

1. Announcements & Important Meetings

Center for Election Innovation and Research Conference

Mary Wagner and I are attending a conference hosted by the Center for Election Innovation and Research in Louisiana. The agenda is focused on ERIC's list maintenance processes and best practices. Also participating in the conference is staff from member states motor vehicle departments to address data integration with ERIC.

Council on Governmental Ethics Laws (COGEL)

This week, Jared DeMarinis attended the Council on Governmental Ethics Laws' (COGEL) annual conference in Toronto, Canada. The conference is a gathering of campaign finance and ethics officials and regulators from across the nation and Canada. It featured more than 45 educational sessions and numerous breakfast table topics. Jared led a breakfast topic on fake news and its issues.

Harvard's Belfer Center for Science and International Affairs - Table Top Exercise

On December 1, 2017, the Belfer Center for Science and International Affairs, a center within Harvard University's Kennedy School, hosted a table top exercise for State and local election officials from six states. The project - "Defending Digital Democracy" - is an effort to provide practical cybersecurity advice and trainings for candidates, campaigns, and election officials. Recent publications include a playbook for campaigns on cybersecurity and one-page informational sheets on how candidates and campaign workers can protect their systems and networks. A copy of the one-page informational sheets will be included in the meeting folder.

Nikki Charlson, Erin Perrone, Vince Omenka, and Allison Murphy, Election Director for the Caroline County Board of Elections, and I participated in this exercise. During the simulated election preparation and election day activities, we were assigned various election roles (*e.g.*, Secretary of State, county clerk, county IT director, chief election judges) and had to respond to numerous scenarios. These scenarios ranged from system attacks to hacked social media accounts distributing incorrect information to high turnout on a very hot day to equipment failures and gun-toting protesters.

Over the next several months, the team (led by the former campaign managers for the Hillary Clinton's and Mitt Romney's presidential campaigns and including undergraduates and graduate students from Harvard University and Massachusetts Institute of Technology) will revise their exercises, publish similar publications for elections officials, and in the spring, offer "train-the-trainer" sessions for three individuals from each state.

Election Directors' Meeting

On November 30th, we hosted an in-person election directors' meeting. At this meeting, we summarized the Department of Homeland Security's recent risk and vulnerability assessment, new voter registration and absentee procedures, updates on pollbook software, hardware, and printers, and plans for the upcoming statewide training program scheduled for January 2018. A summary of this meeting will be provided once it is complete.

2. Election Reform and Management

Elimination of Ballot Stubs

As planned, the Election Judges' Workgroup met on November 2nd to discuss the use of ballot stubs. The participants - representing twelve local boards - heard the proposal to remove ballot stubs and how the ballot printer proposed to package stub-less ballots and engaged in a vigorous discussion about the use of the stubs.

After listening to the local boards describe the advantages and disadvantages of stubs and how the ballots stubs are used or not used, we determined that we needed more time to fully assess how the local boards currently perform ballot accounting and identify best practices for accounting of paper ballots from election officials here and in other states.

At last month's Election Director's meeting, we shared with the election directors our decision and committed to working with them to develop best practices for ballot accounting and consider the future of ballot stubs for the 2020 election cycle.

Election Judge Workgroup

The *Election Judge Manual* has been revised and submitted to the Attorney General's Office for approval. Once the Attorney General's Office approves the manual, each chapter will be posted to SBE's Online Library for the local boards to begin customizing.

Ballot Duplication Software

Runbeck Election Solutions has been awarded the ballot duplication software contract. This duplication solution is available to Anne Arundel, Baltimore, Montgomery, and Prince George's Counties and Baltimore City to assist those local boards duplicate absentee ballots that voters received via SBE's online ballot delivery system. There is a kickoff meeting scheduled for December 20th at the Anne Arundel County Board of Elections. At this meeting, representatives from Runbeck, SBE, and the five local boards will attend and receive a demonstration of the duplication solution with a question and answer period after the demonstration.

Absentee Printing and Mailing

The Request for Proposal for the absentee printing and mailing is in its final stages of being awarded. We received one bid, and the services will be provided statewide.

3. Voter Registration

Electronic Registration Information Center (ERIC)

The local boards continue to process the last ERIC report. Numbers will be provided at the next board meeting.

MDVOTERS

Software release 6.7 will move into production the weekend of December 16th. The release primarily deals with candidacy enhancements in preparation for the February 27, 2018 candidate filing deadline.

Non-Citizens

Removal of non-citizens - 6

Removal of non-citizens who voted - 1

Removal of non-citizens who voted multiple times - 0

Non-citizens forwarded to the Office of the State Prosecutor - 6

New voter registration mailing

Following best practices of other State agencies, other states, and a strong suggestion from the Legislative Auditor, local boards will begin mailing to each registered voter who provides a new residential or mailing address a notice about the change of address. The message will be: "We recently changed your address for voting purposes. If you did not request this change, please call <the local board's phone number>." We shared this new procedures with the election directors at the November 30th meeting, and mailings will start this month. While the voter notification card is mailed to the voter's new address, this mailing will be sent to the voter's previous address.

4. Candidacy and Campaign Finance (CCF) Division

Candidacy

As of November 27, 2017, 284 candidates have filed a certificate of candidacy at SBE for the 2018 General Election.

Campaign Finance

The Contribution Disclosure Statement was due on November 30 for (1) any person with a single contract with a single governmental entity of \$200,000 or more or (2) a person who provides lobbyist compensation and makes campaign contributions or donation of \$500 or more to a candidate or an independent expenditure entity supporting a candidate. There are over 700 active accounts in the system for the November report including over 60 new businesses having registered in 2017.

County Public Financing Programs

Jared reviewed Howard County Council Bill 30, the legislation for the public financing program for Howard County elections, and found that it conformed with State law and policy. A letter will be sent approving its implementation for the 2022 election.

The following committees filed documents under Montgomery County's public finance program.

1. Michele Riley for Council filed on November 7th a request for public matching funds. The committee failed to meet the minimum requirements on the number of eligible contributors and aggregate amount. Since a candidate is permitted to submit only one application for certification, this committee is not eligible to receive public funds.
2. Nancy Navarro for Montgomery County filed On November 7th a request for public matching funds. Because the committee had some incorrect data entry of the contributor information, the report must be amended by December 5th. If an amendment is not timely filed, the committee will be found not eligible to participate because it did not meet the minimum requirements.
3. George Leventhal for Montgomery County submitted on November 7th a request for additional public matching funds. The committee submitted 68 qualifying contributions totaling \$6,080.00 and is eligible to receive \$26,270.00 in public matching funds.
4. Friends of Sidney Katz filed on November 21st a request of public matching funds. The committee submitted 165 qualifying contributions totaling \$14,942.00 and is eligible to receive \$49,403.00 in public matching funds. The report is under review.

Committees may file matching fund requests on the first and third Tuesday of every month.

Enforcement

The following committees paid civil penalties:

1. Committee to Retain the Sitting Judges of Montgomery County MD paid on November 9th a \$100.00 civil penalty for failing to include an authority line on its website.
2. State Law Enforcement Officers Labor Alliance PAC paid on November 3th a civil penalty of \$750.00 for failing to report on a campaign finance report all contributions and expenditures. Additionally, the committee could not identify all of its contributors when audited, and as a result, remitted to the Fair Campaign Financing Fund the anonymous contributions of \$150.00.
3. Friends of Greg Hall paid on November 7th a civil penalty of \$700.00 for failing to maintain account books and records; reporting all contributions and expenditures on a campaign finance report; and making a disbursement by unauthorized method.
4. United for Maryland PAC paid on November 9th a civil penalty of \$50.00 for engaging in campaign finance activity prior to its establishment.

5. **Project Management Office (PMO)**

Inventory: Excess Equipment Disposal

We continue to work with the Department of General Services (DGS) and the State's contract recycler to dispose of the legacy TS-R6 voting system. To date, 6,393 TS-R6 units have been picked up by the recycler.

Inventory System Updates

On November 9th, the local boards were granted in the new inventory production system "view only" access to their equipment and supplies. On December 4th, the local boards received training on and access to updating and transferring equipment in the test system. Over the next month, the local boards can use the test system to become familiar and comfortable with the system's functionality in preparation for the local board's go-live date the week of January 8th. At that time, they will be responsible for the update and transfer of their own equipment and supplies.

Staffing

The PMO continues work on the planning for the statewide staffing of temporary election support resources for the 2018 Primary Election. The planned date for Board of Public Works approval is January 3rd.

Other

We continue to work with the Worcester County Board of Elections and the Worcester County administration to resolve the mold issues in the Worcester County Local Board of Elections' warehouse. SBE hired a mold remediator/cleaner to transport the equipment and supplies from the warehouse to the contractor's facility in in Glen Burnie, remove the mold from equipment and supplies to be cleaned, and wrap equipment and supplies that cannot be cleaned.

