Affairs 3/31/2022 - 1:00 p.m.
HB0862	Election Law - Ballots - Processing and Reporting Procedures	Delegate Feldmark	Passed Enrolled	Ways and Means 2/22/2022 - 1:00 p.m.	Education, Health, and Environmental Affairs 3/23/2022 - 1:00 p.m.
HB1473	Prince George's County - School Board Districts -	Prince George's	Returned Passed	Rules and Executive Nominations	Reapportionment and Redistricting

	Redistricting Plan PG 507-22	<a href="#">County Delegation</a>		3/11/2022 - 8:30 a.m.	
<a href="#">SB0015 (HB0340)</a>	Election Law - Campaign Finance - Enforcement	<a href="#">Senator Jackson</a>	Passed Enrolled	<a href="#">Education, Health, and Environmental Affairs</a> 1/26/2022 - 1:30 p.m.	<a href="#">Ways and Means</a> 3/22/2022 - 1:00 p.m. <a href="#">Judiciary</a>
<a href="#">SB0101 (HB0291)</a>	Election Law - Contested Elections	<a href="#">Senator Kagan</a>	Returned Passed	<a href="#">Education, Health, and Environmental Affairs</a> 1/26/2022 - 1:30 p.m.	<a href="#">Ways and Means</a>
<a href="#">SB0158 / CH0035 (HB0035)</a>	Election Law - Voting Systems Costs and Polling Places - Requirements	<a href="#">Senator Kagan</a>	Enacted under Article II, Section 17(b) of the Maryland Constitution - Chapter 35	<a href="#">Education, Health, and Environmental Affairs</a> 1/26/2022 - 1:30 p.m.	<a href="#">Ways and Means</a>
<a href="#">SB0239</a>	Election Law - Campaign Finance - Protection of Contributor	<a href="#">Senator Simonaire</a>	Returned Passed	<a href="#">Education, Health, and Environmental Affairs</a> 1/26/2022 - 1:30 p.m.	<a href="#">Ways and Means</a>
<a href="#">SB0269 (HB0375)</a>	Open Meetings Act - Application and Enhanced Requirements (Maryland State Agency Transparency Act of 2022)	<a href="#">Senator Kagan</a>	Passed Enrolled	<a href="#">Education, Health, and Environmental Affairs</a> 2/15/2022 - 1:00 p.m.	<a href="#">Health and Government Operations</a> 3/22/2022 - 1:30 p.m.
<a href="#">SB0270 / CH0214 (HB0289 / CH0213)</a>	Somerset County - Elections - County Commissioners Districts and Board of Education Candidate Filings	<a href="#">Senator Carozza</a>	Approved by the Governor - Chapter 214	<a href="#">Reapportionment and Redistricting</a> 2/17/2022 - 11:30 a.m.	<a href="#">Rules and Executive Nominations</a>
<a href="#">SB0444</a>	Prince George's County - School Board Districts - Redistricting Plan	<a href="#">Prince George's County Senators</a>	Returned Passed	<a href="#">Reapportionment and Redistricting</a> 2/17/2022 - 11:30 a.m.	<a href="#">Rules and Executive Nominations</a> 4/6/2022 - 11:00 a.m.
<a href="#">SB0500 / CH0194 (HB0683)</a>	Anne Arundel County - Republican Party Central Committee - Elections	<a href="#">Senator Simonaire</a>	Approved by the Governor - Chapter 194	<a href="#">Education, Health, and Environmental Affairs</a> 2/9/2022 - 1:00 p.m.	<a href="#">Ways and Means</a>
<a href="#">SB0641 / CH0102</a>	Carroll County - County Commissioner Districts - Redistricting Plan	<a href="#">Carroll County Senators</a>	Approved by the Governor - Chapter 102	<a href="#">Reapportionment and Redistricting</a> 2/17/2022 - 11:30 a.m.	<a href="#">Rules and Executive Nominations</a>
<a href="#">SB0907 / CH0192 (HB0328 / CH0191)</a>	Elections - Polling Place Location Restrictions - Repeal	<a href="#">Senator Simonaire</a>	Approved by the Governor - Chapter 192	<a href="#">Education, Health, and Environmental Affairs</a> 3/16/2022 - 1:00 p.m.	<a href="#">Ways and Means</a> 3/29/2022 - 2:45 p.m.
<a href="#">SB0952</a>	Frederick County - Board of Education - Vacancies	<a href="#">Senator Hough</a>	Returned Passed	<a href="#">Education, Health, and Environmental Affairs</a>	<a href="#">Ways and Means</a> 3/31/2022 - 1:00 p.m.

3/16/2022 - 1:00 p.m.

SB1012 / CH0016

Congressional Districting Plan

President

Approved by the Governor - Chapter 16

Reapportionment and Redistricting 3/29/2022 - 8:30 a.m.

Rules and Executive Nominations

SJ0003 (HJ0001)

Maryland Citizens' Legislative Districting Plan of 2022

President

Hearing 1/18 at 3:00 p.m.

Reapportionment and Redistricting 1/18/2022 - 3:00 p.m.

## ASSISTANT ATTORNEY GENERAL'S REPORT

April 27, 2022

1. *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 27, 2021, WinRed filed a motion for preliminary injunction against enforcement of subpoenas served by the State AGs. On July 29, 2021, the State AGs moved to dismiss the complaint. Oral argument on both motions took place on November 2, 2021. On January 26, 2022, the Court issued an order denying Plaintiff’s motion for preliminary injunction and granting the defendants’ motion to dismiss, and dismissed the Complaint. WinRed has appealed the dismissal to the U.S. Court of Appeals for the Eighth Circuit. On March 25, 2022, WinRed filed its opening brief, in which it made clear that it is not challenging the district court’s ruling dismissing WinRed’s claims against Maryland, Connecticut, and New York. Maryland then joined in submitting a letter with the appellate court clarifying that we will not be participating in the appeal unless otherwise instructed by the court. Minnesota’s brief is due April 28, 2022.

2. *Conners v. State of Maryland, et al.*, No. C-02-CV-21-001282 (Cir. Ct. A.A. Cnty.). On September 23, 2021, the Plaintiff filed a lawsuit challenging the SBE’s disclosure of personalized voter information on lists of registered voters without obtaining voters’ consent. She alleges that SBE’s practices of (i) disclosing information beyond just the names of voters on the voter list, (ii) disclosing the voter list to non-Maryland registered voters, (iii) transmitting the voter list to individuals or organizations who do not swear the oath that the list will only be used for electoral purposes, (iv) failing to ensure that the purpose for which the list is intended to be used by the applicant comports with that requirement, and (v) allowing only some voters to participate in the voter confidentiality program, violates various State and federal laws and constitutional provisions. The plaintiff is seeking, among other things, damages in the amount of \$400,000 for each instance her voter information was disclosed on a voter list transmitted

to an applicant, and seeks injunctive relief in the form of an order forbidding SBE from disclosing voter information without the affirmative consent of the voter and requiring SBE to issue new voter ID numbers to every Maryland registered voter. The State of Maryland, the State Administrator, and the Governor are named as defendants in the case.

Meanwhile, on November 8, 2021, the Defendants filed a motion to dismiss the Complaint. On November 23, 2021, Plaintiff filed an opposition to the motion to dismiss. The motion to dismiss was heard on February 14, 2022. On March 10, 2022, the Circuit Court issued an opinion and order dismissing the Complaint. There is no indication that Plaintiff appealed that decision by the April 12 deadline for doing so.

3. *Baltimore Cnty. Branch of the NAACP, et al. v. Baltimore Cnty., Md., et al.*, No. 1:21-cv-03232 (D. Md.). On December 21, 2021, the Baltimore County Branch of the NAACP, the League of Women Voters, Common Cause of Maryland, and several individual plaintiffs filed a lawsuit challenging the Baltimore County redistricting map for county council districts, on the ground that it violated section 2 of the Voting Rights Act. Baltimore County, the individual members of the Baltimore County Council, and the Baltimore County Board of Elections were named as defendants. (The individual County Council members have since been dismissed from the case.) On January 19, 2022, the plaintiffs filed a motion for preliminary injunction, and the court entered an order setting a hearing for February 15, 2022 on the plaintiffs' motion. On February 22, 2022, the court ruled in favor of the plaintiffs, and ordered Baltimore County to produce a compliant map by March 9, 2022. On March 9, 2022, Baltimore County filed its proposed remedial map. The Court has asked the plaintiffs to respond to the filing by 5 pm today, and will hold a conference with the parties on March 11, 2022 to discuss further proceedings. On March 25, 2022, the Court approved the remedial map proposed by Baltimore County. By April 29, 2022, the parties must file a joint status report setting forth their respective views on whether the Court should dismiss this matter, or, if warranted, proposing a schedule for further proceedings.

4. *Parrott, et al. v. Lamone, et al.*, No. C-02-CV-21-001773 (Cir. Ct. A.A. Cnty.); *Szeliga, et al. v. Lamone, et al.*, No. C-02-CV-21-001816 (Cir. Ct. A.A. Cnty.). On December 21 and 23, 2022, respectively, two groups of individual plaintiffs filed lawsuits challenging the State's Congressional redistricting map under various provisions of the Maryland Constitution. Collectively, plaintiffs allege that the map is an unlawful partisan gerrymander under Articles 7, 24 and 40 of the Declaration of Rights, and Articles I, § 7 and III, § 4 of the Maryland Constitution. The defendants named in the lawsuits are Ms. Lamone, Mr. Voelp, and the State of Maryland. On January 21, 2022,

the Democratic Congressional Campaign Committee filed motions to intervene in both cases. These motions were rejected by the Court.

On February 7, 2022, the defendants moved to dismiss the Complaint in the *Szeliga* matter. The Court ordered an expedited response to that motion, and scheduled argument for February 16, 2022. On February 11, 2022, the *Parrott* plaintiffs moved to intervene in the *Szeliga* matter for the purpose of participating in the briefing and argument on the motion to dismiss. Argument took place on February 16, 2022. The parties made further submissions to the Court on February 18, 2022, and the Court ordered further argument on February 23, 2022. Following argument, on February 23, 2022, the Court denied the defendants' motion to dismiss as to all but one of the plaintiffs' claims, and set a schedule for further proceedings in the case.

A four-day trial took place beginning March 15, 2022. On March 25, 2022, the Court issued its memorandum opinion and order, concluding that the congressional redistricting map violated the Maryland Constitution, and ordering the General Assembly to produce a new map for the Court's review by March 30, 2022. On March 30, 2022, the State filed notices of appeal to both the Court of Appeals and the Court of Special Appeals, and the *Szeliga* plaintiffs' filed notices of cross-appeal to both courts. On that same day, the State submitted to the Court the new map passed by the General Assembly (SB 1012), which was contingent on the Court of Appeals upholding the Circuit Court's ruling or the appeal otherwise being dismissed. On April 1, 2022, the Court held a hearing on the sufficiency of the new map, but concluded that it could not approve or deny the new map on the merits due to the fact that the enactment was not yet final (as it lacked Governor Hogan's signature or had not otherwise become law in the absence of such signature or as a result of a veto override). On April 4, 2022, Governor Hogan signed SB 1012 and both sets of appeals were dismissed.

5. *In the Matter of Seth Wilson*, No. C-02-CV-22-000078 (Cir. Ct. A.A. Cnty.). On January 14, 2022, Seth Wilson, the Chairman of the Washington County Republican Party Central Committee, filed a petition for judicial review of the determination and approval, respectively, by the Washington County Board of Elections and SBE, of the locations for early voting centers in Washington County for the 2022 elections. On January 19, 2022, the agencies were provided notice of the petition for judicial review by the Clerk of the court. On March 22, 2022, the agencies filed administrative records. The petitioner filed his memorandum of law on April 21, 2022. A hearing on the petition has been scheduled for August 15, 2022.

6. *In the Matter of 2022 State Legislative Redistricting*, Misc. Nos. 21, 24, 25, 26, 27 (Md.). On January 28, 2022, the Court of Appeals promulgated procedures for challenging the State legislative district map promulgated by the General Assembly. The Court established a deadline of February 10, 2022, for the filing of challenges, and ordered the Attorney General's Office to respond to any such challenges by February 15, 2022. The Court appointed Retired Judge Alan Wilner to serve as Special Magistrate to preside over these proceedings.

On February 10, 2022, four separate petitions were filed challenging various aspects of the State legislative district map. On February 15, 2022, the State filed motions to dismiss each petition. On February 18, 2022, Judge Wilner entered a scheduling order requiring that the parties exchange discovery by March 11, 2022, and submit proposed findings of fact by March 22, 2022. A two-day hearing took place beginning March 23, 2022. On April 4, 2022, Judge Wilner issued his recommendation to the Court of Appeals, recommending that all four of the petitions be denied. On that same day, the Court of Appeals issued a scheduling order directing the parties to file any exceptions to Judge Wilner's recommendation no later than April 8, 2022, at 4:30 pm, and any responses to those exceptions no later than April 11, 2022, at 4:30 pm, and scheduled a hearing on the petitions on April 13, 2022. The Court also directed the State to file a memorandum regarding the State's ability to conduct the primary election on July 19, 2022, and including any recommendations for alternative election dates.

On April 13, the Court of Appeals issued an order denying the petitioners' exceptions to Judge Wilner's recommendation and upholding the Legislative Redistricting Plan of 2022 enacted as Senate Joint Resolution 2 on January 27, 2022. In addition to denying exceptions, the Court ordered that the primary election shall continue to be scheduled for July 19, 2022, and confirmed certain other deadlines set forth in its March 15 Order. The deadlines were initially reduced from what the corresponding statutory provisions required, but on April 25 the Court—in response to Petitioners' unopposed motion—extended those deadlines somewhat to more closely match the statutory deadlines. Accordingly, the deadline for filing certificates of candidacy was (and remains) April 15; the deadline to withdraw candidacy was adjusted to April 25 (i.e., the full ten days that Elec. § 5-502(a) allows); and the deadline for filling vacancies resulting from the withdrawal of candidates is now April 27 (this date was moved back from April 20 to match the extension of the withdrawal deadline, but it still represents a truncated deadline, as Elec. § 5-901 would ordinarily allow four days after the withdrawal deadline to fill vacancies).

7. *In re Petition for Declaratory Ruling by Del. Mary Ann Lisanti* (State Bd. of Elec.). On March 7, 2022, Delegate Mary Ann Lisanti filed a petition for Declaratory Ruling asking the State Board of Elections to rule on the propriety of the Harford County Board of Elections' implementation of the new councilmanic district map. The petition notes that the textual provisions of the bill that was passed by the County Council implementing the map are inconsistent with the map that was included with the bill. The local Board of Elections opted to effectuate the map version of the bill, as opposed to the textual version of the bill. The State Board must rule within 60 days, or notify the petitioner within that period of time of any reasons for which it will not issue such a ruling.