All equipment and supplies will delivered to SBE's Central warehouse on December 8th. The cleaned equipment and supplies will be transported back to Worcester County

when a new warehouse facility is secured. Equipment that cannot be cleaned will be disposed of following DGS' disposal process.

6. **Voting Systems**

Electronic Pollbooks

The release version of the electronic pollbook software is due tomorrow. This is the software version to be used for the 2018 Elections. The software will be loaded onto a small amount of pollbooks in each LBE for testing, including the pre-primary training scheduled for January.

SBE will also receive the first production models of the new electronic pollbooks this month. These will be going to two local boards - Caroline and Charles - for use in the 2018 Elections. The balance of the new pollbooks will be received in February.

Pre-Election Testing and Volume Testing

Preparations for the pre-primary testing continues. A group of local boards reviewed the plans and submitted feedback, and the plan has now been issued to all local boards. The local boards will simulate the pre-election logic and accuracy testing, early voting, election day operations, and the canvas process. Most of the work will take place in the third week in January.

Server Updates

Updates to the certified network servers and workstations have taken place the last two weeks. Images containing two updates have been loaded. The updates optimize the hard drive space on the servers and install new hardware drivers to stabilize the speed of loading the data from the ballot scanners. These updates have been approved by the U.S. Election Assistance Commission.

Additional Equipment for 2018 Elections

With the addition of ten new early voting sites for 2018, the team has been procuring and configuring the required additional equipment. 33 new modems have been procured and are being configured. These are for both the new early voting sites, and the replacement of older 3rd generation modems. All 3g modems must be replaced by December 2019, as Verizon will be discontinuing their support for it then.

The additional voting equipment previously approved by the Board of Public Works is scheduled to be delivered in February. The equipment will be received at the central warehouse for acceptance testing, and then delivered to the local boards in early March.

Documentation

The team has been updating the Conducting the Election Guide for 2018. While there are no major changes, there are the changes to the pollbook software, updates to the EXP application that handles exports from the election night and certified networks, and lessons learned from the 2016 elections.

7. **Information Technology**

Risk and Vulnerability Assessment

From November 6th - 17th, representatives of the Department of Homeland Security (DHS) performed a risk and vulnerability assessment on several of our IT systems. The assessment included a test “phishing” email and external and internal vulnerability and penetration testing of our internal network and websites (including the online voter registration system, voter look-up, polling place locator), MDVOTERS, MD CRIS, and the pollbook database. Although we are awaiting the final report, the DHS representatives shared that they did not obtain any significant access to any of our systems and offered some preliminary recommendations, all of which we have either implemented or are in the process of implementing.

STATE BOARD OF ELECTIONS

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

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Memorandum

TO: State Board Members
FROM: Jared DeMarinis, Director
Division of Candidacy and Campaign Finance
DATE: December 7, 2017
SUBJECT: Waiver of late filing fees

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

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

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

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

Pursuant to Election Law Article §13-337 (b) (3), the State Administrator has denied zero waiver request, for the month of December. No board action is required on the denials. Late fees collected year to date for late Fee Waivers are \$46, 487.23.

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

Late fee Waiver 12/07/17

1. Hall, Greg A. Friends of
2. Taylor,(Rev.) Arlene F. Friends of
3. Psychological Association PAC, Maryland
4. Miller, Jason for Maryland Mid
5. Friends of LifeBridge Health PAC

Waiver Request Information Page

General

Account Name	Hall, Greg A. Friends of	
CCF ID:	01009507	Status: Inactive
Date Established	11/06/13	
Date Waiver Requested	11/20/17	
Account Type	Campaign Account	

Officers

Current Treasurer	Kimberlyn Waterman	Start Date: 3/20/14
Responsible Treasurer		
Current Chairman	Greg Hall	1/15/14
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/18/17		11/07/17	\$500	\$500
			\$	\$
			Total	\$500

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

Prior Waiver and Fees

1/20/16 late fee \$80.00
11/18/14 late fee \$190.00

Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
1/18/17	\$0	\$0	\$0	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

Per OSP This Office declines to prosecute the above-referenced campaign finance committee for the failure to file and pay the associate late fee for the 2017 Annual report. Based on the candidate being deceased and the campaign committee having zero monies, this Office will exercise its prosecutorial discretion and will not be pursuing the violation.

Division Comments

Grant per OSP



Victorica Smith -SBE- <victorica.smith@maryland.gov>

Friends of Greg A. Hall, CCF ID: 01009507

1 message

Stephannie Krulevitz -OSPMD- <stephannie.krulevitz@maryland.gov>

Tue, Nov 14, 2017 at 9:04 AM

To: Jared DeMarinis <jared.demarinis@maryland.gov>, ebony.parran@maryland.gov, Pat Ramallosa <patricia.ramallosa@maryland.gov>, victorica.smith@maryland.gov, vicki.molina@maryland.gov
Cc: Cynthia Thomas <cynthia.thomas1@maryland.gov>

Dear Mr. DeMarinis:

This Office declines to prosecute the above-referenced campaign finance committee for the failure to file and pay the associate late fee for the 2017 Annual report. Based on the candidate being deceased and the campaign committee having zero monies, this Office will exercise its prosecutorial discretion and will not be pursuing the violation.

Please feel free to contact me with any questions.

Sincerely,

Stephannie A. Krulevitz, Esquire
Office of the State Prosecutor
300 East Joppa Road, Suite 410
Towson, MD 21286
Phone: (410) 321-4067
Fax: (410) 321-3851
stephannie.krulevitz@maryland.gov

Waiver Request Information Page

General

Account Name	Taylor, (Rev.) Arlene F., Friends of	
CCF ID:	01010479	Status: Inactive
Date Established	2/25/14	
Date Waiver Requested	11/15/17	
Account Type	Campaign Account	

Officers

Current Treasurer	Taya Wright	Start Date: 2/25/14
Responsible Treasurer		
Current Chairman	Arlene Taylor	2/25/14
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/18/17		1/27/17	\$90	\$90
			\$	\$
			Total	\$90.00

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

Prior Waiver and Fees

1/21/15 late fee \$500.00
 11/18/14 late fee\$20.00
 10/24/14 late fee\$230.00
 6/13/14 late fee\$250.00

Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
1/18/17	\$0	\$0	\$0	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

Per OSP he above-referenced file was referred to the Office of the State Prosecutor for the failure to timely and accurately file and failure to pay the associated late fee for the 2017 Annual report. Based on our review of the file, we have determined that prosecution is not warranted as all required campaign finance reports have been filed and the amount of late fees is *deminimus*. Further, it has come to our attention that Bishop Arlene Faye Taylor passed away on September 18, 2017.

Division Comments

Grant per OSP

Administrator's Decision



Victorica Smith -SBE- <victorica.smith@maryland.gov>

Friends of (Rev.) Arlene F. Taylor, CCF ID: 01010479

1 message

Stephannie Krulevitz -OSPMD- <stephannie.krulevitz@maryland.gov>

Thu, Nov 2, 2017 at 12:25 PM

To: Jared DeMarinis -SBE- <jared.demarinis@maryland.gov>, Ebony Parran -SBE- <ebony.parran@maryland.gov>, Victorica Smith -SBE- <victorica.smith@maryland.gov>, Vicki Molina -SBE- <vicki.molina@maryland.gov>, Patricia Ramallosa -SBE- <Patricia.Ramallosa@maryland.gov>

Cc: Cynthia Thomas -OSPMD- <cynthia.thomas1@maryland.gov>

Dear Mr. DeMarinis:

The above-referenced file was referred to the Office of the State Prosecutor for the failure to timely and accurately file and failure to pay the associated late fee for the 2017 Annual report. Based on our review of the file, we have determined that prosecution is not warranted as all required campaign finance reports have been filed and the amount of late fees is *deminimus*. Further, it has come to our attention that Bishop Arlene Faye Taylor passed away on September 18, 2017. Therefore, this Office recommends that the campaign finance committee known as Friends of (Rev.) Arlene F. Taylor be immediately administratively closed.

Please feel free to contact me with any questions.

Sincerely,

Stephannie A. Krulevitz

Assistant State Prosecutor

Stephannie A. Krulevitz
Assistant State Prosecutor
Office of the State Prosecutor
300 East Joppa Road, Suite 410
Towson, MD 21286
Phone: (410) 321-4067
Fax: (410) 321-3851
stephannie.krulevitz@maryland.gov

Waiver Request Information Page

General

Account Name	Psychological Association PAC, Maryland	
CCF ID:	03007886	Status: Active
Date Established	12/07/82	
Date Waiver Requested	10/28/17	
Account Type	Pac Account	

Officers

Current Treasurer	Stefanie Reeves	Start Date: 7/07/15
Responsible Treasurer		
Current Chairman	Joshua Cohen	5/28/14
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
9/22/17 Audit			\$60	\$60
			\$	\$
			Total	\$60

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

Prior Waiver and Fees

N/A

Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
9/22/17 Audit	\$0	\$11,581	\$20,045	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

Because the 2015 report was produced prior to my employment it required additional research before it could be amended, which took us pass the deadline.