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  
**Date:** April 13, 2022  
**Re:** Proposed Changes to Regulations

At the next board meeting, I will propose changes to the following COMAR provision<sup>1</sup> (see enclosure):

- 33.14 -Administration of the Public Financing Act
  - .01 (Definitions, General Provision)
    - .02 (Definitions)
    - .03 (Agency Responsibilities- Comptroller)
    - .04 (Agency Responsibilities- State Board)
  - .02 (Eligibility Requirements and Procedures)
    - .01 (In General)
    - .02 (Special Circumstances)
    - .03 (Deadline for Notice and Certification- Primary Election)
    - .04 (Deadline for Notice and Certification- General Election)
    - .05 (Requests for *Public* Contribution [- General])
    - .06 ([Requests for Contribution- Primary Elections] *Withdrawal from Public Financing*)
    - .07 ([Request for Contributions- General Election] *Candidate Contributions or Loans*)
    - .08 (Determination of Eligibility)
    - .09 (Distributions)
    - .10 (Post Election [Returns])
    - .11 ([Seed Money] *In-Kind Contributions and Candidate Contributions*)
    - .12 (Eligible Private Contributions)
    - .13 (*Electronic Signatures*)
  - .03 ([Limitations on] Campaign Expenditures)
    - .01 (In General)
    - .02 (Central Committee)

<sup>1</sup> Italicized text is new section or language.

- .03 ([Political Committee])
- .06 (In-Kind Contributions)
- .07 (Prior Expenditures)
- .04 (Disbursement and Expenditure of Public Contributions)
  - .03 ([Supplemental Public Contributions])
  - .04 Single Campaign Fund Required
  - .05 (Prohibited Uses of Public Contribution)
  - .06 (Reports)
- .05 (Outstanding Obligations)
  - .01 Outstanding Obligations
  - .02 ([Post-Primary Election] *Fundraising*)

**Administration of the Public Financing Act (COMAR Subtitle 14)**

The 2021 Legislative Session of the General Assembly completely overhauled the public financing program for Governor (Chapter 733, SB 415.) The new law modeled after the successful County program features a robust tiered fund matching for small dollar contributions and the elimination of an expenditure limit. Additionally, the program has for the first time in its existence a secured source of funds to maintain its viability as a program in future years. The program no longer distinguishes between the primary and general election. Once a candidate intends to participate in the program, the candidate must participate for all elections that candidate is eligible to appear on the ballot. The regulations proposed reflect the changes in the law.

**.01 Definitions, General Provision**

**.02 Definitions**

The proposed regulation eliminates terms no longer applicable and replaces outdated terms with new definitions.

**.03 Agency Responsibilities- Comptroller**

The proposed regulations, and the new law require that the Comptroller provide monthly statements of the Fair Campaign Financing Fund. The regulation replaces an outdated term and repeals an obsolete requirement.

**.04 Agency Responsibilities- State Board**

The proposed regulation repeals outdated requirements.

**.02 Eligibility Requirements and Procedures**

**.01 In General**

The proposed regulation clarifies the process to establish a public financing committee and states the threshold requirements to be certified to receive public funds.

**.02 Special Circumstances**

The proposed regulation conforms an uncontested gubernatorial election and unaffiliated and write-in candidates to the current requirements of the program.

**.03 Deadline for Notice and Certification- Primary Election**

The proposed regulation codifies the deadlines for submission of a certification request for a candidate in the Primary Election.

**.04 Deadline for Notice and Certification- General Election**

The proposed regulation codifies the deadlines for submission of a certification request for a candidate only appearing in the General Election.

**.05 Requests for Public Contribution**

The proposed regulation establishes the filing periods for submission of a request to receive a public contribution. Additionally, the proposed regulation set forth the necessary information and supporting documents to be included with the filed campaign finance report.

**.06 Withdrawal from Public Financing**

The proposed regulation repeals outdated requirements. The proposed regulation is updated with the process for withdrawal from the program.

**.07 [Request for Contributions- General Election] *Candidate Contributions or Loans***

The proposed regulation repeals outdated requirements. The proposed regulation is updated with the process for the attribution of a candidate loan or contributions toward the contribution and monetary qualifying thresholds.

**.08 Determination of Eligibility**

The proposed regulation repeals outdated requirements. The proposed regulation is updated that the State Board shall determine certification within 10 business days of the initial request.

**.09 Distributions**

The proposed regulation codifies that the first disbursement may not occur other than in the year of the election. Additionally, the State Board shall process supplemental requests for public contribution within 5 business days.

**.10 Post Election [Returns]**

The proposed regulation repeals outdated requirements. The proposed regulation is updated that the certified gubernatorial ticket committee shall file a final report 90 days after last appearing on the ballot. The committee shall return any unspent portion of the public contribution to the Fair Campaign Financing Fund.

**.11 [Seed Money] *In-Kind Contributions and Candidate Contributions***

The proposed regulation repeals outdated requirements. The proposed regulation is updated that the certified gubernatorial ticket committee may receive an in-kind contribution but will not be eligible for a public contribution match. Additionally, the proposed regulation makes a candidate contribution not eligible for a public contribution match.

**.12 Eligible Private Contributions**

The proposed regulation repeals outdated requirements. The proposed regulation conforms to the new statutory requirements for an eligible private contribution. The proposed regulation codifies those past contributions to a candidate would count towards the aggregate the candidate is eligible to

receive. If a contributor is over the limit, the prior campaign finance entity of the candidate may return the past contributions received.

### ***.13 Electronic Signatures***

The proposed regulation sets forth the requirements to accept an electronic signature on a contribution card.

## **.03 [Limitations on] Campaign Expenditures**

### **.01 In General**

The proposed regulation repeals outdated requirements for an expenditure limit. The proposed regulation is updated with the requirements for submission of an expenditure. The proposed regulation requires every expenditure made on behalf of the gubernatorial ticket committee be supported with a receipt.

### **.02 Central Committee**

The proposed regulation allows for central committees to make coordinated in-kind contributions to county publicly financed candidates. The proposed regulation set limits and the source of the funding consistent with the enabling legislation

### **.03 [Political Committee]**

The proposed regulation repeals outdated regulation and keeps the numbering in reserve.

### **.06 In-Kind Contributions**

The proposed regulation changes terms to be consistent with the other provisions in COMAR and Title 15 of the Election Law Article.

### **.07 Prior Expenditures**

The proposed regulation repeals the outdated regulation. The proposed regulation requires all campaign finance activity must cease unless conducted through the public financing committee once a notice of intent has been filed. The proposed regulation permits certain enumerated prior expenditures to be assumed by the public financing committee without penalty or payment.

## **.04 Disbursement and Expenditure of Public Contribution**

### **.03 [Supplemental Public Contribution]**

The proposed regulation repeals outdated regulation and keeps the numbering in reserve.

### **.04 Single Campaign Fund Required**

The proposed regulation requires a gubernatorial ticket committee to maintain one bank account consistent with the rules and regulations for a political committee.

### **.05 Prohibited Uses of *Public Contribution***

The proposed regulation updates terms to be consistent with the current law and changes the deadlines to 45 days for the final payment for services rendered to the gubernatorial ticket committee instead of 30 days.

### **.06 [Reports]**

The proposed regulation repeals outdated regulation and keeps the numbering in reserve.

**.05 Outstanding Obligations**

**.01 Outstanding Obligations**

The proposed regulation repeals the outdated regulation and requires the payment of all outstanding obligations prior to the filing of the final report.

**.02 [Post-Primary Election] *Fundraising***

The proposed regulation repeals the outdated regulation. The proposed regulation allows for a gubernatorial ticket committee to continue to fundraise in a new election cycle to satisfy any outstanding obligation it incurred during the election.

Attachment: Proposed Regulations

**Title 33 STATE BOARD OF ELECTIONS**  
**Subtitle 14 ADMINISTRATION OF PUBLIC FINANCING ACT**  
**Chapter 01 Definitions; General Provision**

Authority: Election Law Article §§2-102(b)(4) and 15-109(b), Annotated Code of Maryland

.02 Definitions.

A. [text unchanged]

B. Terms Defined.

(1) *“Account Book” means the records and documents the treasurer is required to keep pursuant Election Law Article, §13-221, Annotated Code of Maryland on all assets received, expenditures made, and obligation incurred by or on behalf of the Gubernatorial ticket candidate committee.*

(2) [(1)] “Candidate” means a Governor-Lieutenant Governor unit that:

(a) *Establishes a Gubernatorial ticket candidate committee with the State Board; and*

(b)(1) Files a certificate of candidacy in a party primary; or

(2) Becomes a general election candidate by any means other than nomination in a party primary.

(3) *“Certified gubernatorial ticket candidate committee” means a gubernatorial ticket candidate committee that has been certified by the State Board that it meets the qualifications under Election Law Article, § 15-104 for receiving public contributions.*

[(2)] (4) – [(3)] (5) [text unchanged]

[(4)] (6) “Eligible gubernatorial ticket” has the meaning stated in Election Law Article, §15-102[(c)] (d), Annotated Code of Maryland.

[(5)] (7) “Eligible private contribution” has the meaning stated in Election Law Article, §15-102[(d)] (e), Annotated Code of Maryland.

[(6)] (8) “Fund” has the meaning stated in Election Law Article, §15-102[(e)] (f), Annotated Code of Maryland.

(9) *“Gubernatorial ticket” has the meaning stated in Election Law Article, § 15-102(g), Annotated Code of Maryland.*

[(7)] (10) *“Gubernatorial ticket candidate committee” means a political committee that is a public financing campaign slate committee established and authorized by the gubernatorial ticket to receive private contributions;[, including a public contribution, and to]*

make expenditures[.]; *incur outstanding obligations; and if certified by the State Board that it meets the qualifications under Election Law Article § 15-104, receive a public contribution*

[(8)] (11) - [(11)] (14) [text unchanged]

(15) *"Private contribution" has the meaning stated in Election Law Article, §15-102 (h), Annotated Code of Maryland.*

[(12)] (16) *"Public contribution" has the meaning stated in Election Law Article, §15-102[(g)] (i), Annotated Code of Maryland.*

[(13)] (17) [text unchanged]

[(14)] *"Seed money" has the meaning stated in Election Law Article, §15-102(h), Annotated Code of Maryland.]*

[(15)] (18) *"Treasurer" has the meaning stated in Election Law Article, §§1-101 [and 15-102(i)], Annotated Code of Maryland.*

### **.03 Agency Responsibilities- Comptroller**

The Comptroller shall:

A. – C. [text unchanged]

D. Submit to the State Board a statement of the balance in the Fund *on the first Monday of each month* [:

(1) On May 15 of each year, and

(2) When requested by the State Board];

E. When ordered by the State Board, promptly disburse any public contribution from the Fund; *and*

F. Make the disbursement required by §E of this regulation to a single campaign depository of [an eligible candidate] *a certified gubernatorial ticket candidate committee*, as provided in Election Law Article, §13-[202] 220(a), Annotated Code of Maryland[; and

G. Provide a final disbursement of any surplus in the Fund in accordance with the Public Financing Act].

### **.04 Agency Responsibilities—State Board**

The State Board shall:

A. [text unchanged]

[B. Determine the limitation on campaign expenditures for candidates seeking a public contribution using the criteria specified in the Act;

[C.] *B.* Provide full information to the public, to candidates, and to any other interested party on the process of administering the Public Financing Act and on the requirements for obtaining public contributions under the Act;

[D.] *C.* [text unchanged]

[E.] *D.* Order any disbursement to be made from the Fund; *and*

[F. As soon as practicable after a gubernatorial primary election, declare the candidates for Governor and Lieutenant Governor in the general election; and]

[G.] *E.* Promptly after the [gubernatorial primary or general election] *filing of the final campaign finance report by the gubernatorial ticket candidate committee*, audit all campaign finance reports, *the* account book, records and other documents submitted by [an eligible candidate] *a certified gubernatorial ticket candidate committee* [for that election].

**Title 33 STATE BOARD OF ELECTIONS**  
**Subtitle 14 ADMINISTRATION OF PUBLIC FINANCING ACT**  
**Chapter 02 Eligibility Requirements and Procedures**

Authority: Election Law Article §§2-102(b)(4) and 15-109(b), Annotated Code of Maryland

**.01 In General.**

To be eligible to receive a public contribution under the Public Financing Act, [a] the candidates for the offices of Governor and Lieutenant Governor seeking to form a gubernatorial ticket shall:

A. [First, file a certificate of candidacy that meets the requirements of law, establish a gubernatorial ticket candidate committee, and file a notice of intent to qualify for public contributions;] *Establish a gubernatorial ticket candidate committee and file a notice of intent to participate in public financing at the time of establishment;*

*B. File certificates of candidacy for the offices of Governor and Lieutenant Governor, respectively; and*

[B.] *C.* [Then, file] *Authorize the gubernatorial ticket candidate committee to file a campaign finance report with the State Board within the deadlines specified in this subtitle with a certification, signed by the [candidate]gubernatorial ticket candidate committee's treasurer, that [the seed money required by the Act has been raised] the gubernatorial ticket candidate committee raised a minimum of \$120,000 from at least 1,500 private eligible contributions.*

**.02 Special Circumstances.**

A. [First Request for General Election. A candidate who did not receive a public contribution in the primary election, but who is a nominee in the general election, may become eligible for a public contribution in the general election if the:

(1) Candidate's expenditures in the primary election did not exceed the limitations established by the Public Financing Act, if applicable;

(2) Candidate raised seed money in accordance with law; and

(3) Candidate meets all other eligibility requirements under Election Law Article, Annotated Code of Maryland, to be a candidate and receive a public contribution.] *Qualification for the General Election. A gubernatorial ticket that qualifies for a public contribution remains eligible for public contributions for all elections in which the gubernatorial ticket appears on the ballot that election year.*

B. Unopposed [Candidates] *Gubernatorial Tickets.*

[(1)] An eligible *gubernatorial ticket that* [candidate who] is unopposed in a primary election is entitled to receive a public contribution in the amount provided in the Act [as long as the:

(a) Candidate's expenditures in the primary election do not exceed the limitations established by the Public Financing Act; and

(b) Candidate otherwise meets the requirements of this subtitle within the applicable deadlines.

(2) A candidate who is unopposed in a general election may not receive a public contribution].

C. Unaffiliated [Candidates] *Gubernatorial Tickets.*

(1) [text unchanged]

(2) A *gubernatorial ticket that* [candidate who] is not affiliated with a political party is entitled to receive a public contribution if the *gubernatorial ticket* [candidate:

(a)] [M]meets the requirements of the Act and this subtitle[; and

(b) Raised seed money in accordance with law].

D. Write-In *Gubernatorial Tickets*[Candidates]. A write-in *gubernatorial ticket* [candidate who has filed a certificate of candidacy] that meets the requirements of law is entitled to receive a public contribution if the *gubernatorial ticket* [candidate:

(1) M] *meets* the requirements of the Act and this subtitle[; and

(2) Raised seed money in accordance with law].

### **.03 Deadline for Notice and Certification- Primary Election.**

A.- B. [text unchanged].