Division Comments

Grant first request.

Administrator's Decision

State of Maryland

Late Fee Waiver Request Form

Instructions: Please print clearly or type. If you assert as the basis for the request that you were personally unable to file the report, please explain why the other responsible parties could not file the report. Please limit your request to this document only. *Requests may only be made by the committee chairman, treasurer or candidate.

Campaign Account Name: Maryland Psych Assoc. PAC Account Number: 03007886

Date of Request: 9/28/17 Total Amount of late fees: \$ 60.00

Name of the Requestor(s)*: Stefanie Beever

The Requestor is the: Chairman Treasurer Candidate

Waiver of late fees for the following Campaign Finance Report(s): ~~2015-2017~~ 2015-2017 annual reports

The basis for the request: Because the 2015 annual report was produced prior to my employment w/ MPA, it required additional research that took place beyond the stated deadline. The amendments to the 3 annual reports have been filed.

Stefanie Beever
(Signature)

9/28/17
(Date)

For Board Use Only	
Date Rcvd: _____	Date Heard: _____
Verification: _____	
Bd. Decision: _____	

Maryland State Board of Elections
Division of Candidacy and Campaign Finance
P.O. Box 6486 • 151 West Street, Suite 200 • Annapolis, MD 21401-0486
410-269-2880 • 800-222-8683 • MD Relay 800-735-2258 • www.elections.state.md.us

Waiver Request Information Page

General

Account Name	Miller, Jason for Maryland Mid	
CCF ID:	01009514	Status: Active
Date Established	11/13/13	
Date Waiver Requested	11/16/17	
Account Type	Campaign Account	

Officers

Current Treasurer	Amanda Miller	Start Date: 8/23/16
Responsible Treasurer		
Current Chairman	Jason Miller	
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
8/26/14		1/17/17	\$250	\$250
10/24/14		1/17/17	\$250	\$250
11/18/14		1/17/17	\$250	\$250
			Total	\$750.00

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

Prior Waiver and Fees

1/15/14 late fee \$210

Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
11/18/14	\$0	\$15	\$283	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

When we filed the affidavits for these periods we believed that we had not spent or raised over \$1000, after adding everything up we were over by \$2.00 All we had intended in filing the amendments in January was to bring everything up to date.

Division Comments

Grant, the affidavit were timely filed but had to be deleted in order to file a campaign finance report.

Administrator's Decision

State of Maryland

Late Fee Waiver Request Form

Instructions: Please print clearly or type. If you assert as the basis for the request that you were personally unable to file the report, please explain why the other responsible parties could not file the report. Please limit your request to this document only. *Requests may only be made by the committee chairman, treasurer or candidate.

Campaign Account Name: Miller, Jason for Maryland Mid Account Number: 01009514

Date of Request: 10/30/17 Total Amount of late fees: \$ 750.00

Name of the Requestor(s)*: Amanda Miller

The Requestor is the: Chairman Treasurer Candidate

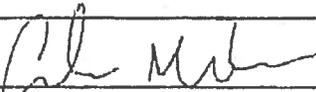
Waiver of late fees for the following Campaign Finance Report(s): 2014 Gubernatorial Post-Gen
2014 Gubernatorial Pre-Gen 1
2014 Gubernatorial Pre-Gen 2

The basis for the request: _____

When we filed the affidavits for these time periods
we believed that we had not spent or raised over
\$1,000. Adding everything together for all of these
time periods we were \$2.00 over the \$1,000 limit.

All we had intended in filing the amendments in January
2017 was to bring everything up to date since we had to
file the annual report.

Please feel free to contact me with any questions.


(Signature)

11/16/17
(Date)

For Board Use Only	
Date Rcvd: _____	Date Heard: _____
Verification: _____	
Bd. Decision: _____	

Maryland State Board of Elections
Division of Candidacy and Campaign Finance

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Waiver Request Information Page

General

Account Name	Friends Of LifeBridge Health PAC	
CCF ID:	03008082	Status: Active
Date Established	1/30/04	
Date Waiver Requested	10/04/17	
Account Type	PAC Account	

Officers

Current Treasurer	Abba Poliakoff	Start Date: 5/31/13
Responsible Treasurer		
Current Chairman	Eugene Friedman	6/09/14
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
9/22/17		10/02/17	\$100	\$100
			\$	\$
			Total	\$100

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

Prior Waiver and Fees

None

Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
9/22/17	\$500	\$3975	\$4266	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

Based upon the actual compliance with the Board's requirements, the lack of prior non-compliance by the PAC we request a waiver.

Division Comments

Grant first request, and no history of non-compliance.

Administrator's Decision

GORDON•FEINBLATT^{LLC}
ATTORNEYS AT LAW

RECEIVED

OCT 04 2017

STATE BOARD OF ELECTIONS

ABBA DAVID POLIAKOFF
410.576.1234
apoliakoff@gfrlaw.com

233 EAST REDWOOD STREET
BALTIMORE, MARYLAND 21202-3332
410.576.4000
www.gfrlaw.com

October 2, 2017

State Board of Elections Commission
P.O. Box 6486
Annapolis, MD 21404-0486

Re: Friends of LifeBridge Health PAC
2015 Annual Report

Ladies and Gentlemen:

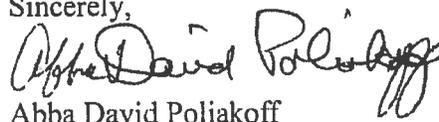
This refers to the letter dated September 29, 2017 from the State Board of Elections regarding the 2015 Annual Report of Friends of LifeBridge Health PAC (PAC). The Board's letter notifies the PAC that because the PAC was late in filing the Amended Campaign Finance Report referenced above, a penalty is being assessed against the PAC. We respectfully request that the Board find that the PAC is not deemed to have filed a late report.

The PAC initially received a notice from the Board dated August 22, 2017 regarding a deficiency in the PAC's 2015 filing. Almost immediately upon receipt of the Board's letter, the PAC contacted the persons who had the appropriate information, that information was received by email promptly thereafter, and, on or about September 1, 2017, the information was corrected online (see Attachment A). The Board's computer records will verify that the information was indeed corrected on or about September 1, 2017. However, it appears that, while the information was corrected online, the information was not contained in a formal amended filing.

On Friday, September 29, the PAC received an emailed letter from the Board stating that the amended filing was not made and, as a result, the penalty is being assessed. Promptly after receipt of that letter, on Monday October 2, 2017, the information (which was already corrected online) was formally filed as an amended report (see Attachment B).

Based upon the actual compliance with the Board's requirements, the lack of any prior non-compliance by the PAC, the immediate correction of the information online, and the expeditious filing of an amended filing, we respectfully request that the Friends of LifeBridge Health PAC not be held to be in non-compliance.

Sincerely,


Abba David Poliakoff

cc: Friends of LifeBridge Health PAC

STATE BOARD OF ELECTIONS

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

David J. McManus, Chairman
Patrick J. Hogan, Vice Chairman
Michael R. Cogan
Kelley Howells
Gloria Lawlah



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

TO: State Board Members

FROM: Jared DeMarinis, Director
Candidacy and Campaign Finance Division

DATE: December 07, 2017

SUBJECT: Confidentiality Request

COMAR 33.04.02.02 identifies individuals who may request to have their residence addresses and telephone numbers designated as confidential as provided by regulation. The categories of individuals who may request confidentiality are law enforcement personnel, persons being threatened, victim of or witness to felony and others due to safety or serious invasion of privacy.

Please find attached a list of persons who requested their home address and telephone number be kept confidential on their public candidate information and/or their voter registration records. The Candidacy and Campaign Finance Division reviews all applications, documents submitted and verifies the employment of law enforcement personnel.

The State Board of Elections grants final approval of their request for confidentiality.

Please contact me directly at 410-269-2853 if you have any questions.

Confidentiality Request 12/07/17

1. Brett Wilson
2. Jeannie Cho
3. Debra Dwyner
4. James Bonifant
5. Kevin Hessler
6. Mark Boyer
7. Harris Murphy
8. Lawrence Kreis
9. Donine Carrington

State of Maryland

Confidentiality Request Form

Instructions: Please complete this form if you would like your residence address, telephone number, and email address to be designated as confidential and protected from public disclosure. Mail the completed form and documents to:

- The local board of elections for the county in which you reside if your request relates to:
 - A Voter Registration Record;
 - A Certificate of Candidacy filed with the Local Board; or
- The State Board of Elections if your request relates to: (please check all that apply)
 - A Certificate of Candidacy
 - A Statement of Organization
 - A campaign finance record on file with the State Board.

I, Brett R Wilson, (Date of birth: 3/29/1967) request that my residence address, telephone number, and email address as contained in my Voter Registration Record, Candidacy Record, and any Campaign Records be designated as confidential and precluded from disclosure under State Government Article, Title 10, Subtitle 6, Part III, Annotated Code of Maryland. I understand that if I am granted confidentiality, the election office will ask me to verify my information and confirm the continuing need for confidentiality every 2-years.

I am entitled to confidentiality due to the fact that I am an individual who falls under the category checked below. Please check the applicable category and include a copy of the requested proof with this completed form.

Law Enforcement Personnel

Subject to proof of employment (for example, letter from your employer), you may be entitled to confidentiality if you are a current or former:

- Police officer;
- Correctional employee with frequent inmate contact;
- Member of the State or federal judiciary; or
- Prosecutor or an investigator employed by a prosecutor.

Person Being Threatened

Subject to proof of a threat to your personal safety (for example, restraining order, police report, statement from a social service agency, or other documents satisfactory to the election board), you be made be entitled to confidentiality if you are:

- An abused spouse or other domestic partner;
- A "stalked" individual;
- An individual whose safety has been threatened by an unidentified person; or
- An individual for whom disclosure of your residence address, telephone number, or email address is likely to lead to an unwarranted and serious invasion of privacy.

RECEIVED

NOV 13 2017

STATE BOARD OF ELECTIONS

Victim of or Witness to Felony

Subject to appropriate documentation satisfactory to the election board, you may be entitled to confidentiality if you are a victim of or a witness to a felony or a delinquent act that, if committed by an adult, would be a felony.

The following information is relevant to my request: I was appointed to The Circuit Court of Washington County, MD by Gov. Larry Hogan.

Current Sitting Judge

I acknowledge that, notwithstanding approval of the request for confidentiality, that the information will be made available to the jury commissioner, to other public officials as required by law, and as otherwise may be required by subpoena or other court order. Further, I waive any right of action against the State, the county, the State Board of Elections, the local board of elections, or their employees for failing to keep the information confidential. I affirm, under penalty of perjury, that the above information and any supporting documentation is true and correct.

Signature: _____

Date: 11/13/17

RECEIVED

State of Maryland
Confidentiality Request Form

OCT 27 2017

Instructions: Please complete this form if you would like your residence address, telephone number, and email address to be designated as confidential and protected from public disclosure. Mail the completed form and documents to:

- The local board of elections for the county in which you reside if your request relates to:
 - A Voter Registration Record;
 - A Certificate of Candidacy filed with the Local Board; or
- The State Board of Elections if your request relates to: (please check all that apply)
 - A Certificate of Candidacy
 - A Statement of Organization
 - A campaign finance record on file with the State Board.

I, Jeannie Cho, (Date of birth: 09/16/1966) request that my residence address, telephone number, and email address as contained in my Voter Registration Record, Candidacy Record, and any Campaign Records be designated as confidential and precluded from disclosure under State Government Article, Title 10, Subtitle 6, Part III, Annotated Code of Maryland. I understand that if I am granted confidentiality, the election office will ask me to verify my information and confirm the continuing need for confidentiality every 2-years.

I am entitled to confidentiality due to the fact that I am an individual who falls under the category checked below. Please check the applicable category and include a copy of the requested proof with this completed form.

Law Enforcement Personnel *Subject to proof of employment (for example, letter from your employer), you may be entitled to confidentiality if you are a current or former:*

- Police officer;
- Correctional employee with frequent inmate contact;
- Member of the State or federal judiciary; or
- Prosecutor or an investigator employed by a prosecutor.

Person Being Threatened *Subject to proof of a threat to your personal safety (for example, restraining order, police report, statement from a social service agency, or other documents satisfactory to the election board), you be made be entitled to confidentiality if you are:*

- An abused spouse or other domestic partner;
- A "stalked" individual;
- An individual whose safety has been threatened by an unidentified person; or
- An individual for whom disclosure of your residence address, telephone number, or email address is likely to lead to an unwarranted and serious invasion of privacy.

Victim of or Witness to Felony *Subject to appropriate documentation satisfactory to the election board, you may be entitled to confidentiality if you are a victim of or a witness to a felony or a delinquent act that, if committed by an adult, would be a felony.*

The following information is relevant to my request: _____

_____ *Current Sitting Judge*

I acknowledge that, notwithstanding approval of the request for confidentiality, that the information will be made available to the jury commissioner, to other public officials as required by law, and as otherwise may be required by subpoena or other court order. Further, I waive any right of action against the State, the county, the State Board of Elections, the local board of elections, or their employees for failing to keep the information confidential. I affirm, under penalty of perjury, that the above information and any supporting documentation is true and correct.

Signature: *Jeannie Cho*

Date: 10/27/17

State of Maryland Confidentiality Request Form

Instructions: Please complete this form if you would like your residence address, telephone number, and email address to be designated as confidential and protected from public disclosure. Mail the completed form and documents to:

- > The local board of elections for the county in which you reside if your request relates to:
 - A Voter Registration Record;
 - A Certificate of Candidacy filed with the Local Board; or
- > The State Board of Elections if your request relates to: (please check all that apply)
 - A Certificate of Candidacy
 - A Statement of Organization
 - A campaign finance record on file with the State Board.

I, DEBRA L. DWYER, (Date of birth: 04/17/60) request that my residence address, telephone number, and email address as contained in my Voter Registration Record, Candidacy Record, and any Campaign Records be designated as confidential and precluded from disclosure under State Government Article, Title 10, Subtitle 6, Part III, Annotated Code of Maryland. I understand that if I am granted confidentiality, the election office will ask me to verify my information and confirm the continuing need for confidentiality every 2-years.

I am entitled to confidentiality due to the fact that I am an individual who falls under the category checked below. Please check the applicable category and include a copy of the requested proof with this completed form.

Law Enforcement Personnel *Subject to proof of employment (for example, letter from your employer), you may be entitled to confidentiality if you are a current or former:*

- Police officer;
- Correctional employee with frequent inmate contact;
- Member of the State or federal judiciary; or
- Prosecutor or an investigator employed by a prosecutor.

Person Being Threatened *Subject to proof of a threat to your personal safety (for example, restraining order, police report, statement from a social service agency, or other documents satisfactory to the election board), you be made be entitled to confidentiality if you are:*

- An abused spouse or other domestic partner;
- A "stalked" individual;
- An individual whose safety has been threatened by an unidentified person; or
- An individual for whom disclosure of your residence address, telephone number, or email address is likely to lead to an unwarranted and serious invasion of privacy.

Victim of or Witness to Felony *Subject to appropriate documentation satisfactory to the election board, you may be entitled to confidentiality if you are a victim of or a witness to a felony or a delinquent act that, if committed by an adult, would be a felony.*

RECEIVED
OCT 27 2017

The following information is relevant to my request: _____ STATE BOARD OF ELECTIONS

Current Sitting Judge

I acknowledge that, notwithstanding approval of the request for confidentiality, that the information will be made available to the jury commissioner, to other public officials as required by law, and as otherwise may be required by subpoena or other court order. Further, I waive any right of action against the State, the county, the State Board of Elections, the local board of elections, or their employees for failing to keep the information confidential. I affirm, under penalty of perjury, that the above information and any supporting documentation is true and correct.

Signature: *Debra L. Dwyer*

Date: 10/27/17

State of Maryland
Confidentiality Request Form

RECEIVED
OCT 27 2017
STATE BOARD OF ELECTIONS

Instructions: Please complete this form if you would like your residence address, telephone number, and email address to be designated as confidential and protected from public disclosure. Mail the completed form and documents to:

- > The local board of elections for the county in which you reside if your request relates to:
 - A Voter Registration Record;
 - A Certificate of Candidacy filed with the Local Board; or
- > The State Board of Elections if your request relates to: (please check all that apply)
 - A Certificate of Candidacy
 - A Statement of Organization
 - A campaign finance record on file with the State Board.

I, JAMES A. BONIFANT, (Date of birth: 3/14/1956) request that my residence address, telephone number, and email address as contained in my Voter Registration Record, Candidacy Record, and any Campaign Records be designated as confidential and precluded from disclosure under State Government Article, Title 10, Subtitle 6, Part III, Annotated Code of Maryland. I understand that if I am granted confidentiality, the election office will ask me to verify my information and confirm the continuing need for confidentiality every 2-years.

I am entitled to confidentiality due to the fact that I am an individual who falls under the category checked below. Please check the applicable category and include a copy of the requested proof with this completed form.

Law Enforcement Personnel *Subject to proof of employment (for example, letter from your employer), you may be entitled to confidentiality if you are a current or former:*

- Police officer;
- Correctional employee with frequent inmate contact;
- Member of the State or federal judiciary; or
- Prosecutor or an investigator employed by a prosecutor.