C. [Seed Money Deadline. Private eligible contributions may not be used for seed money certification if received after the third Tuesday in May of the year of the election.] *A request for certification pursuant to Election Law Article, § 15-107(a)(1) and an initial public contribution by a gubernatorial ticket candidate committee for a primary election shall be filed with the State Board no later than 11:59 p.m. on the first Tuesday following the first Monday in May in the year of the primary election with an ending transaction period of the first Monday in May for the corresponding campaign finance report.*

### **.04 Deadline for Notice and Certification—General Election.**

[A. In General.] For a [candidate] *gubernatorial ticket* participating only in a general election:

A. [(1)] (text unchanged)

B. [(2) The certification and campaign finance report that seed money has been raised] *A request for certification and an initial public contribution by a gubernatorial ticket candidate committee for a general election shall be filed with the State Board no later than [5] 11:59 p.m. on the first [Monday] Tuesday following the first Monday in August in the year of the general election with an ending transaction period of the first Monday in August.*

[B. Exceptions.

(1) A candidate need not file a notice of intent for the general election if the candidate qualified for and received public funds in the primary election.

(2) A candidate need not file a certification for the general election if the candidate filed a certification for the primary election.

C. Withdrawal.

(1) A candidate that qualified for and received public contributions in the primary election may decline to receive public funds for the general election

(2) A candidate declines to receive public funds for the general election by filing a written notice with the State Board not later than 5 days after the State Board certifies the gubernatorial primary election].

### **.05 Requests for *Public Contribution*[- General]**

A. Requests. To receive public contributions, an eligible *gubernatorial ticket* [candidate] shall file a request *at the time of filing a campaign finance report* with the State Board, as provided in this chapter.

B. *Deadlines for Request. The request for a public contribution may be filed:*

*(1) According to the campaign finance reporting schedule in Election Law Article, §13-309, Annotated Code of Maryland, for an authorized candidate campaign committee; and*

*(2) At these additional time periods:*

*(a) The first and third Tuesdays in February, March, April, July, and September; and*

*(b) The first Tuesday in January, May, August, October, and November.*

*C. Contents of Request. Each request shall be made under penalty of perjury and include:*

*(1) The date of the preceding request, if any;*

*(2) The amount of public contribution received to date, if any;*

*(3) The transaction period covered for the request of public contributions;*

*(4) The total number of eligible private contributions received;*

*(5) The total amount of public contributions requested for the transaction period; and*

*(6) A campaign finance report for the transaction period detailing:*

*(a) All contributions received, including:*

*(i) Any in-kind contributions received; and*

*(ii) The designation of eligible private contributions;*

*(b) All expenditures made including any in-kind contributions received as an authorized expenditure;*

*(c) All outstanding obligations incurred;*

*(7) A contribution card for every contribution received; and*

*(8) A receipt associated with every expenditure made.*

*D. Fund Allocations.*

*(1) Distributions from the Fund will be made only after January 1 of the year of the election.*

*(2) Distributions will occur on a first-come, first-served basis and will continue in that manner.*

*(3) By the first Tuesday following the first Monday in May of the year of the election, the State Board shall determine whether there is sufficient money available to provide a full public contribution to all eligible gubernatorial tickets.*

*(4) If the State Board determines that there are insufficient funds for a full public contribution to all eligible candidate, then at the time of its determination the State Board shall allocate the remaining available money in the Fund so that all gubernatorial tickets receive a pro rata share of the full contribution to which they would otherwise be entitled from that time forward;.*

**.06 [Requests for Contribution—Primary Elections]. *Withdrawal from Public Financing***

A. [Deadlines for Request. For a primary election, the request shall be filed:

(1) According to the campaign finance reporting schedule in Election Law Article, §13-309, Annotated Code of Maryland, for an authorized candidate campaign committee; and

(2) For subsequent optional requests these additional time periods:

(a) The first and third Tuesdays in January, February, March, April, May, and June; and

(b) Not later than the second Tuesday after the primary, which will cover contributions received from the date of the candidate's last request for public contribution through the primary election.

B. Contents of Request. Each request shall be under the penalty of perjury and include:

(1) The date of the preceding request, if any;

(2) The amount of public contribution received to date, if any;

(3) The transaction period covered for the request of public contributions;

(4) The total number of eligible private contributions received;

(5) The total amount of public contributions requested for the transaction period; and

(6) A campaign finance report for the transaction period detailing:

(a) All contributions received, including:

(i) Any in-kind contributions received by the political committee; and

(ii) Designating contributions eligible for a full or partial public fund match request;

(b) All expenditures made including any in-kind contributions received by the political committee as an authorized expenditure by the political committee; and

(c) All outstanding obligations incurred.

#### C. Fund Allocations.

(1) The State Board interprets the Act to require that a candidate file a certificate of candidacy before establishing a gubernatorial ticket candidate committee, filing a notice of intent to qualify or a request for public contribution

(2) The deadline for filing a certificate of candidacy is established by Election Law Article, §5-303(a)(1), Annotated Code of Maryland.

(3) The State Board does not interpret these provisions to mean that all eligible candidates must file a certificate of candidacy on or before the first date of distribution of public contributions. Rather, the State Board interprets the law to permit eligible candidates using the Fund in the primary election to file certificates of candidacy at any time up until the deadline established under the Election Law Article, §5-303, Annotated Code of Maryland.

(4) Pursuant to Election Law Article, §§15-103, 15-106, and 15-109, Annotated Code of Maryland, the State Board shall allocate the available money in the Fund so that all candidates receive a pro rata share of the full contribution to which they would otherwise be entitled [at the time candidates file their certificates of candidacy and request for public contribution.

(5) This interpretation may result in a later filed candidate receiving a lesser portion of public money if there is not sufficient money in the Fund to distribute a full contribution to all the candidates who ultimately filed a request under the Act.

(6) The deadline to submit a certification that seed money required by the Act has been raised for the primary election is the first Tuesday in June.]

*An eligible gubernatorial ticket candidate committee may withdraw from receiving future public contributions if the gubernatorial ticket candidate committee:*

- 1. Files a Notice of Withdrawal signed by the gubernatorial ticket revoking the Notice of Intent to Participate;*
- 2. Repays the Fund the full amount of the public contribution received plus interest computed from the date of the first distribution; and*
- 3. Files a final campaign finance report for the gubernatorial ticket candidate committee.*

#### **.07 [Request for Contributions- General Election] Candidate Contributions or Loans.**

[For a general election, the request shall be filed with the State Board no later than 5 days after the State Board declares the candidates for Governor and Lieutenant Governor in the general

election.] A. *Contributions by Candidate.* A contribution by the candidate or the spouse of the candidate who is part of a gubernatorial ticket shall count towards the qualifying contributor and aggregate contribution thresholds pursuant to the Election Law Article §15-104(c), Annotated Code of Maryland

B. *Loan by Candidate.* A loan by the candidate or the spouse of the candidate who is part of a gubernatorial ticket may not count towards the qualifying contributor and aggregate contribution thresholds pursuant to the Election Law Article §15-104(c), Annotated Code of Maryland.

#### **.08.Determination of Eligibility.**

The State Board shall determine whether a [candidate] *gubernatorial ticket candidate committee* is eligible to receive a public contribution [as follows:

A. For a primary election,] not later than [5] *10 business* days after [receiving the candidate's] the filing of *the gubernatorial ticket candidate committee's* initial request for public contribution[; and

B. For a general election, not later than 5 days after the State Board identifies the candidates for Governor and Lieutenant Governor].

#### **.09.Distributions.**

A. [text unchanged]

B. Qualification in January or earlier. If the State Board determines that a *gubernatorial ticket candidate committee* is eligible [in or] before January of the year of the election, the distribution of the initial public contribution shall occur [no later than February 1] *on January 2* of the year of the election.

C. Continuing Distributions. *Except as provided in §B of this Regulation,* [W]within 5 business days of receiving a *timely* request from an eligible gubernatorial ticket *candidate committee* for a public contribution, the State Board shall authorize an additional distribution of a public contribution *to that gubernatorial ticket candidate committee* [on a continuing basis during the election].

#### **.10 Post Election [Returns].**

A. Reports. [Not later than the eighth Monday after a primary or general election,] [an] An eligible gubernatorial ticket *that received any public contribution* shall file a campaign finance report with the State Board *on the first Wednesday after the 90th day after that gubernatorial ticket candidate appeared on the ballot for the election for which the gubernatorial ticket received the public contribution* that includes:

(1) [The aggregate amount of the public contribution that was received] *Payment of any unspent portion of the public contribution to the Fund;*

- (2) All contributions received since the last filed report;
- (3) All expenditures made since the last filed report; and
- (4) All outstanding obligations.

B. Return of Excess.

(1) Except as provided in §C of this regulation, not later than the [eighth Monday] 90th day after [a primary or general election,] a [candidate who] *gubernatorial ticket* that received a public contribution *last appeared on the ballot* [for that election], *the gubernatorial ticket candidate committee* shall return to the [Comptroller] *Fund* any unspent portion of the *public* contribution.

(2) *In determining whether surplus funds of a gubernatorial ticket candidate committee are unspent public contributions that must be returned, all private contributions raised shall be deemed to have been spent before any public contributions are deemed to have been spent, regardless of when any expenditure occurred.*

C. Outstanding Obligations. If an outstanding obligation was incurred not later than [30] 45 days after the election for which [the obligation counted against the expenditure limit] *the gubernatorial ticket appeared on the ballot* and has not been paid, the eligible gubernatorial ticket candidate committee shall:

(1) (text unchanged)

(2) File campaign finance reports pursuant to Election Law Article, §13-309, Annotated Code of Maryland, for an authorized candidate campaign committee; [and]

(3) Return *to the Fund* any excess [funds raised] *public contributions remaining* after payment of [an] *the* outstanding obligation *simultaneously* with the filing of the final campaign finance report of the eligible gubernatorial ticket candidate committee[.]; and

(4) *Only receive private contributions.*

D. Late Fee Penalty. If an eligible gubernatorial ticket candidate committee fails to file the campaign finance report required under §A of this regulation, the State Board shall assess a late fee [of \$10 for each day or part of a day that the campaign finance report is overdue, up to \$500] *in the same method and manner as prescribed by Election Law Article 13-331(b), Annotated Code of Maryland.*

**.11 [Seed Money] In-Kind Contributions and Candidate Contributions**

A. [In-Kind Contributions Allowed. An eligible candidate may include an in-kind contribution in the seed money required by the Act].

*In-Kind Contributions.*

1. *A gubernatorial ticket candidate committee may receive an in-kind contribution from any individual.*
2. *The in-kind contribution counts towards the individual's private contribution limit pursuant to Election Law Article, §15-102(h), Annotated Code of Maryland.*
3. *An in-kind contribution:*

*(a) May not be considered an eligible private contribution; and*

*(b) Is not subject to matching dollars from the Fund.*

[B. Refund on Withdrawal. If an eligible candidate withdraws from a campaign, dies, or becomes disqualified, any surplus seed money shall be disposed of in accordance with Election Law Article, §13-247, Annotated Code of Maryland].

*B. Candidate Contributions. A contribution or loan by the candidate or the spouse of the candidate who is part of a gubernatorial ticket is not subject to matching dollars from the Fund.*

#### **.12 Eligible Private Contributions**

A. Permissible Contributions. After filing a notice of intent, a *gubernatorial ticket candidate committee* [candidate] may [use any contributions received by the authorized candidate campaign established under Election Law Article, Title 13, Annotated Code of Maryland, for the candidate if the contributions were received after March 1 of the year immediately preceding the year of the election] *receive contributions of no more than \$250 in an election cycle from an individual.*

B. [Exemption. Notwithstanding §A of this regulation, a candidate shall include any contributions received by the authorized candidate campaign established under Election Law Article, Title 13, Annotated Code of Maryland, for the candidate after the candidate publicly declares to seek the office of Governor]. *Prior Contributions Received. Contributions received before the gubernatorial ticket files a notice of intent count towards the aggregate contribution limit in §A of this regulation if the contribution was received in the election cycle in which the gubernatorial ticket will appear on the ballot.*

C. *Returned Contributions.*

*(1) Prior to filing a notice of intent, an authorized candidate campaign committee of a candidate may return contributions received within the election cycle to contributors on a pro-rata basis.*

*(2) A returned contribution to a contributor will lower the aggregate amount that the contributor gave to the gubernatorial ticket in the election cycle by the returned amount.*

#### **.13 Electronic Signatures.**

*A. Electronic signatures. An individual may place an electronic signature on the contributor card.*

*B. Electronic signatures—Process. An electronic signature:*

*(1) Shall be affixed or entered directly by the signer onto an electronic copy of the contributor card; and*

*(2) May not be pre-populated or otherwise entered by the signer by way of a check box, radio button, drop-down list, or other similar device, but instead must be entered or affixed by the signer by making affirmative marks into an empty field.*

*C. Electronic Signatures—Restrictions. An individual may not sign a contribution card with an electronic signature unless that individual affirms that the contribution:*

*(1) Is being made from personal funds of the individual;*

*(2) Is not being reimbursed or is not intended to be reimbursed in any manner;*

*(3) Is not being made as a loan; and*

*(4) If applicable, in the case of a credit card contribution, is made from a personal credit card account of the individual that has no corporate or business affiliation.*

**Title 33 STATE BOARD OF ELECTIONS**  
**Subtitle 14 ADMINISTRATION OF PUBLIC FINANCING ACT**  
**Chapter 03 [Limitations on] Campaign Expenditures**

Authority: Election Law Article §§2-102(b)(4) and 15-109(b), Annotated Code of Maryland

**.01 In General.**

[A candidate who accepts a public contribution may not expend, in the applicable election, any amount in excess of that permitted by the Public Financing Act, as determined by the State Board under COMAR 33.14.01.04B.]