Person Being Threatened *Subject to proof of a threat to your personal safety (for example, restraining order, police report, statement from a social service agency, or other documents satisfactory to the election board), you be made be entitled to confidentiality if you are:*

- An abused spouse or other domestic partner;
- A "stalked" individual;
- An individual whose safety has been threatened by an unidentified person; or
- An individual for whom disclosure of your residence address, telephone number, or email address is likely to lead to an unwarranted and serious invasion of privacy.

Victim of or Witness to Felony *Subject to appropriate documentation satisfactory to the election board, you may be entitled to confidentiality if you are a victim of or a witness to a felony or a delinquent act that, if committed by an adult, would be a felony.*

The following information is relevant to my request: CURRENT JUDGE

Current sitting Judge

I acknowledge that, notwithstanding approval of the request for confidentiality, that the information will be made available to the jury commissioner, to other public officials as required by law, and as otherwise may be required by subpoena or other court order. Further, I waive any right of action against the State, the county, the State Board of Elections, the local board of elections, or their employees for failing to keep the information confidential. I affirm, under penalty of perjury, that the above information and any supporting documentation is true and correct.

Signature: James A. Bonifant

Date: 10/27/17

State of Maryland Confidentiality Request Form

Instructions: Please complete this form if you would like your residence address, telephone number, and email address to be designated as confidential and protected from public disclosure. Mail the completed form and documents to:

- > The local board of elections for the county in which you reside if your request relates to:
 - A Voter Registration Record;
 - A Certificate of Candidacy filed with the Local Board; or
- > The State Board of Elections if your request relates to: (please check all that apply)
 - A Certificate of Candidacy
 - A Statement of Organization
 - A campaign finance record on file with the State Board.

RECEIVED

OCT 27 2017

STATE BOARD OF ELECTIONS

I, KEVIN G HESSLER, (Date of birth: 7/14/1956) request that my residence address, telephone number, and email address as contained in my Voter Registration Record, Candidacy Record, and any Campaign Records be designated as confidential and precluded from disclosure under State Government Article 10, Subtitle 6, Part III, Annotated Code of Maryland. I understand that if I am granted confidentiality, the election office will ask me to verify my information and confirm the continuing need for confidentiality every 2-years.

I am entitled to confidentiality due to the fact that I am an individual who falls under the category checked below. Please check the applicable category and include a copy of the requested proof with this completed form.

Law Enforcement Personnel *Subject to proof of employment (for example, letter from your employer), you may be entitled to confidentiality if you are a current or former:*

- Police officer;
- Correctional employee with frequent inmate contact;
- Member of the State or federal judiciary; or
- Prosecutor or an investigator employed by a prosecutor.

Person Being Threatened *Subject to proof of a threat to your personal safety (for example, restraining order, police report, statement from a social service agency, or other documents satisfactory to the election board), you be made be entitled to confidentiality if you are:*

- An abused spouse or other domestic partner;
- A "stalked" individual;
- An individual whose safety has been threatened by an unidentified person; or
- An individual for whom disclosure of your residence address, telephone number, or email address is likely to lead to an unwarranted and serious invasion of privacy.

Victim of or Witness to Felony *Subject to appropriate documentation satisfactory to the election board, you may be entitled to confidentiality if you are a victim of or a witness to a felony or a delinquent act that, if committed by an adult, would be a felony.*

The following information is relevant to my request: _____

_____ *Current sitting judge*

I acknowledge that, notwithstanding approval of the request for confidentiality, that the information will be made available to the jury commissioner, to other public officials as required by law, and as otherwise may be required by subpoena or other court order. Further, I waive any right of action against the State, the county, the State Board of Elections, the local board of elections, or their employees for failing to keep the information confidential. I affirm, under penalty of perjury, that the above information and any supporting documentation is true and correct.

Signature: *Kevin G Hessler*

Date: 10/27/2017

State of Maryland Confidentiality Request Form

Instructions: Please complete this form if you would like your residence address, telephone number, and email address to be designated as confidential and protected from public disclosure. Mail the completed form and documents to:

- > The local board of elections for the county in which you reside if your request relates to:
 - A Voter Registration Record;
 - A Certificate of Candidacy filed with the Local Board; or
- > The State Board of Elections if your request relates to: (please check all that apply)
 - A Certificate of Candidacy
 - A Statement of Organization
 - A campaign finance record on file with the State Board.

I, Mark K. Boyer, (Date of birth: 8-15-65) request that my residence address, telephone number, and email address as contained in my Voter Registration Record, Candidacy Record, and any Campaign Records be designated as confidential and precluded from disclosure under State Government Article, Title 10, Subtitle 6, Part III, Annotated Code of Maryland. I understand that if I am granted confidentiality, the election office will ask me to verify my information and confirm the continuing need for confidentiality every 2-years.

I am entitled to confidentiality due to the fact that I am an individual who falls under the category checked below. Please check the applicable category and include a copy of the requested proof with this completed form.

Law Enforcement Personnel

Subject to proof of employment (for example, letter from your employer), you may be entitled to confidentiality if you are a current or former:

- Police officer;
- Correctional employee with frequent inmate contact;
- Member of the State or federal judiciary; or
- Prosecutor or an investigator employed by a prosecutor.

Person Being Threatened

Subject to proof of a threat to your personal safety (for example, restraining order, police report, statement from a social service agency, or other documents satisfactory to the election board), you be made be entitled to confidentiality if you are:

- An abused spouse or other domestic partner;
- A "stalked" individual;
- An individual whose safety has been threatened by an unidentified person; or
- An individual for whom disclosure of your residence address, telephone number, or email address is likely to lead to an unwarranted and serious invasion of privacy.

RECEIVED

OCT 31 2017

STATE BOARD OF ELECTIONS

Victim of or Witness to Felony

Subject to appropriate documentation satisfactory to the election board, you may be entitled to confidentiality if you are a victim of or a witness to a felony or a delinquent act that, if committed by an adult, would be a felony.

The following information is relevant to my request: Sitting Judge.

Current Sitting Judge

I acknowledge that, notwithstanding approval of the request for confidentiality, that the information will be made available to the jury commissioner, to other public officials as required by law, and as otherwise may be required by subpoena or other court order. Further, I waive any right of action against the State, the county, the State Board of Elections, the local board of elections, or their employees for failing to keep the information confidential. I affirm, under penalty of perjury, that the above information and any supporting documentation is true and correct.

Signature: *Mark K. Boyer*

Date: 10-31-17

State of Maryland Confidentiality Request Form

Instructions: Please complete this form if you would like your residence address, telephone number, and email address to be designated as confidential and protected from public disclosure. Mail the completed form and documents to:

> The local board of elections for the county in which you reside if your request relates to:

- A Voter Registration Record;
- A Certificate of Candidacy filed with the Local Board; or

> The State Board of Elections if your request relates to: (please check all that apply)

- A Certificate of Candidacy
- A Statement of Organization
- A campaign finance record on file with the State Board.

RECEIVED

NOV 17 2017

STATE BOARD OF ELECTIONS

I, Harris P. Murphy, (Date of birth: 4/1/68) request that my residence address, telephone number, and email address as contained in my Voter Registration Record, Candidacy Record, and any Campaign Records be designated as confidential and precluded from disclosure under State Government Article, Title 10, Subtitle 6, Part III, Annotated Code of Maryland. I understand that if I am granted confidentiality, the election office will ask me to verify my information and confirm the continuing need for confidentiality every 2-years.

I am entitled to confidentiality due to the fact that I am an individual who falls under the category checked below. Please check the applicable category and include a copy of the requested proof with this completed form.

Law Enforcement Personnel

Subject to proof of employment (for example, letter from your employer), you may be entitled to confidentiality if you are a current or former:

- Police officer;
- Correctional employee with frequent inmate contact;
- Member of the State or federal judiciary; or
- Prosecutor or an investigator employed by a prosecutor.

Person Being Threatened

Subject to proof of a threat to your personal safety (for example, restraining order, police report, statement from a social service agency, or other documents satisfactory to the election board), you be made be entitled to confidentiality if you are:

- An abused spouse or other domestic partner;
- A "stalked" individual;
- An individual whose safety has been threatened by an unidentified person; or
- An individual for whom disclosure of your residence address, telephone number, or email address is likely to lead to an unwarranted and serious invasion of privacy.

Victim of or Witness to Felony

Subject to appropriate documentation satisfactory to the election board, you may be entitled to confidentiality if you are a victim of or a witness to a felony or a delinquent act that, if committed by an adult, would be a felony.

The following information is relevant to my request: _____

Charles Sittig Judge

I acknowledge that, notwithstanding approval of the request for confidentiality, that the information will be made available to the jury commissioner, to other public officials as required by law, and as otherwise may be required by subpoena or other court order. Further, I waive any right of action against the State, the county, the State Board of Elections, the local board of elections, or their employees for failing to keep the information confidential. I affirm, under penalty of perjury, that the above information and any supporting documentation is true and correct.

Signature: 

Date: 11/17/17

State of Maryland Confidentiality Request Form

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 - A Voter Registration Record;
 - A Certificate of Candidacy filed with the Local Board; or
- > The State Board of Elections if your request relates to: (please check all that apply)
 - A Certificate of Candidacy
 - A Statement of Organization
 - A campaign finance record on file with the State Board.

RECEIVED

OCT 31 2017

STATE BOARD OF ELECTIONS

I, Laura Marie F. Kreis, Jr., (Date of birth: 6/3/1969) request that my residence address, telephone number, and email address as contained in my Voter Registration Record, Candidacy Record, and any Campaign Records be designated as confidential and precluded from disclosure under State Government Article, Title 10, Subtitle 6, Part III, Annotated Code of Maryland. I understand that if I am granted confidentiality, the election office will ask me to verify my information and confirm the continuing need for confidentiality every 2-years.

I am entitled to confidentiality due to the fact that I am an individual who falls under the category checked below. Please check the applicable category and include a copy of the requested proof with this completed form.

Law Enforcement Personnel

Subject to proof of employment (for example, letter from your employer), you may be entitled to confidentiality if you are a current or former:

- Police officer;
- Correctional employee with frequent inmate contact;
- Member of the State or federal judiciary; or
- Prosecutor or an investigator employed by a prosecutor.

Person Being Threatened

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- An abused spouse or other domestic partner;
- A "stalked" individual;
- An individual whose safety has been threatened by an unidentified person; or
- An individual for whom disclosure of your residence address, telephone number, or email address is likely to lead to an unwarranted and serious invasion of privacy.

Victim of or Witness to Felony

Subject to appropriate documentation satisfactory to the election board, you may be entitled to confidentiality if you are a victim of or a witness to a felony or a delinquent act that, if committed by an adult, would be a felony.

The following information is relevant to my request:

Sitting Judge

Current Sitting Judge

I acknowledge that, notwithstanding approval of the request for confidentiality, that the information will be made available to the jury commissioner, to other public officials as required by law, and as otherwise may be required by subpoena or other court order. Further, I waive any right of action against the State, the county, the State Board of Elections, the local board of elections, or their employees for failing to keep the information confidential. I affirm, under penalty of perjury, that the above information and any supporting documentation is true and correct.

Signature: _____

[Handwritten Signature]

Date: _____

10/31/17

State of Maryland Confidentiality Request Form

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 - A Voter Registration Record;
 - A Certificate of Candidacy filed with the Local Board; or
- > The State Board of Elections if your request relates to: (please check all that apply)
 - A Certificate of Candidacy
 - A Statement of Organization
 - A campaign finance record on file with the State Board.

I, Donine Marie Carrington, (Date of birth: 8-28-70) request that my residence address, telephone number, and email address as contained in my Voter Registration Record, Candidacy Record, and any Campaign Records be designated as confidential and precluded from disclosure under State Government Article, Title 10, Subtitle 6, Part III, Annotated Code of Maryland. I understand that if I am granted confidentiality, the election office will ask me to verify my information and confirm the continuing need for confidentiality every 2-years.

I am entitled to confidentiality due to the fact that I am an individual who falls under the category checked below. Please check the applicable category and include a copy of the requested proof with this completed form.

- Law Enforcement Personnel *Subject to proof of employment (for example, letter from your employer), you may be entitled to confidentiality if you are a current or former:*
- Police officer;
 - Correctional employee with frequent inmate contact;
 - Member of the State or federal judiciary; or
 - Prosecutor or an investigator employed by a prosecutor.

- Person Being Threatened *Subject to proof of a threat to your personal safety (for example, restraining order, police report, statement from a social service agency, or other documents satisfactory to the election board), you be made be entitled to confidentiality if you are:*
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 - A "stalked" individual;
 - An individual whose safety has been threatened by an unidentified person; or
 - An individual for whom disclosure of your residence address, telephone number, or email address is likely to lead to an unwarranted and serious invasion of privacy.

- Victim of or Witness to Felony *Subject to appropriate documentation satisfactory to the election board, you may be entitled to confidentiality if you are a victim of or a witness to a felony or a delinquent act that, if committed by an adult, would be a felony.*

The following information is relevant to my request: Sitting Judge in Charles Co.

currently sitting Judge

I acknowledge that, notwithstanding approval of the request for confidentiality, that the information will be made available to the jury commissioner, to other public officials as required by law, and as otherwise may be required by subpoena or other court order. Further, I waive any right of action against the State, the county, the State Board of Elections, the local board of elections, or their employees for failing to keep the information confidential. I affirm, under penalty of perjury, that the above information and any supporting documentation is true and correct.

Signature: Donine Marie Carrington

Date: 11/21/17

Newly Proposed Early Voting Centers for the 2018 Elections

State Board of Elections
December 7, 2017 Meeting

Anne Arundel County- 7 early voting centers

Roger “Pip” Moyer Recreation Center

Crofton Community Library

Anne Arundel County Board of Elections Office

- ▶ Replacing the Annapolis Senior Activity Center
- ▶ Additional two centers
- ▶ 80% of voters live within 5 miles of one center
- ▶ Accessible for 2018 early voting
- ▶ Allows for electioneering
- ▶ Adequate parking
- ▶ Adequate to handle estimated peak voting hour
- ▶ Accessible by public transportation (Roger “Pip” Moyer)

Anne Arundel County Map



Location of all Early Voting Centers (RED - proposed new centers, GREEN - existing centers)

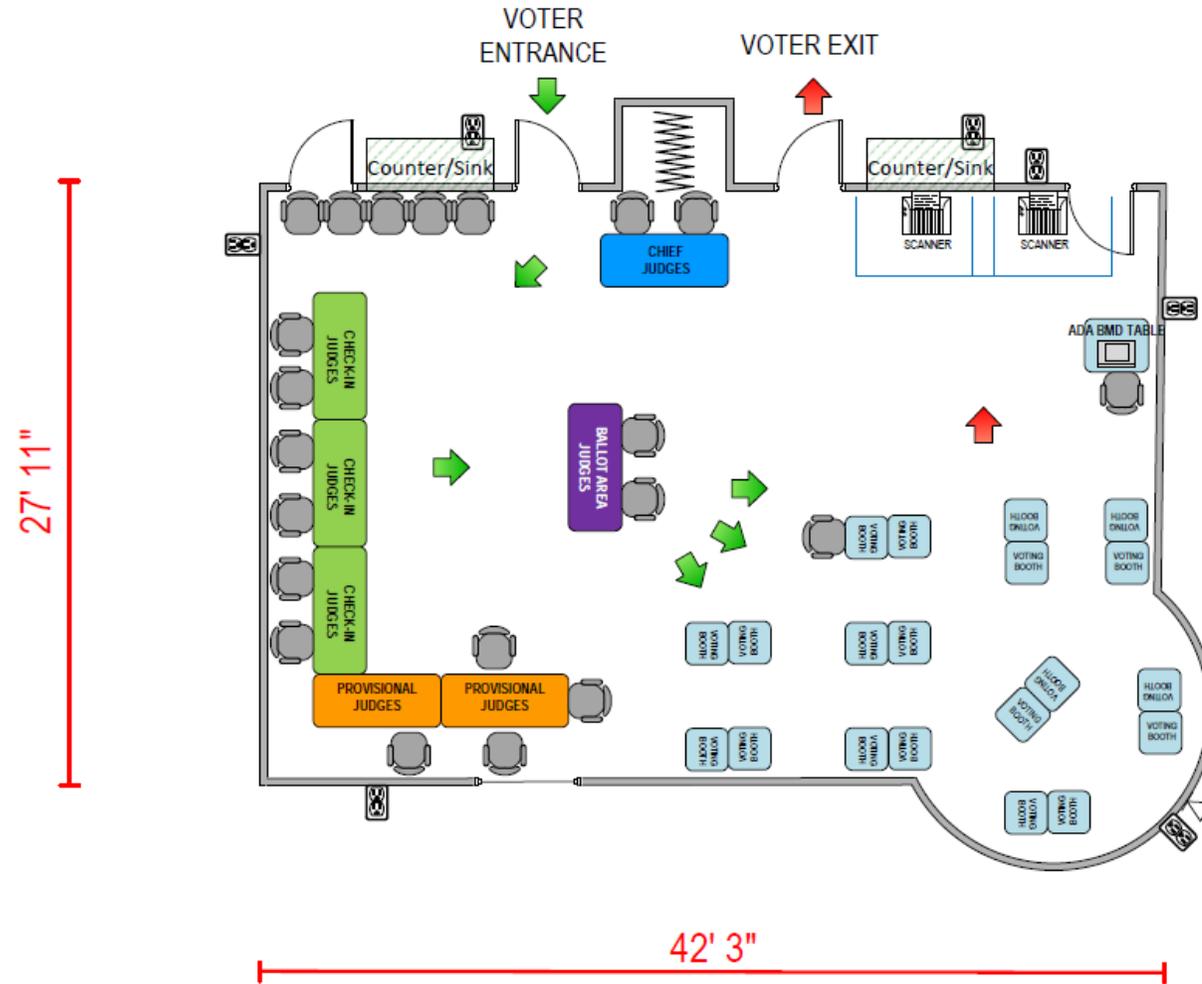
Anne Arundel County is replacing one early voting center and adding two new early voting centers. They are using four of the same centers from the 2016 elections and more area is being covered by adding the two new centers. At least 80% of the registered voters live within 5 miles of one of the early voting centers.