*A. In General. A gubernatorial ticket candidate committee shall make expenditures:*

*(1) In accordance with § 13–218 of the Election Law Article;*

*(2) To further the gubernatorial ticket’s nomination or election;*

*(3) For expenses incurred not later than 45 days after the election that the gubernatorial ticket last appeared on the ballot; and*

*(4) For purposes that do not violate State law.*

*B. Receipt Required. Every expenditure made by the gubernatorial ticket candidate committee shall be accompanied by a receipt.*

*C. Failure to Have Receipt. An expenditure made by the gubernatorial ticket candidate committee without an accompanying receipt is considered an impermissible expenditure.*

#### **.02 Central Committees.**

A. [Expenditures made on behalf of the candidate by a State or local central committee of a political party are not subject to the expenditure limitation imposed by the Act.] *Expenditures by a State or local central committee of a political party coordinated with the gubernatorial ticket candidate committee are considered coordinated in-kind contributions.*

B. *Coordinated in-kind contribution limits.* [Expenditures by a State or local central committee of a political party coordinated with the candidate are in-kind contributions and subject to the limitations of Election Law Article, §13-226(c), Annotated Code of Maryland]

*(1) A State central committee may not make a coordinated in-kind contribution in excess of \$150,000 per election to a gubernatorial ticket candidate committee in that election.*

*(2) A local central committee may not make a coordinated in-kind contribution in excess of \$15,000 per election to a gubernatorial ticket candidate committee in that election.*

*(3) Any monies spent by a central committee on a coordinated in-kind contribution to a gubernatorial ticket candidate committee that has accepted a public contribution in an election must be raised from permissible sources for the gubernatorial ticket candidate committee within the reporting period for which the coordinated in-kind contribution was made.*

#### **.03 [Political Committees.**

For purposes of the expenditure limitation imposed by the Act, the State Board shall attribute to a candidate any expenditure by a political committee that is coordinated with:

- A. The candidate;
- B. An agent of the candidate; or
- C. An authorized committee of the candidate.] **IN RESERVE**

#### **.04 – .05 [text unchanged]**

#### **.06 In-Kind Contributions.**

A. In General. A[n eligible] gubernatorial ticket *candidate committee* shall include in-kind contributions [in meeting the expenditure limitation imposed by the Act] *received on a campaign finance report.*

B. In-Kind Contribution. An in-kind contribution includes:

(1) A contribution given to a political committee in nonmonetary form, *such as* [for] services or property; or

(2) A coordinated expenditure made on behalf of the *gubernatorial ticket* [candidate] or *gubernatorial ticket candidate committee*, where *either* [the] candidate *on the gubernatorial ticket* or *where any officer of the gubernatorial ticket candidate committee* knows of and consents to the expenditure.

C. Value. [For the purposes of the expenditure limit, t] The value of an in-kind contribution is the fair market value of the item or service provided at the time of the contribution.

D. [Expenditure Limit. Except as provided in Regulation .02 of this chapter and §E of this regulation, services provided to the eligible gubernatorial ticket for free or at a reduced cost are an in-kind contribution and subject to the expenditure limit.

E.] Exemption — Volunteer Activities.

(1) Volunteer activity is not an in-kind contribution when an individual:

(a) Volunteers the individual's own time to a campaign;

(b) Uses the individual's personal vehicle to provide transportation related to the election;  
or

(c) Provides legal services associated with the election.

(2) An individual is not a volunteer when a business entity or other person compensates the individual, directly or indirectly, for working on behalf of the gubernatorial ticket *candidate committee*.

### **.07 Prior Expenditures.**

A. *Prior Campaign Committee.* After the filing of a notice of intent to *participate*, any [expenditures made from the date of a contribution that the gubernatorial ticket seeks to be considered as an eligible private contribution shall count against the expenditure limit imposed by the Act] *authorized candidate campaign committee associated with the gubernatorial ticket members for whom the notice of intent was filed shall cease all campaign finance activities* .

B. *Prohibitions.* Expenses incurred by a candidate's authorized campaign committee prior to the filing of the notice of intent by that candidate are not allowable uses of public contributions.

C. *Pre-Paid expenses.* Except as provided in §D of this Regulation, any goods, services or campaign material paid for by a candidate's authorized campaign committee prior to the filing of a notice of intent by that candidate may not be used in the election after the candidate files the notice of intent.

D. *Allowable Transferable Services.* A candidate's authorized campaign committee may transfer, without any cost, the following to that candidate's gubernatorial ticket candidate committee after the candidate signs a notice of intent:

(1) Website and social media accounts;

(2) Phones and associated numbers with the phones;

(3) The assumption of a lease for a campaign office; and

(4) Office furniture and equipment.

*E. Reports. The authorized candidate campaign committee of a candidate who has filed a notice of intent and established a gubernatorial ticket campaign committees must continue to file campaign finance reports until a final campaign finance report is filed with the State Board.*

*F. Final Report. The authorized candidate campaign committee of a candidate who has filed a notice of intent and established a gubernatorial ticket campaign committee may not file a final campaign finance report until the gubernatorial ticket campaign committee files a final campaign finance report.*

**Title 33 STATE BOARD OF ELECTIONS**  
**Subtitle 14 ADMINISTRATION OF PUBLIC FINANCING ACT**  
**Chapter 04 Disbursement and Expenditure of Public Contributions**

Authority: Election Law Article §§2-102(b)(4) and 15-109(b), Annotated Code of Maryland

**.01 – .02 [text unchanged]**

**.03 [Supplemental Public Contributions.**

A. Board to Determine. If an eligible candidate withdraws, becomes disqualified, or dies, the State Board shall determine whether there is money in the Fund for a supplementary public contribution.

B. Primary Elections. In a primary election, if the State Board determines that there is money in the Fund for a supplementary public contribution, the State Board shall allocate the supplementary public contribution among the remaining eligible candidates according to a formula based on:

- (1) The eligible private contribution;
- (2) Whether the eligible candidate is opposed in the primary election; and
- (3) Any other relevant provision of law.

C. General Elections. In a general election, if the State Board determines that there is money in the Fund for a supplementary public contribution, the State Board shall allocate the supplementary public contribution equally among the remaining eligible candidates.

D. Notice and Order to Distribute. Whenever the State Board decides to make a supplementary public contribution, the State Board shall:

(1) Notify the eligible candidates who will receive a supplementary public contribution; and

- (2) Order the Comptroller to disburse the supplementary public contribution.] **IN**

**RESERVE**

#### **.04 Single Campaign Fund Required.**

[An eligible candidate may expend a public contribution only from a single campaign fund account established by that candidate and that candidate's treasurer.]

*A. Single Campaign Account. A gubernatorial ticket candidate committee shall designate only one campaign account.*

*B. Financial Institution. The designated campaign account shall be in a financial institution that does business within Maryland.*

*C. Receipt of Funds. All funds received by the gubernatorial ticket candidate committee shall be deposited into the designated campaign account.*

*D. Expenditures Made. All expenditures made by the gubernatorial ticket candidate committee shall be made from the designated campaign account.*

#### **.05 Prohibited Uses of *Public* Contribution.**

*An eligible gubernatorial ticket candidate committee may not expend a public contribution for:*

*A. Any purpose that violates any law or regulation of the State;*

*B. Any expense incurred later than [30] 45 days after the election for which that [candidate] committee received a public contribution; or*

*C. Any real or personal property that will be retained more than [30] 45 days[:*

*(1) After the primary election, by a gubernatorial ticket candidate committee that [who] has received a public contribution in the primary election and is not eligible to participate in the general election; or*

*(2) After] after the general election[ by a candidate who has received a public contribution in:*

*(a) The general election, or*

*(b) Both the primary and the general election].*

#### **.06 Reports**

[In any report required to be submitted to the State Board under the Public Financing Act or under Election Law Article, §13-304, Annotated Code of Maryland, an eligible candidate and the treasurer for the eligible candidate shall include, with respect to any expenditure of any part of a public contribution, the:

A. Date of the expenditure;

B. Name and address of the recipient of the expenditure;

C. Amount of the expenditure; and

D. Purpose of the expenditure]. **IN RESERVE**

**Title 33 STATE BOARD OF ELECTIONS**  
**Subtitle 14 ADMINISTRATION OF PUBLIC FINANCING ACT**  
**Chapter 05 Outstanding Obligations**

Authority: Election Law Article §§2-102(b)(4) and 15-109(b), Annotated Code of Maryland

**.01 Outstanding Obligations.**

[For the purposes of the expenditure limitation imposed by the Act, any outstanding obligation incurred by the candidate or authorized political committee of the candidate shall be counted towards the candidate's expenditure limitation at the time that the outstanding obligation was incurred] *Any outstanding obligation incurred by the gubernatorial ticket candidate committee shall be paid before that committee files a final campaign finance report.*

**.02 [Post-Primary Election] Fundraising.**

[A. Prohibition on General Election Funds. An outstanding obligation incurred during the primary election may not be paid with any public contribution funds for the general election.

B.] A. Eligibility to Fundraise. After [the primary] *last* election in which the gubernatorial ticket candidate committee is eligible to receive a public contribution has occurred, an eligible gubernatorial ticket *candidate committee* may solicit and receive *private* contributions[ and transfers subject to Election Law Article, §§13-226 and 13-227, Annotated Code of Maryland,] for the purpose of eliminating an outstanding obligation incurred during the [primary] election[, provided that the contributor or transferor specifies that the funds are to be used exclusively for that purpose].

[C]B. [Not Counted as Eligible Private Contributions. Any contributions received after the primary election are not eligible private contributions for purposes of qualifying for public contributions] *Any invoice for services rendered or procured shall be submitted to the gubernatorial ticket candidate committee not later than 60 days after the election in which the gubernatorial ticket appeared on the ballot.*

[D.] C. [Return of Excess. Any campaign funds raised expressly for the payment of an outstanding obligation that are in excess of the amount needed to pay off the debt shall be remitted to the Fund] *Any private contributions raised in the subsequent election cycle shall:*

- (1) Count towards the qualifying threshold for the subsequent gubernatorial election;*
- (2) Count towards the contribution limit of the individual for that election cycle; and*
- (3) Be eligible for payment to satisfy outstanding obligations from the prior election.*

**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:** Tracey Hartman  
**Date:** April 21, 2022  
**Re:** Amendment to Bylaws for April 27 Meeting

At the April 27 meeting, I will present the following amendment to bylaws:

Baltimore County

Article 3- Meetings

Section 3.1- Time and Locations

Subsection E- Special Meetings

- Addition of text to the Special Meetings subsection to require notification of special meetings by text message and email to board members duties with confirmation required. New text is italicized.

*“E. Special Meetings. The president or a majority of the Board making application to the President may call a special meeting. However, no votes may be taken at a special meeting unless three days prior notice has been given to all members, staff and the public. There shall be notification by cellphone text messaging and email to all Board members when calling any meetings not regularly scheduled. Acknowledgment must be received to ensure all members have been adequately notified.”*

These amendments were voted on and approved by the Baltimore County Board of Elections at its February 23, 2022 meeting. The amendment passed unanimously.

**SBE Recommendation: Approve**

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# BYLAWS OF THE BALTIMORE COUNTY BOARD OF ELECTOINS

## Article 1 – ADOPTION OF BYLAWS GENERALLY

### Section 1.1 – Definitions

- A. “Absence” means a duly appointed member is not present at or able to take part in a meeting.
- B. “Board” means the local board of elections for the Baltimore County Board of Elections.
- C. “Member” includes a regular member of the Board.
- D. “Board term” means the four-year term beginning the first Monday in June in the year immediately following a gubernatorial election.
- E. “Vacancy” means the position of a duly appointed member who was removed, died, or resigned from the Board.

### Section 1.2 – Purpose

These bylaws, adopted by the members of the Baltimore County Board of Elections, provide the rules of governance for the board during the conduct of all duties assigned under State and federal laws, regulations, and guidelines and policies of the State Board of Elections (SBE). Further, these bylaws set a standard of personal conduct for members of the board requiring them to conduct themselves in accordance with high ethical standards to assure the public that members act independently of partisan pressures and conflicting interests and make decisions that are not influenced by personal views regarding any political party..

### Section 1.3 – Adoption and Amendment of Bylaws

- A. Initial Bylaws Approval. Bylaws shall be reviewed and approved by a majority vote of the Board at the first meeting of each new Board term or as soon as practical thereafter.
- B. Effective. These bylaws are effective and binding on all members as evidenced by each member’s signature on this document.
- C. New Member. When a new member is appointed to fill a vacancy during a Board term, the new member must sign the bylaws.
- D. Amendments. To amend the bylaws:
  - 1. Each proposed amendment must be presented to the Board at a regularly scheduled meeting of the Board for the Board’s review, discussion, and any revisions.
  - 2. At the next regularly scheduled meeting of the Board, a motion to adopt the amendment, including any revisions made when the proposed amendment was initially presented, must be adopted by at least three regular members of the Board.
- E. Forward to SBE. A copy of the approved bylaws and any amendments shall be sent to SBE for review and approval.
- F. Effective date. Any amendments to the bylaws shall take effect on the date which SBE approves the amended bylaws.

## Article 2 – ORGANIZATION OF THE BOARD

### Section 2.1 – New Members

New members must be sworn in by the Clerk of the Circuit Court for Baltimore County Circuit or the Clerk’s duly appointed designee with 30 days of receiving the commission of appointment from the Governor.

### Section 2.2 – Officers

- A. Election of Officers. The Board shall elect, by a majority vote that includes at least one member of each party, a member to serve as President, a member to serve as Vice President, and a member to serve as Secretary.
- B. Timing of Election. The election of officers shall occur within:
  - 1. The first 20 days of a new Board term; or
  - 2. The first 30 days after the date on which an officer dies, resigns, is removed, or become ineligible, or at the next regularly scheduled Board meeting, which is sooner.
- C. Duties – President. The duties of the President include:
  - 1. Presiding at meetings and setting agendas with the assistance of the Election Director.
  - 2. Along with the Election Director, serving as the Board’s spokesperson for media inquiries or appointing an appropriate designee to serve as the contact for media inquiries; and
  - 3. Acting as the Board’s primary, but not only, point of contact for the Election Director.
  - 4. Ensuring that all public business is conducted in compliance with the Open Meetings Act.
- CI. Duties – Vice President. The Vice President shall:
  - 1. Be of a different party as the president; and
  - 2. Perform the duties of the President if the President is unable to carry out the assigned duties until a new President can be elected or the President is able to resume full duties.
- CII. Duties – Secretary. The Secretary shall ensure that minutes are accurately compiled and transmitted to SBE.

# BYLAWS OF THE BALTIMORE COUNTY BOARD OF ELECTORS

## Section 2.3 – Board of Canvassers

- A. Membership. As required by § 11-301(a) of the Election Law Article, the members shall serve as the Board of Canvassers following each election.
- B. Applicability. These bylaws remain in effect while the members are serving as the Board of Canvassers.
- C. Officers. The Board shall elect, by a majority vote of the members, a President and a Secretary of the Board of Canvassers.
- D. Oath. The members shall take an oath, administered and recorded by the Clerk of the Circuit Court for Baltimore County or the Clerk's duly appointed designee, to canvass and declare the votes cast truthfully and to perform other duties required by law. The Clerk of the Circuit Court or his or her designee shall administer the oath:
  - 1. Before the start of early voting if there is early voting; or
  - 2. By 5 pm on election day if there is no early voting.
- E. Requirements. In order to take action as a Board of Canvassers, there shall be:
  - 1. A quorum as defined in § 3.2A below; and
  - 2. A member of the minority party present.
- F. Rules. The Board shall follow at all canvassing sessions the rules of order established under § 3.2 below and rules for minutes established under § 3.3 below.
- G. Governing Authority. The Board shall conduct the canvass pursuant to State law, regulations, and instructions issued by SBE.

## Article 3 – MEETINGS

### Section 3.1 – Time and Location

- A. Regular meetings. Unless circumstances dictate otherwise, the Board shall meet every month at 8:30 AM on the 4<sup>th</sup> Wednesday.
- B. Location. Unless circumstances dictate otherwise, meetings will be held in the election office.
- C. Notice. Except as provided in § E, public notice of regular meetings shall be given at least one week prior to the meeting.
- D. Cancellation of a regular meeting. The president may cancel a regular meeting of the Board, with unanimous consent of the remainder of the Board if they determine that there is no new business that needs to be shared with or acted upon by the Board.
  - 1. Notice of cancellation for lack of new business or the inability of a quorum of members to attend shall be given at least one week prior to the meeting if those circumstances are known at that time.
  - 2. Notice of cancellation for lack of a quorum or circumstances arising during the week before the meeting shall be given as soon as practicable after the reason is known.
- E. Special Meetings. The president or a majority of the Board making application to the President may call a special meeting. However, no votes may be taken at a special meeting unless three days prior notice has been given to all members, staff and the public. There shall be notification by cellphone text messaging and email to all Board members when calling any meetings not regularly scheduled. Acknowledgment must be received to ensure all members have been adequately notified.

### Section 3.2 – Rules of Order

- A. Quorum
  - 1. Quorum for all meetings of the board when not constituted as the board of canvassers.
    - a. There shall be a quorum to hold a meeting.
    - b. A quorum of the Board shall consist of a majority of the membership and at least one member of each political party.
    - c. If there is a vacancy, a quorum shall consist of a majority of members currently serving on the Board.
    - d. There shall be no effect on the quorum when a member of the board abstains or declines to vote or if a member is disqualified from participating under § 4.3 below.
- B. Participation in Meetings
  - 1. Any member may make and second motions.
  - 2. Any member can vote on motions.
  - 3. Public participation at a meeting shall be pre-scheduled and pre-approved by the President. The President, at his or her discretion, may allow public participation even if the request was not pre-scheduled and pre-approved.
  - 4. Participation at meetings should be in person, not via phone or video conferencing. Any request by a member to attend a meeting via phone or video conferencing must be made to the President.

# BYLAWS OF THE BALTIMORE COUNTY BOARD OF ELECTOINS

## C. Open Meetings Act Compliance

1. The Board shall follow the requirements of the Open Meetings Act as specified under Title 3 of the General Provisions Article<sup>1</sup>.
2. For the purposes of the Open Meetings Act:
  - a. There is a quorum when a majority of the members meet in person, by phone, or other means (including email) and discuss a matter that is not an administrative function.
  - b. Three members constitute a quorum, regardless of their respective political affiliations.
3. At least one member (preferably two members) shall be trained in the Open Meetings Act<sup>2</sup>.
  - a. Any member who is trained on the Open Meetings Act shall provide the Election Director with a certificate of completion.
4. A Board cannot meet in closed session if none of the members has been trained on the Open Meetings Act.
5. In the absence of the trained member, a Board may not meet in closed session until the presiding officer has completed the Compliance Checklist (see footnote 1).
6. A quorum may not consider public business without giving reasonable advance notice to the public of an open meeting.

## Section 3.3 – Meeting Agenda and Minutes

- A. Agenda. Each regular Board meeting shall include, at a minimum, the following agenda items:
  1. Declaration of Quorum Present
  2. Approval of Prior Meeting Minutes
  3. Additions to the Agenda
  4. Election Director's Report
  5. Board Attorney's Report
  6. Old Business (including specifically identifying any policies affecting voting rights to be considered at the Board meeting)
  7. New Business (including specifically identifying any policies affecting voting rights to be considered at the Board meeting)
  8. Confirmation of Next Meeting
  9. Closed Session (if needed)
  10. Adjournment
- B. Additional Topics.
  1. The President, at his or her discretion, may add before the meeting additional topics.
  2. If the new topic is identified at least one day before the meeting, the agenda should be updated to reflect the new topic and re-posted.
- C. Duties of Election Director. The Election Director or the Director's designee shall:
  1. Before each meeting (and, where policies affective voting rights will be considered, at least 48 hours before the meeting), make the agenda available to the public;
  2. At each meeting, provide a written report of the office's activities since the last meeting, including information on personnel changes, meetings attended, significant correspondence received, voter registration activities, voting system activities, candidate filings, precinct and polling issues, and other projects or initiatives undertaken by the office;
  3. At each meeting, provide a verbal summary of the office's activities since the last meeting;
  4. Except as provided in § D(2) below, prepare minutes for both open and closed meetings; and
  5. Transmit to SBE approved meeting minutes within five days of approval.
- D. Minutes.
  1. Minutes shall be prepared in accordance with SBE's *Guidelines for Conducting Meetings and Writing Minutes*<sup>3</sup>.
  2. If the Election Director or staff does not attend a closed meeting, the Board attorney or one of the members shall prepare the minutes from the closed meeting.
  3. Full minutes of open meetings and summaries of closed meetings shall be sent via email and ratified at the next Board meeting.
  4. Full minutes of closed meetings shall be presented for approval at the next closed meeting held by the Board.

<sup>1</sup> For information and guidance on the Open Meetings Act, see the Compliance Checklist and other resources on the open meetings page of the Attorney General's website - See [www.marylandattorneygeneral.gov/pages/OpenGov/Openmeetings/default.aspx](https://www.marylandattorneygeneral.gov/pages/OpenGov/Openmeetings/default.aspx).

<sup>2</sup> This training is available at [https://www.igsr.umd.edu/VLC/OMA/class\\_oma\\_title.php](https://www.igsr.umd.edu/VLC/OMA/class_oma_title.php).

<sup>3</sup> The document is available on SBE's Online Library under "LBE Resources" and Reference Materials."

# BYLAWS OF THE BALTIMORE COUNTY BOARD OF ELECTOINS

5. After approval, minutes of a closed meeting shall be stored in a sealed envelope in a secure location that only the Election Director can access.

## Article 4 – RULES OF CONDUCT

### Section 4.1 - Attendance

- A. Minimum Attendance. As provided under § 8-501 of the State Government Article, a member who fails to attend at least 50% of the meetings during any consecutive 12-month period shall be considered to have resigned.
- B. Attendance Report. Within 30 days of the conclusion of the 12-month period during which a member failed to attend at least 50% of the meetings, the President or, if the President failed to attend meetings, the other members shall forward to the Governor and the State Administrator:
  1. The name of the member considered to have resigned; and
  2. A statement describing the member's history of attendance during the period.

### Section 4.2 - Political Activity

- A. Statutory requirements. Each member shall abide by the restrictions to political activities provided under § 2-301 of the Election Law Article. See Appendix 1.
- B. Additional requirements.
  1. Members shall place his or her public duties ahead of partisan, political considerations.
  2. A member may not take an active part in the campaign management of a candidate or any matter that is subject to an election under the Election Law Article.
  3. A member may attend campaign fundraisers held by candidates, political parties, or ballot issue committees provided the member discloses this fact to the board<sup>4</sup> and does not publicly indicate that he or she is a member of the Board.
  4. A member may make campaign contributions to candidates or issues on the ballot in an election for which the member will be serving on the local Board of Canvassers provided the member discloses the contributions to the Board.
  5. A member may publicly display support or opposition to candidates or issues on the ballot in any election (including yard signs, bumper stickers, etc) for which the member will be serving on the local Board of Canvassers provided the member discloses the displays to the board.
  6. A member may wear campaign paraphernalia showing support or opposition for or against candidates or issues on the ballot in any election for which the member will be serving on the local Board of Canvassers provided:
    - a. The member discloses this fact to the Board; and
    - b. Does not wear the campaign paraphernalia while performing Board functions or while wearing a Board name badge.
  7. Party Activity
    - a. A member may attend central committee meetings and may consult with party members.
    - b. A member may not serve on an executive committee of the party or assume a role within the party that has decision making authority.
  8. Petitions
    - a. Member may sign a petition.
    - b. A member may not circulate petitions.

### Section 4.3 – Ethics

- A. Compliance. Each member shall comply with the State's ethics laws<sup>5</sup>, including:
  - a. Timely, electronic filing of the Financial Disclosure Statement<sup>6</sup> required under Title 5, Subtitle 6 of the General Provisions Article; and
  - b. Adhering to the prohibition against the solicitation or acceptance of gifts or honoraria<sup>7</sup> as required under § 5-505 of the State Government Article.
- B. Conflict of Interest
  1. A member shall recuse himself or herself and shall not participate in a matter if the member:

---

<sup>4</sup> This notice will provide the other board members with information to determine whether a conflict exists that will require recusal.

<sup>5</sup> See the *Maryland Public Ethics Law Summary* provided by the State Ethics Commission to assist election officials and employees in meeting their obligations to voters, candidates, and political parties. Available on the SBE online library.

<sup>6</sup> Financial Disclosure Statements can now be easily filed online - <https://efds.ethics.state.md.us/>.

<sup>7</sup> See *Ethics and Standards for Election Officials and Employees* for detailed standards of conduct. Available on the SBE online library.

# BYLAWS OF THE BALTIMORE COUNTY BOARD OF ELECTOINS

- a. Has a relative with an interest in the matter and the member knows of the interest;
  - b. Is part of a business entity which has an interest in the matter;
  - c. Is negotiating employment or has arranged prospective employment with a business entity which has an interest in the matter;
  - d. Has a direct financial interest in the matter; or
  - e. Otherwise believes that participation would create a conflict of interest.
2. A member may seek the advice of the Board's counsel as to the presence of a conflict of interest or other good cause for disqualification.
  3. If a member does not voluntarily recuse himself or herself, the other members may disqualify that member upon a unanimous determination that the member has a conflict of interest that should disqualify that member from acting on a particular matter. This disqualification and the reason for it shall be included in the meeting minutes.
  4. If a member recuses himself or is disqualified from participating in a matter before the Board, the recusal or disqualification and the reason(s) for it shall be recorded in the meeting minutes.

## Section 4.4 – Resignation and Vacancies

- A. Resignation. A member who chooses to resign shall:
  1. Write a letter to the Governor informing the Governor of the member's decision to resign;
  2. Inform the County central committee of the party with which he or she is affiliated of the resignation; and
  3. Inform the Election Director, the President, and the State Administrator of the resignation.
- B. Filling Vacancy. If a member dies, resigns, is removed, or becomes ineligible, the Governor shall appoint an eligible person from the same political party as that member in accordance with § 2-201(h) of the Election Law Article.

## Section 4.5 – Level of Effort

Each member shall expend the time and effort necessary to ensure to attend meetings and election activities to ensure that they fully understand their duties as members, and their role as members of the Board of Canvassers. Members shall familiarize themselves with important concepts in the administration of Maryland elections, such as the process to register to vote; the purpose of provisional voting; general information about the voting process, the absentee ballot process, and important election deadlines.

## Section 4.6 – Fiduciary Duty to the Board

- A. Each member has a fiduciary duty of care and loyalty to the board.
- B. Each member shall put the interests of the board ahead of partisan interests, personal interests, or loyalties to other organizations in an effort to ensure the successful execution of the duties of the board.

## Section 4.7 – Non-Disclosure/Confidentiality

- A. A member shall not share confidential or sensitive information with outside entities and individuals who are not Board members or employees of the Baltimore County Board of Elections.
- B. A member who conducts Board business with a personal email account shall cooperate with board staff in connection with any response to a request to the Public Information Act.

## Article 5 – ROLES AND RESPONSIBILITIES

### Section 5.1 – The Board

The Board shall:

- A. Carry out all duties assigned to it under the Election Law Article and the regulations, policies, and procedures established by SBE<sup>8</sup>
- B. Not be involved in day-to-day activities of the election office; and
- C. Account to the public for the services of the agency and expenditures of its funds.

### Section 5.2 – The Election Director and Staff

- A. The Election Director shall carry out all duties assigned to him or her under the Election Law Article, regulations, policies and procedures established by SBE, and duties assigned or delegated by the board.
- B. The election director is responsible for duties listed in the *Assignment of Local Board of Elections' Duties to Members of the Local Board, Election Director and Staff*.

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<sup>8</sup> These duties are shown in the *Assignment of Local Board of Elections' Duties to Members of the Local Board, the Election Director and Staff*.

# BYLAWS OF THE BALTIMORE COUNTY BOARD OF ELECTOINS

## Section 5.3 – Counsel to the Board

- A. Appointment. As required under § 2-205 of the Election Law Article, the Board shall retain as counsel an individual who is a registered voter of the county and is admitted to practice law in Maryland.
- B. Duties. In addition to the retainer contract, the individual appointed as counsel or in the counsel's absence, substitute counsel, shall:
  - 1. Attend board meetings and all canvass sessions;
  - 2. Attend the biennial conference hosted by SBE and the annual MAEO conference;
  - 3. Participate in pre-election conference calls hosted by SBE;
  - 4. Review major policy guidelines and instructions from SBE;
  - 5. Generally be available to provide advice when needed;
  - 6. Take the oath to serve as counsel to the Board of Canvassers; and
  - 7. Be present for any decision by the Board of Canvassers on the legality or acceptability of any provisional ballot application or of any votes on any ballot.

## Section 5.4 – Personnel Management

- A. Duties – Board. As required under § 2-202(b)(2) of the Election Law Article, the board shall:
  - 1. Hire and supervise the Election Director;
  - 2. Perform a semi-annual performance evaluation of the Election Director; and
  - 3. Comply with the State Personnel and Pensions Article and any applicable regulations or the county merit system requirements in all matters concerning appointment, leave, discipline, or termination.
- B. Duties – President. The President, in consultation with the Board, shall act as the head of the principal unit for the purpose of appeals and grievances filed under the State Personnel and Pensions Article.
- C. Duties – Election Director. The Election Director shall:
  - 1. Hire, supervise, and discipline the staff;
  - 2. Perform or ensure the performance of semi-annual performance evaluations of staff;
  - 3. Comply with the State Personnel and Pensions Article and any applicable regulations or merit system requirements in all matters concerning leave, discipline, or termination.

## Article 6 – MISCELLANEOUS

### Section 6.1 – Membership to MAEO

Each member of the Board, the Election Director, the Deputy Director, and other staff shall be members of the Maryland Association of Election Officials (MAEO).

### Section 6.2 – Training and Continuing Education

The Board shall encourage and support the efforts of the Election Director and staff to obtain training and continuing education courses to assist the director and staff in the performance of their jobs.

### Section 6.3 – Public Information Act<sup>9</sup>

When a request submitted under the Public Information Act request is received, the Board shall ensure that:

- A. The State Administrator is notified of the request; and
- B. The request is completed in timely manner.

### Section 6.4 – Litigation

If the Board is notified that it is party to a lawsuit, the Board shall direct the Election Director to immediately notify the State Administrator. A member cannot accept service of process on behalf of the Board.

### Section 6.5 – Reimbursement for Travel and Expenses

- A. The budget for the Board shall include funds to reimburse members for expenses incurred while carrying out their duties as members.
- B. The President shall approve, prior to payment, reimbursement for any unbudgeted expense.

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<sup>9</sup> For information and guidance on the Public Information Act, see the Attorney General's *Public Information Act Manual* (10<sup>th</sup> edition, January 2007) - <http://www.oag.state.md.us/Opengov/pia.htm>.