Roger "Pip" Moyer Recreation Center
Voter Entrance



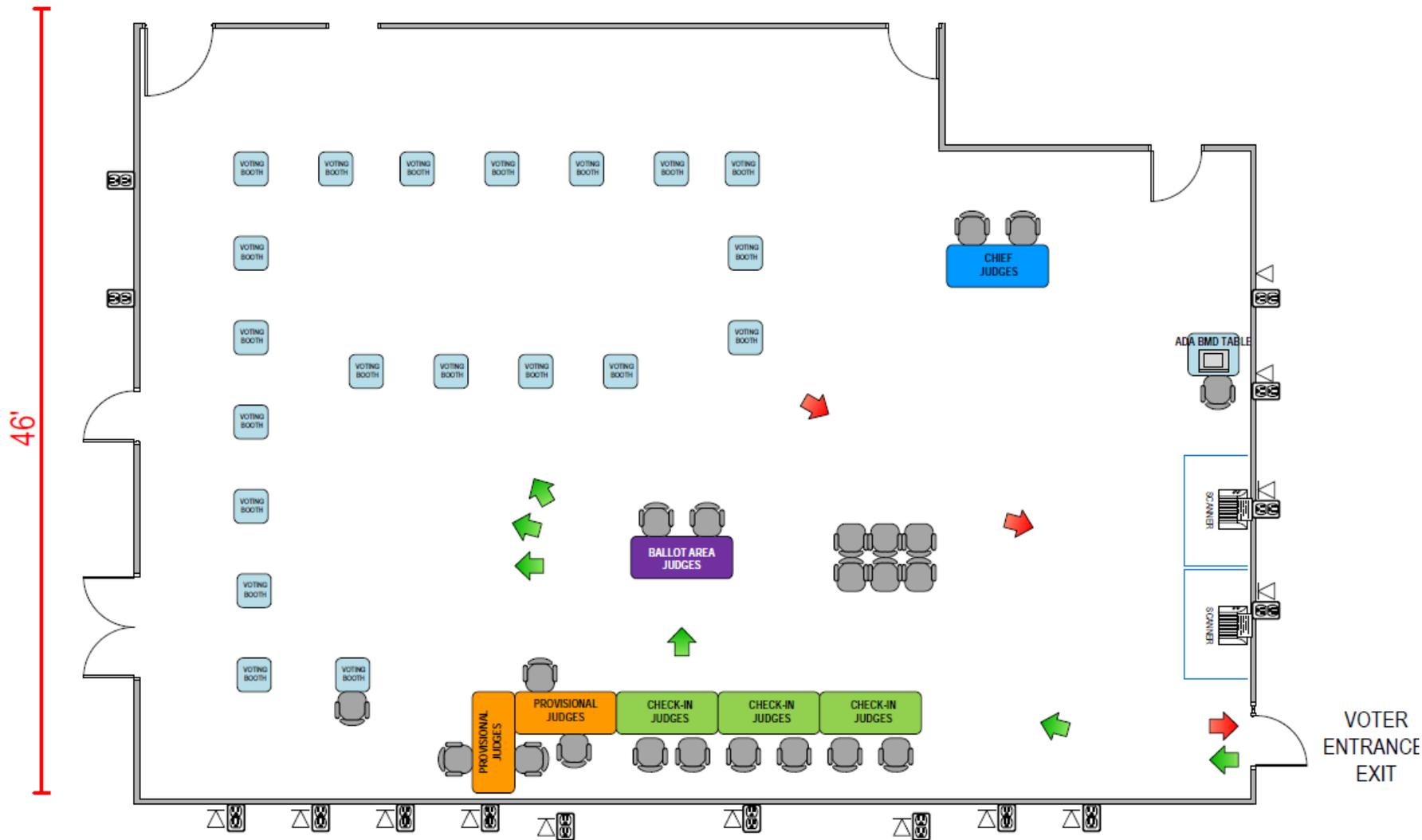
Crofton Community Library
Voter Entrance





Anne Arundel County Board of Elections Office
Voter Entrance





Anne Arundel County

Odenton Regional Library

Glen Burnie Regional Library

Severna Park Community Library

Roger “Pip” Moyer Recreation Center

Edgewater Community Library

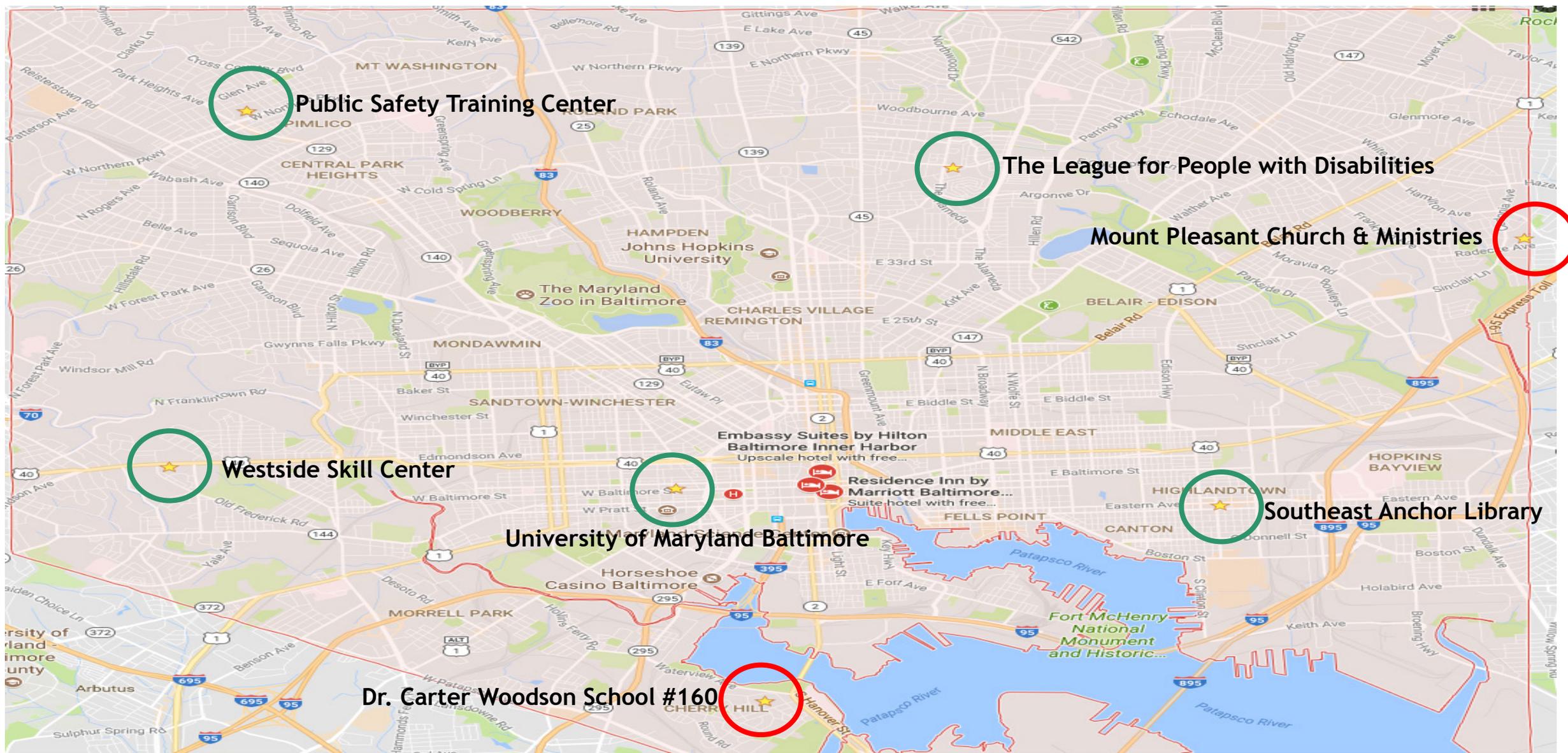
Crofton Community Library

Anne Arundel County Board of Elections Office

Recommendation: Approve

Baltimore City - 7 early voting centers
Mount Pleasant Church & Ministries
Dr. Carter G. Woodson Modular Building School #160