BYLAWS OF THE BALTIMORE COUNTY BOARD OF ELECTOINS

**Signatures**

\_\_\_\_\_  
Bruce Robinson, President                      Date

\_\_\_\_\_  
Witness: Ruie Marie Lavoie                      Date

\_\_\_\_\_  
Gloria Mason, Vice President                      Date

\_\_\_\_\_  
Witness: Andrew G. Bailey, Esq.                      Date

\_\_\_\_\_  
Carol Byrd, Secretary                      Date

\_\_\_\_\_  
William Feuer, Member                      Date

\_\_\_\_\_  
Bruce Harris, Member                      Date

# BYLAWS OF THE BALTIMORE COUNTY BOARD OF ELECTOINS

## Appendix 1

Election Law Article, Annotated Code of Maryland  
§2-301.

- (a) This section applies to:
  - (1) a member of the State Board;
  - (2) a regular or substitute member of a local board;
  - (3) the State Administrator;
  - (4) an employee of the State Board or of a local board, including the election director of a board;
  - (5) counsel appointed under § 2-205 of this title; and
  - (6) an election judge.
- (b) (1) An individual subject to this section may not, while holding the position:
  - (i) hold or be a candidate for any elective public or political party office or any other office created under the Constitution or laws of this State;
  - (ii) use the individual's official authority for the purpose of influencing or affecting the result of an election; or
  - (iii) except as provided in paragraph (2) of this subsection, as to any candidate or any matter that is subject to an election under this article:
    - 1. be a campaign manager;
    - 2. be a treasurer or subtreasurer for a campaign finance entity; or
    - 3. take any other active part in political management or a political campaign.
- (2) Notwithstanding paragraph (1)(iii) of this subsection, an election judge may engage in the activities of a political campaign, except:
  - (i) while performing official duties on election day; and
  - (ii) by serving as a campaign manager for a candidate or as the treasurer for a campaign finance entity.

I must respectfully reject your interpretation of what “action makes you a candidate for public office.” I don’t believe anything in the Maryland Election Law Code Annotations explicitly states that filing a Declaration of Intent “makes you a CANDIDATE for public office.” A person cannot be a candidate for PUBLIC OFFICE until their name appears on the General Election ballot. Before they reach that point, they must seek the nomination of their party. Although the Declaration of Intent signals the onset of that nomination process, it is not sufficient to qualify them for the General Election ballot.

Maryland Election Law Code Annotation 5-204 states “Public office. – An individual may not be a candidate for more than one public office.” Running for multiple offices in a party primary, especially in a Maryland non-principal political party which allows an individual to do so, does not yet equate to that individual becoming “a candidate for more than one public office.”

In your decision to not allow an individual to file multiple declarations of intent, you do not mention why the SBE requires any declaration of intent be filed. The first visible outcome of such a filing is to indicate to the voters that this individual is hoping to win the nomination of their party. This can be seen on the SBE web pages “[2022 Gubernatorial Primary Election State Candidates List](#)” related to the office. As can be seen on two pages of the SBE website, it is possible for an individual to submit, and have published, indications to run for multiple offices. For example:

[First intent to run for office:](#)

**Carleah M. Summers**  
Democratic  
**Jurisdiction** Frederick County  
**Status** **Withdrawn - 01/10/2022**  
**Filed** Federal -09/29/2021

[Second intent to run for office:](#)

**Carleah M. Summers**  
Democratic  
**Jurisdiction** Frederick County  
**Status** **Active**  
**Filed** Regular -01/10/2022

If this individual chose to run for three or more offices, the SBE would accept Declarations of Intent for those offices as well, requiring that at most ONE be “Active” by the required deadline.

I am asking you to reconsider your last decision, in favor of allowing multiple “Active” Declarations of Intent under the proviso that at most one be active by the required deadline.

MARY ANN LISANTI  
Legislative District 34A  
Harford County

Ways and Means Committee

*Subcommittees*

Early Childhood

Election Law



The Maryland House of Delegates  
6 Bladen Street, Room 415  
Annapolis, Maryland 21401  
410-841-3331 · 301-858-3331  
800-492-7122 Ext. 3331  
Fax 410-841-3002 · 301-858-3002  
MaryAnn.Lisanti@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

March 7, 2022

Ms. Linda Lamone, Administrator  
Maryland State Board of Elections  
151 West Street, Suite 200  
Annapolis, Maryland 214-01

**Re: Petition for Declaratory Ruling: Harford County Redistricting Legislation discrepancy**

Dear Ms. Lamone:

It has come to my attention that the Harford County Council passed redistricting legislation Bill # 21-025 as amended which contains five precinct discrepancies between the written text of the bill and an attached map. The discrepancies involve precincts 1-25, 1-26, 3-02, 3-18 and 4-05.

According to published reports in the Aegis newspaper, the Harford County Election Board has chosen to implement the map and disregard the written text of the bill.

Confidence in our election system is the bedrock of our democracy, and therefore, as the State Delegate representing Harford County District 34a and on behalf of the registered voters of this district, I am requesting a declaratory ruling under COMAR 33.01.02.01 on the facts outlined in the decision by the Harford County Election Board.

For your reference, I am attaching the newspaper article and a summary of the known discrepancies.

Given the nature of this issue, your prompt attention is requested.

Sincerely,

A handwritten signature in blue ink that reads "Mary Ann Lisanti".  
Mary Ann Lisanti

The Aegis  
Friday, MARCH 4  
2022

## **Election board OKs new map**

### **After finding discrepancies with text, panel OKs map version for redistricting**

BY JASON FONTELIEU

After finding four inconsistencies between the text and the map of the redistricting bill recently passed by the Harford County Council, the Harford County Board of Elections voted unanimously Wednesday to abide by the map version of the bill.

Board counsel Brian Young addressed the elections board with points from letters he addressed to board President Allison McCord. In a letter dated March 1, he wrote, "A plain reading of the act does not lend itself to a determination that either the text or the map was intended to prevail over the other."

On Feb. 24, McCord sent a letter to council President Patrick Vincenti outlining the issues with the bill. Vincenti responded the same day that the council's position was that the map, not the text, was what outlined the boundaries of the council districts.

April Ishak, the city attorney for Havre de Grace, sent a letter to Young on March 1 saying that "the starting point to determine legislative intent is the express language of the bill, not the attachment." The City of Havre de Grace previously sued the County Council over this bill.

In a second letter to McCord dated March 2, Young said that Ishak was wrong to classify the map as merely an "attachment" and that it was difficult to determine if the council had intended the bill or the map to take precedence.

Young went on to argue that because the Board of Elections is the agency implementing the law, it has the power to interpret the act. He recommended that the

board adopt the boundary lines as detailed in the map.

The five board members all voted in favor of implementing the districts as outlined in the map.

Elections Director Stephanie Taylor said the map will go into law March 8.

"We are working on it now, as if that map is moving forward," Taylor said.

Jim Thornton, a former member of the County Council's redistricting commission, spoke during the board meeting, saying he was "appalled" at the bill's inconsistencies and was disappointed with the way the council put the bill together.

"It's really, from my perspective, maybe not serving the interests of 250,000 people in Harford County," Thornton told The Aegis. "If they're going to operate in this [way] and not understand that they don't have all the expertise, they should be willing, where appropriate, to bring in the expertise."

Prior to the board meeting on Wednesday, council member Andre Johnson told The Aegis he "firmly believes" that due to the inconsistencies, the bill is invalid.

"I just have a problem with this notion that the map is still valid when there's several technical errors within the language of the map," Johnson said.

Johnson said during the March 1 council meeting that he wasn't aware there were still problems with the map until that day.

"It's just a shame that we're up here after all of these problems with this map," Johnson told The Aegis, "that we're still going to try to squeeze this square peg into a round hole."

There was no other mention of the redistricting bill issue during the March 1 council meeting.

**MEMO-Issues Discovered in BILL No. 21-025 As Amended**

Bill No. 21-025, As Amended, reads on page 3, lines 5-7, "The Council Districts are composed of the election precincts established by the Board of Supervisors of Elections, as the precincts exist on November 2, 2021, as follows:..."

The remainder of the text of the bill lists the precincts by numerical designation and conventional name. An asterisk is placed by the current precinct number to indicate where a boundary modification is made from the former (current) boundary line to a new boundary line created by the bill.

The discrepancies discovered by the Board of Elections are highlighted below:

2022 COUNCILMANIC MOVES (Observed on Map)		Map Discrepancies from Bill 21-025 Descriptions	Bill Page & Line
1-26	Southern portion moved into B	Bill indicates that the portion NORTH of MD-924 should move into B, and that the portion SOUTH of MD-924 should remain in F - this would create non-contiguous areas of F within B	Pg. 4, Line 10 // Pg. 8, Line 3
1-25	<i>[If Bill text supersedes the Map regarding Precinct 1-26, this would be a non-contiguous island of F, surrounded by B]</i>		
3-02	Small eastern part moved into D Southeastern slice moved into F	Bill indicates that this whole precinct stays in E, but the map shows small slivers of D and F encroaching into the precinct lines	Pg. 7, Line 5
3-18	Western part moved into C	Bill indicates that this whole precinct stays in E, but the map shows about 1/3rd of the west side in C	Pg. 7, Line 6
4-05	Northern parts moved into D	Area east of Baldwin Mill Rd and north of MD-23 (East-West Hwy) is not distinctly described in the bill as moving into D, and thus should presumably remain in B according to language of the Bill	Pg. 4, Lines 17-22, Pg. 6, Lines 2-7

THE UNIVERSITY OF CHICAGO

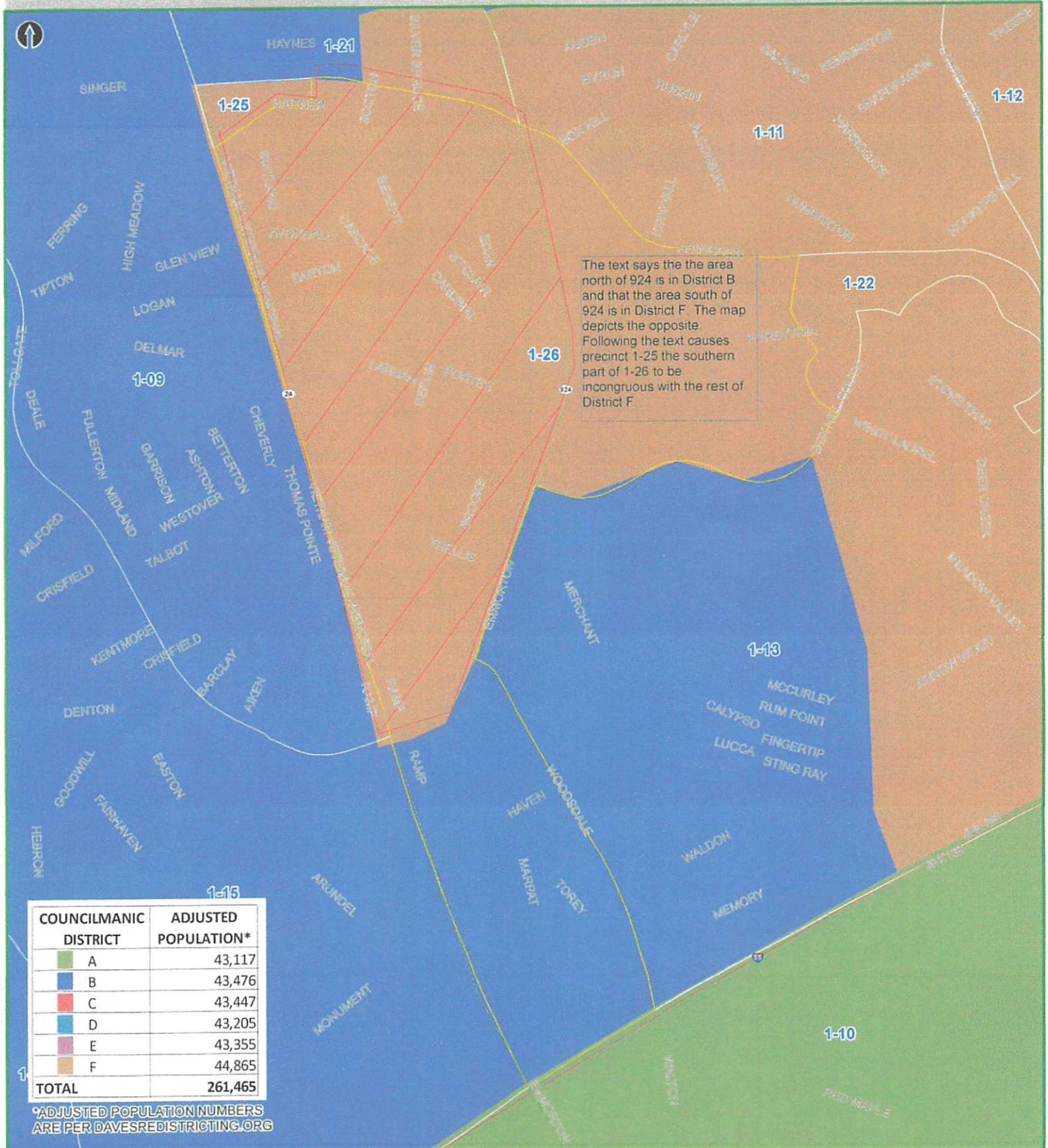
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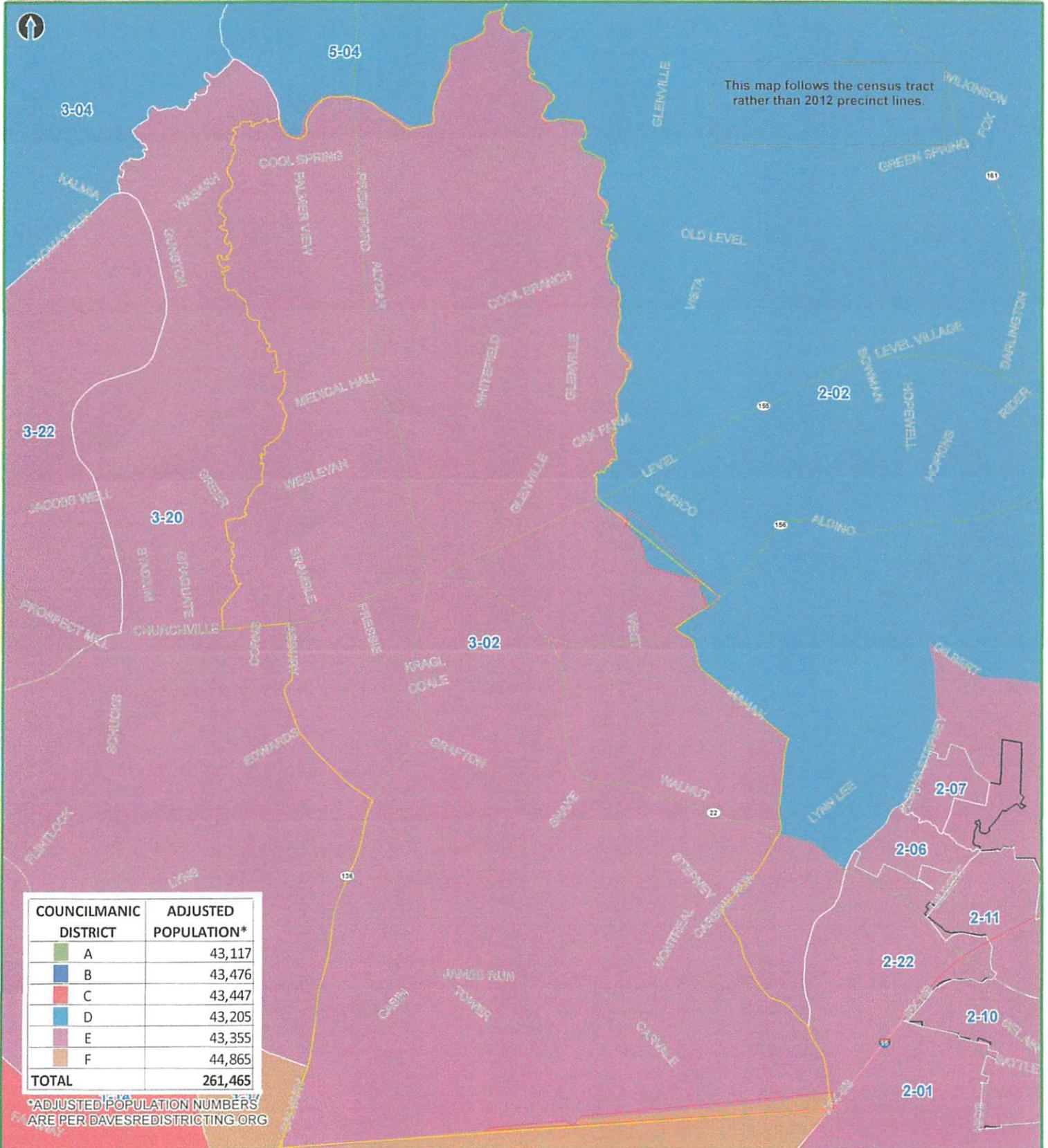
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<p>4. Date</p>	<p>5. Edition</p>	<p>6. Call number</p>
<p>7. Price</p>	<p>8. Notes</p>	<p>9. Remarks</p>
<p>10. Binding</p>	<p>11. Language</p>	<p>12. Country of origin</p>
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<p>16. Number of tables</p>	<p>17. Number of maps</p>	<p>18. Number of sound recordings</p>

# BILL NO. 21-025 HARFORD COUNTY, MARYLAND PRECINCT 1-26



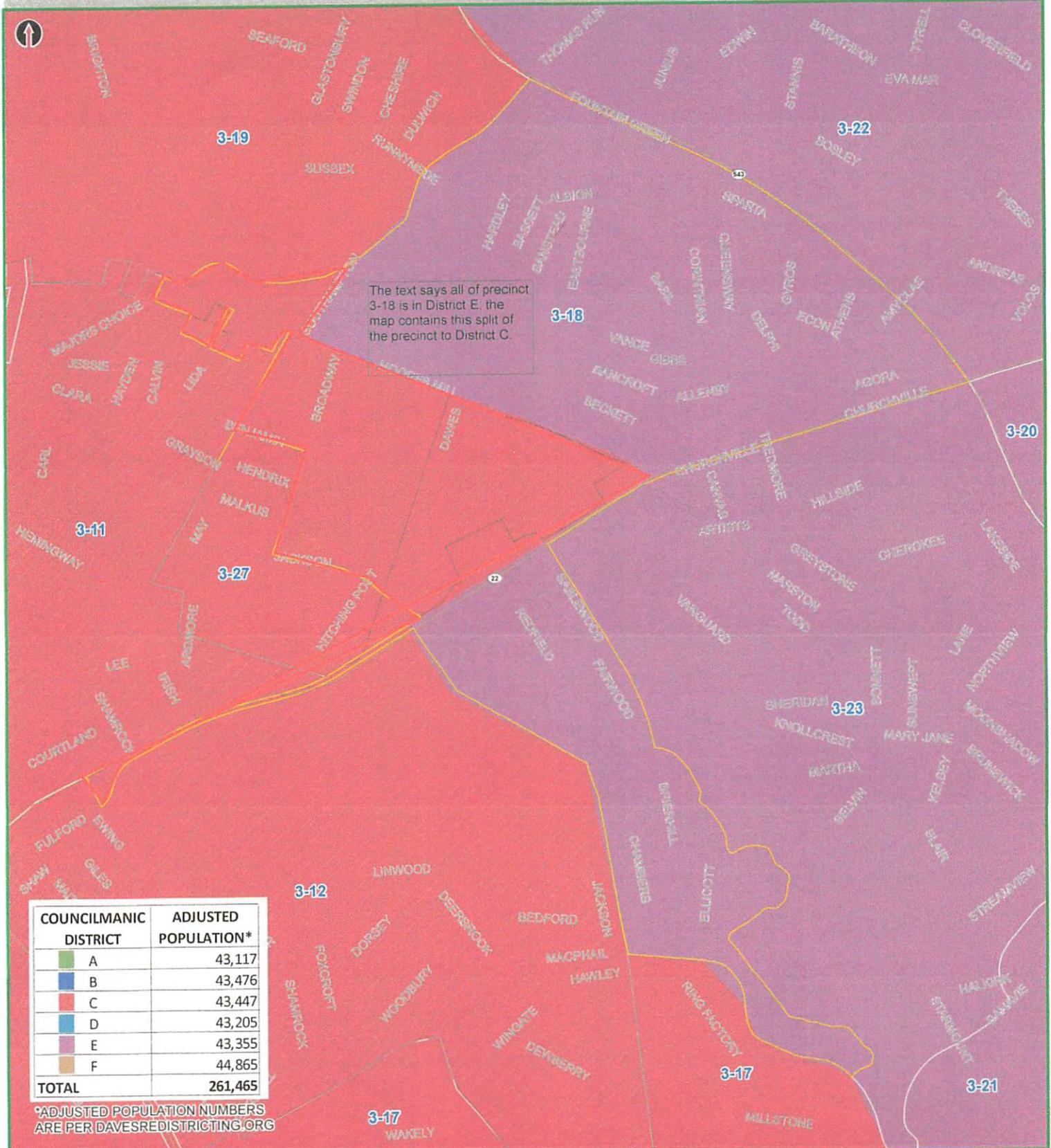
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# BILL NO. 21-025 HARFORD COUNTY, MARYLAND PRECINCT 3-02



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# BILL NO. 21-025 HARFORD COUNTY, MARYLAND PRECINCT 3-18

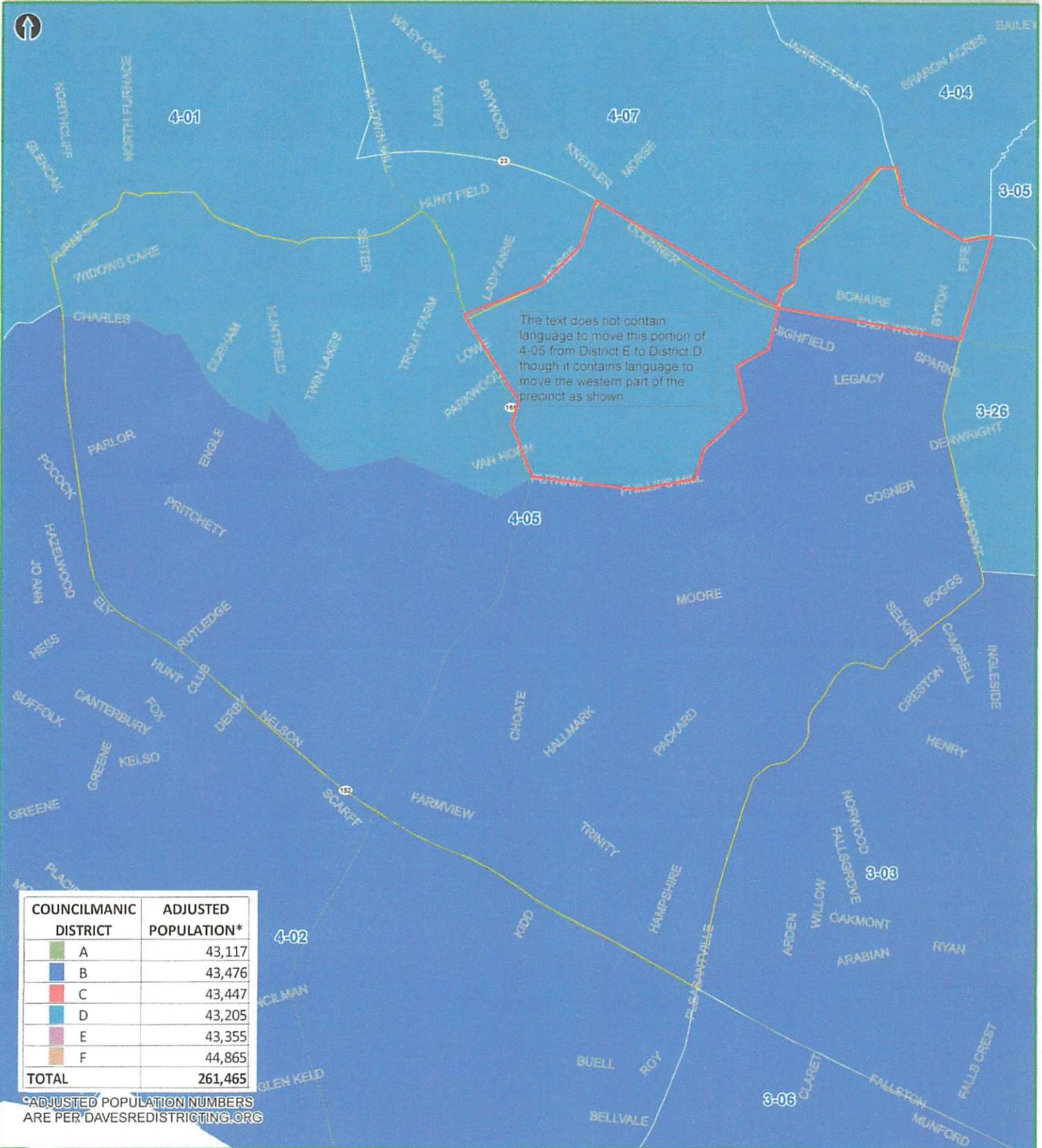


COUNCILMANIC DISTRICT	ADJUSTED POPULATION*
A	43,117
B	43,476
C	43,447
D	43,205
E	43,355
F	44,865
<b>TOTAL</b>	<b>261,465</b>

\*ADJUSTED POPULATION NUMBERS ARE PER DAVESREDISTRICTING.ORG

0 600 Feet

# BILL NO. 21-025 HARFORD COUNTY, MARYLAND PRECINCT 4-05



COUNCILMANIC DISTRICT	ADJUSTED POPULATION*
A	43,117
B	43,476
C	43,447
D	43,205
E	43,355
F	44,865
<b>TOTAL</b>	<b>261,465</b>

\*ADJUSTED POPULATION NUMBERS ARE PER DAVESREDISTRICTING.ORG

0 1,500 Feet

**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

To: Members of the State Board

From: Jared DeMarinis

Date: April 13, 2022

Re: Declaratory Rulings

---

**Petition #1- George Gluck**

On February 22, 2002, the State Board of Elections (“the State Board”) received a petition for a declaratory ruling (“the Petition”) pursuant to COMAR 33.01.02 from George Gluck (the Petitioner #1”). Petitioner #1 seeks to file a declaration of intent for multiple public offices simultaneously.

Based upon the facts and issues presented, it is the recommendation of staff that the State Board should issue a declaratory ruling and should decide that Petitioner #1 cannot file declarations of intent for multiple public offices.

According to COMAR 33.01.02.01 the purpose of a declaratory ruling is for a petitioner to know how the State Board would apply a regulation, order or a statute to any person or entity. The issue presented is whether an individual may seek the nomination of a non-principal political party for multiple public offices simultaneously.

In order to appear on the general election ballot as a candidate for public office from a non-principal political party, the candidate shall file a declaration of intent no later than the first Monday in July. This step officially makes the individual a declared candidate and the candidate must have established an authorized candidate campaign committee. See Election Law Article §13-202(c). The list of candidates who filed a declaration of intent may seek the nomination from the political party. The political party may only nominate an individual to appear on the ballot in the general election if that individual has filed a declaration of intent.

Pursuant to Election Law Article §5-204(a), an individual simultaneously may not be a candidate for more than one public office. An individual’s name may not be placed on the ballot and submitted to the voters unless the individual complies with the requirements of Title 5 of the Election Law Article. See Election Law Article §5-101(b). The act of filing a declaration of intent makes the petitioner a candidate for public office. Therefore, Petitioner #1 may only seek the nomination for one public office.

Accordingly, I recommend that the State Board issue a declaratory ruling stating that Petitioner #1 cannot file declarations for intent for multiple public offices.

**Petition #2- Mary Ann Lisanti**

On March 7, 2022, the State Board received a petition for declaratory ruling regarding the discrepancies on election boundaries under Election Law Article §4-103(a) (the “Petition #2”) from Delegate Mary Ann Lisanti (the “Petitioner #2”). Based upon the facts and issues presented, it is the recommendation of staff that the State Board not issue a declaratory ruling on the matter.

According to COMAR 33.01.02.01 the purpose of a declaratory ruling is for a petitioner to know how the State Board would apply a regulation, order or a statute to any person or entity. The issue presented is whether an approved redistricting map supersedes the text of the redistricting legislation if a discrepancy is discovered.

Petitioner #2 seeks a declaration on an issue that is not a State Board regulation, order or a statute that the State Board enforces but on the implementation of a new redistricting election precinct boundaries. Therefore, the declaratory ruling process is an incorrect venue for the action sought by the Petitioner #2.

Accordingly, I recommend that the State Board not issue a declaratory ruling on the matter.



RECEIVED

FEB 15 2022

STATE BOARD OF ELECTIONS

Linda H. Lamone  
State Administrator  
Maryland Board of Elections

Dear Administrator Lamone:

I am writing on behalf of Our Revolution Maryland which is a non-profit grassroots-funded organization with over 10,000 activists across the state.

We are reaching out because we were frightened and appalled by the actions of State Delegate Dan Cox in the days leading up to and during the January 6th insurrection at the US Capitol.

Maryland Matters has reported that Delegate Cox chartered buses that transported rioters to the Capitol on January 6th. He attended the pre-insurrection rally and tweeted during the occupation of the Capitol - "Pence is a traitor."

Under Section 3 of Amendment 14 to the US Constitution, any elected official who violates their oath to the Constitution by engaging in an insurrection is barred from seeking office in the future.

Based on Dan Cox's actions leading up to and during the January 6th insurrection, we urge you to convene a full investigation into the question of whether he violated his oath of office to defend and uphold the US Constitution by "engaging in insurrection or rebellion" or giving "aid and comfort to the nation's enemies."

If the Board of Elections determines that Dan Cox violated his oath of office, then he must be barred from running for any state or federal office including Maryland's highest office - that of Governor.

Respectfully,

Chrissy Holt, Chair  
Our Revolution Maryland



GOVERNMENT & POLITICS

STATE BOARD OF ELECTIONS

# After 'Traitor' Tweet, Cox Denounces 'Mob Violence' at U.S. Capitol

By Hannah Gaskill  
January 8, 2021



*Del. Daniel L. Cox at a Reopen Maryland rally in Annapolis on May 15, 2020. Photo by Hannah Gaskill.*

Following calls for his expulsion from the General Assembly, Del. Daniel L. Cox (R-Frederick) issued a statement Friday denouncing the violent [Trump rally that he attended](#) earlier in the week.

"I am one of the most pro-life, pro-rule of law legislators in the Maryland General Assembly," said Cox. "This is why I have never supported, and I also denounce, all mob violence including those who broke into the U.S. Capitol."

"I agree with my colleagues in the House of Delegates that 'every American deserves the same protection of leaders of all parties to exercise their constitutional rights,'" he asserted. "Mob rule is no rule at all."



In his statement, Cox said he was at the event where President Donald Trump addressed rally attendees but did not participate in the lethal violence and takeover at U.S. Capitol.

During Wednesday's terrorist attack, Cox sent a tweet calling Vice President Mike Pence a "traitor."

Expressing their concern at his assertion, some of his fellow legislators responded.

"This is insane. What the hell is wrong with him," wrote Del. Kirill Reznik (D-Montgomery).

Members of the public have since called for his censure and expulsion from the General Assembly, tagging House leadership and Gov. Lawrence J. Hogan Jr (R) in their tweets.

**Kirill Reznik** ✓  
@DelegateReznik

This is insane. What the hell is wrong with him.

**Danielle E. Gaines** ✓ @DanielleEGaines

A sitting member of the Maryland House of Delegates, as the U.S. Capitol overtaken by an armed mob: [twitter.com/DanCoxEsq/stat...](https://twitter.com/DanCoxEsq/stat...)

3:28 PM · Jan 6, 2021

3:28 PM - Jan 6, 2021

12 Reply Copy link

Read 1 reply

Cox helped arrange tour buses for his constituents to attend the Million MAGA March protest held in downtown Washington, D.C., Wednesday.

“On Wednesday our group from Frederick was at the Washington Monument for the President’s speech in the frigid weather for hours and had trouble hearing as the speakers were so far away, and because of the massive crowd size could not approach the capitol, our group left early for the bus ride home and of course did not participate in any violence,” he said.

Co-organizers of the excursion at the Frederick County Conservative Club have declined to comment.



Beyond his comment about Pence, Cox has also retweeted unfounded claims that members of the anti-fascist movement started the rioting, as well as a bootleg version of

the video that Trump posted Wednesday during the attack where he asked the rioters to “go home” while also insisting that the results of the Nov. 3 election were “fraudulent.”

The original video posted on the president’s Twitter page has since been removed.

In his statement, Cox said he is “appalled” that multiple videos posted by Trump regarding the terror attack were deleted.

“Big Tech censorship of speech is a serious danger to our freedom,” he said.

Thursday evening, the Frederick County Democratic Central Committee started a letter-writing campaign calling for his expulsion. The sample email posted to their Facebook page reads:

“I believe that allowing Delegate Cox to spread blatant falsehoods and foment insurrection without consequences creates a dangerous precedent. I urge his immediate expulsion from the House of Delegates. Leaders are tested in times of crisis; I’m looking for you to lead and call for his expulsion.”

Cox did not retract his tweet about Pence in his statement. His Twitter account, which he made private Thursday afternoon, is now visible to the public.

House Speaker Adrienne A. Jones (D-Baltimore County) tweeted Wednesday in support of the lawmakers under siege, calling the assault on the capitol “nothing less than sedition.”

“Inciting, condoning or making excuses for the storming of our nation’s Capitol is an offense to us all,” Jones wrote.

**Speaker Adrienne A. Jones**  · Jan 6, 2021 

@SpeakerAJones

Today’s events in Washington have made it clear that it is, in fact, our democracy that is at stake. The violence, rioting and assault on our nation’s Capitol is nothing less than sedition.

**Speaker Adrienne A. Jones** 

@SpeakerAJones

Standing together in a bipartisan manner, MD leaders have made it clear that an attack on our democracy is an attack on all of us, our beliefs & our collective love of country. Inciting, condoning or making excuses for the storming of our nation’s Capitol is an offense to us all.

7:11 PM · Jan 6, 2021 

 39  Reply  Copy link

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*Maryland Matters* reached out to the Speaker's office regarding Cox's tweet and participation in the rally.

Alexandra Hughes, a spokesperson for Jones, wrote back that Cox's behavior is "not befitting of a legislator who has sworn an oath to the Constitution," and that they are not permitted to say more at this time.

*hgaskill@marylandmatters.org*

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## **Hannah Gaskill**

### **Reporter**

Hannah Gaskill received her master's of journalism degree in December 2019 from the University of Maryland. She previously worked on the print layout design team at The Diamondback, reported on criminal justice in Maryland for Capital News Service and served as a production assistant for The Confluence — the daily news magazine on 90.5 WESA, Pittsburgh's NPR member station. Gaskill has had bylines in The Baltimore Sun, The Washington Post and The Chicago Tribune, among other publications. Before pursuing journalism, she received her bachelor's of fine art degree from Carnegie Mellon University in 2016. She grew up in Ocean City.

[All posts by Hannah Gaskill](#)

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GOVERNMENT & POLITICS JUSTICE

# Del. Cox Arranged Buses to Violent Trump Rally, Calls Vice President a 'Traitor'

By Hannah Gaskill  
January 7, 2021



*Del. Daniel L. Cox at a Reopen Maryland rally in Annapolis on May 15, 2020. Photo by Hannah Gaskill.*

Del. Daniel L. Cox (R-Frederick), a fervent supporter of President Trump, arranged for multiple tour buses to take constituents to Wednesday's pro-Trump rally in Washington, D.C.



Tweet



Don Cox 🇺🇸 🗳️ - Maryland Delegate  
@DonCoxEse

I am co-hosting two buses to the Million MAGA March/Rally with the **Frederick County Conservative Club** in support of President Trump @realDonaldTrump on January 6, 2021 to #StoptheSteal Demand NO #ChinaBiden - no #CCP #Fraud @Mike\_Pence JOIN US here:



MILLION MAGA MARCH 2021 - Frederick  
County Conservative Club  
frederickcountyconservativeclub.com

“I am co-hosting two buses to the Million MAGA March/Rally with the Frederick County Conservative Club in support of President Trump @realDonaldTrump on January 6, 2021 to [#StoptheSteal](#),” he wrote on Twitter on Jan. 1.

This effort was in partnership with the Frederick County Conservative Club. A third bus was eventually added on.

Wednesday’s rally in protest of the certification of President-elect Joe Biden’s victory turned violent when [Trump supporters stormed the U.S. Capitol](#).

It is unclear how long the group was in Washington or if any of its members participated in the attack on the Capitol.

The Frederick County Conservative Club declined to comment. Maryland Matters made several attempts to reach Cox but has yet to receive a response.

On Facebook, Fred Propher, the club’s president, “condemned” the behavior of the insurrectionists, but called the terrorist attack “mild” in comparison to the riots that followed the death of George Floyd over the summer.

“No, this is not a ‘yeah, what aboutism’. This was nearly 2,000,000 Patriots who came to the seat of our national government to redress our grievances with said government,”

Propheter wrote on the club's public Facebook page. "The lawlessness of the .0001% of today's crowd in no way shape or form is representative of the Conservative movement. Those were Antifa infiltrators and agitators with a few Trump supporters thrown in."

Cox has not criticized the behavior of yesterday's rioters.

Rather, he expressed his support for Henry "Enrique" Tarrío, the leader of the far-right organization the Proud Boys, prior to Wednesday's rally, and called Vice President Mike Pence a "traitor" in a tweet during the insurrection on Capitol Hill.

Troubled by his assertion, some of Cox's colleagues in the General Assembly responded.



"Dan, you are better than this," Del. Jazz M. Lewis (D-Prince George's) said on Twitter. "Please don't cosign this lawlessness."

"This is insane. What the hell is wrong with him," wrote Del. Kirill Reznik (D-Montgomery).

**Kirill Reznik** ✓  
@DelegateReznik

This is insane. What the hell is wrong with him.

**Danielle E. Gaines**  @DanielleEGaines

A sitting member of the Maryland House of Delegates, as the U.S. Capitol overtaken by an armed mob: [twitter.com/DanCoxEsq/stat...](https://twitter.com/DanCoxEsq/status/1346976404043304962)

3:28 PM · Jan 6, 2021

 12  Reply  Copy link

[Read 1 reply](#)

Cox continued to tweet and retweet into the evening about unconfirmed allegations that members of the anti-fascist movement started the riot, which he compared to the hordes of women who descended upon the Capitol during Supreme Court Justice Brett M. Kavanaugh's confirmation hearing in 2018 and the protests that occurred in Washington over the summer.

Further, he retweeted a bootleg version of the video Trump posted Wednesday during the attack where Trump asked the rioters to "go home" while also insisting that the results of the Nov. 3 election were "fraudulent."

<https://twitter.com/Espadas2020/status/1346976404043304962>

"Go home. We love you — you're very special," the president said. "You've seen what happens. You see the way others are treated that are so bad and so evil. I know how you feel. But go home and go home in peace."

Cox made his Twitter account private Thursday afternoon.

On Thursday night, the Frederick County Democratic Central Committee started a letter-writing campaign requesting Cox's expulsion from the General Assembly. A sample email shared by the committee reads: "I believe that allowing Delegate Cox to spread blatant falsehoods and foment insurrection without consequences creates a dangerous precedent. I urge his immediate expulsion from the House of Delegates. Leaders are tested in times of crisis; I'm looking for you to lead and call for his expulsion."

*Editor's Note: This story was updated to include reaction from the Frederick County Democratic party.*

[hgaskill@marylandmatters.org](mailto:hgaskill@marylandmatters.org)

## Hannah Gaskill

### Reporter

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MARYLAND

**STATE BOARD OF ELECTIONS**

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March 16, 2022

**Via Electronic Mail Only**

Chrissy Holt, Chair  
Our Revolution Maryland  
Email: hal@ourrevolutionmd.com

Dear Ms. Holt:

Thank you for your letter requesting an investigation into whether Delegate Dan Cox violated his oath of office.

Under State law, the State Board of Elections does not have authority to investigate this type of complaint. As a result, this agency is not able to proceed with the requested investigation.

If you would like more information about the State Board of Elections, please visit our [website](#) or call 410.269.2840.

Sincerely,

A handwritten signature in cursive script that reads "Linda H. Lamone".

Linda H. Lamone  
State Administrator

On behalf of Out for Justice, Maryland Justice Project, Life After Release, Common Cause, Job Opportunities Task Force and ACLU of Maryland, we propose the following changes to the language describing eligibility of persons with former convictions on the voter registration forms, including the paper, pdf, and online versions. The proposed replacement language (in *italics* below) is accurate, simple, and easy to understand, reducing the risk of discouraging eligible voters who may believe that they are unable to vote due to a former conviction. After decades of discriminatory voter disenfranchisement across the country and here in Maryland, we ask the State Board of Elections to seize this opportunity to clarify the rights of voters who are not currently incarcerated for a felony conviction.

### **PROPOSED CHANGES TO THE VOTER REGISTRATION FORM (PAPER AND PDF ONLINE):**

**Screenshot of current language on the form:**

**MARYLAND VOTER REGISTRATION APPLICATION**

<p><b>TO REGISTER, YOU MUST</b></p> <ul style="list-style-type: none"><li>■ Be a U.S. citizen;</li><li>■ Be a Maryland resident;</li><li>■ Be at least 16 years old*;</li><li>■ Not be under guardianship for mental disability or if you are, you have not been found by a court to be unable to communicate a desire to vote;</li><li>■ Not have been convicted of buying or selling votes;</li><li>■ Not have been convicted of a felony, or if you have, you have completed serving a court-ordered sentence of imprisonment.</li></ul> <p>*You may register to vote if you are at least 16 years old but cannot vote unless you will be at least 18 years old by the next general election.</p>	<p><b>WARNING</b></p> <p>Giving false information on an application for voter registration is perjury, punishable by imprisonment for up to 10 years, and a violation of the election laws, punishable by a fine of up to \$1,000, or by imprisonment for up to 5 years, or both.</p> <p><b>PERSONAL RECORDS NOTICE/CONFIDENTIALITY</b></p> <p>This form collects personal information for voter registration purposes. If you are not registered to vote and you refuse to provide this information, you will not be allowed to vote in Maryland. You may update your voter registration at any time at your County Board of Elections. Except for items specified as confidential, voter registration records are generally available for public inspection; they may also be shared with your</p>
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**Proposed edits:**

TO REGISTER, YOU MUST

- Be a U.S. citizen;
- Be a Maryland resident;
- Be at least 16 years old\*;
- Not be under guardianship for mental disability or if you are, you have not been found by a court to be unable to communicate a desire to vote;
- Not have been convicted of buying or selling votes;
- ~~Not have been convicted of a felony, or if you have, you have completed serving a court-ordered sentence of imprisonment.~~ *Not be currently serving a sentence of imprisonment for a felony conviction.*

### **PROPOSED CHANGES TO THE ONLINE VOTER REGISTRATION SYSTEM:**

## Screenshot of current language on the online system:

Under penalty of perjury, I hereby swear or affirm: (Required)

- I am a U.S. citizen.
- I am a Maryland resident.
- I am at least 16 years old.
- I have not been convicted of buying or selling votes.
- One of the following is true:
  - I have not been convicted of a felony.
  - I have been convicted of a felony, but I have completed serving a court-ordered sentence of imprisonment.
- The information in this application is true to the best of my knowledge, information and belief.

Signature (Type your name affirming this oath) (Required)

Next

Cancel Application

Step 1 - Name, Birthdate, and SSN

Step 2 - MVA

voterservices.elections.maryland.gov

## Proposed edits:

Under penalty of perjury, I hereby swear or affirm: (Required)

I am a U.S. citizen.

I am a Maryland resident.

I am at least 16 years old.

I have not been convicted of buying or selling votes.

~~One of the following is true:~~

- ~~• I have not been convicted of a felony.~~
- ~~• I have been convicted of a felony, but I have completed serving a court-ordered sentence of imprisonment.~~

*I am not currently serving a sentence of imprisonment for a felony conviction.*