- ▶ Replacing Maritime Industries Academy School #431
- ▶ Additional center
- ▶ 80% of voters live within 5 miles of one center
- ▶ Accessible for 2018 early voting
- ▶ Allows for electioneering
- ▶ Adequate parking
- ▶ Accessible by public transportation
- ▶ Adequate to handle estimated peak voting hour



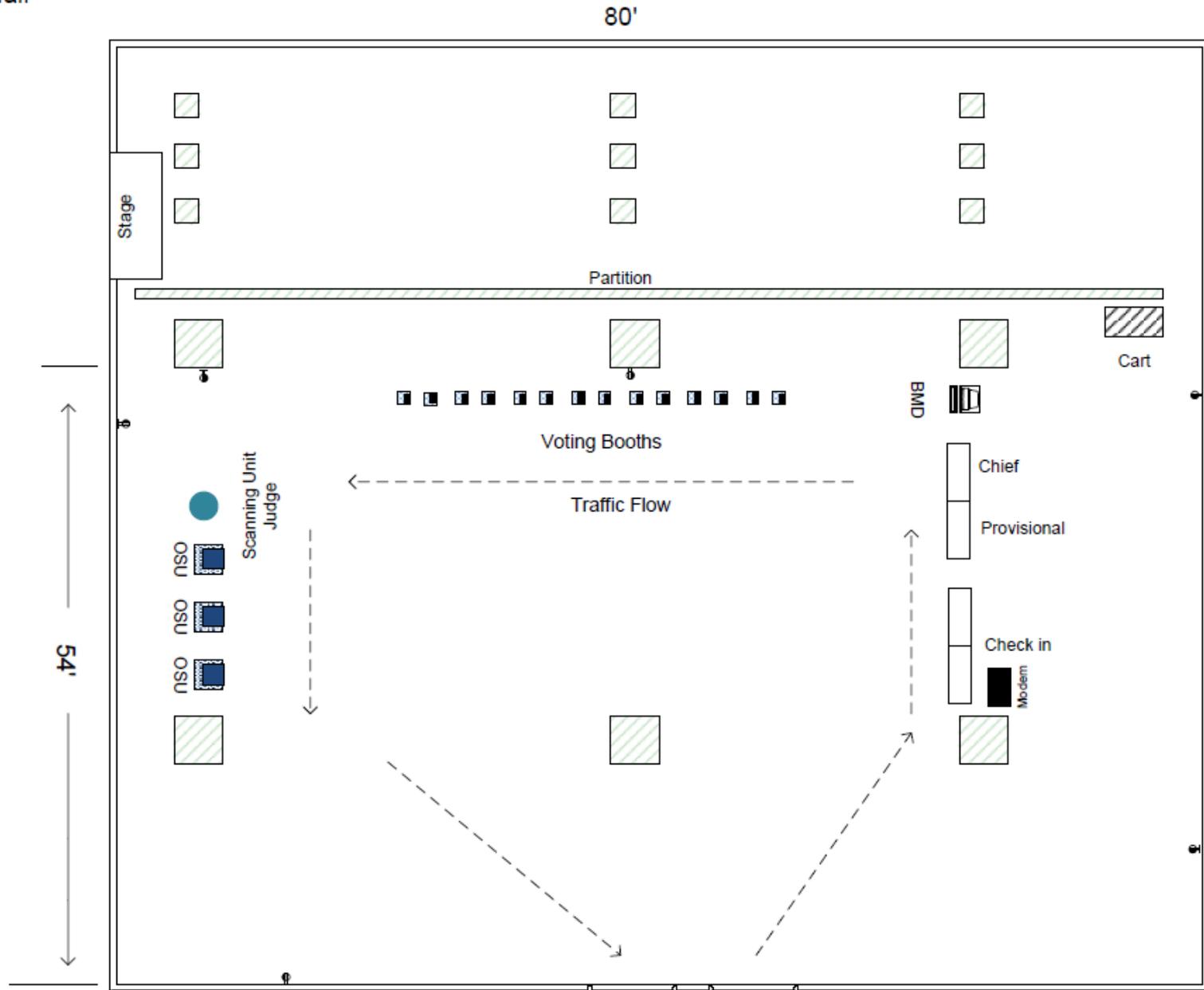
Location of all Early Voting Centers (RED - proposed new centers, GREEN - existing centers)

Baltimore City is replacing one early voting center and proposing one new early voting center. They are using five of the same centers from the 2016 elections and more area is being covered by adding the additional center. At least 80% of the registered voters live within 5 miles of one of the early voting centers.

Mount Pleasant Church & Ministries
Voter Entrance



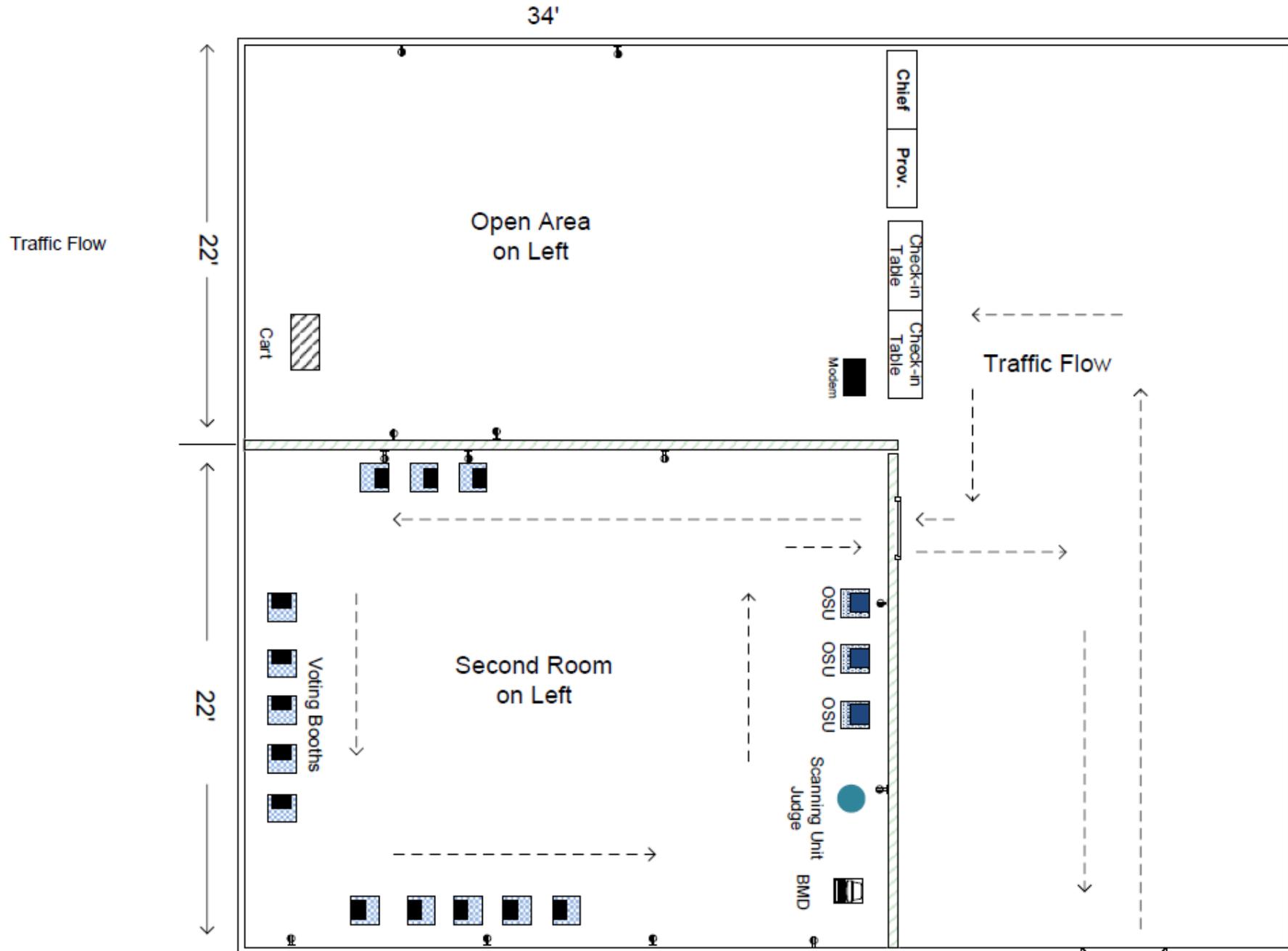
Mount Pleasant Life Center
Fellowship Hall



Dr. Carter G. Woodson Modular Building
Voter Entrance



Cherry Hill (Modular)



Baltimore City

Public Safety Training Center

Southeast Anchor Library

Mount Pleasant Church & Ministries

The League for People with Disabilities

Westside Skill Center

University of Maryland Baltimore

Dr. Carter G. Woodson Modular Building School #160

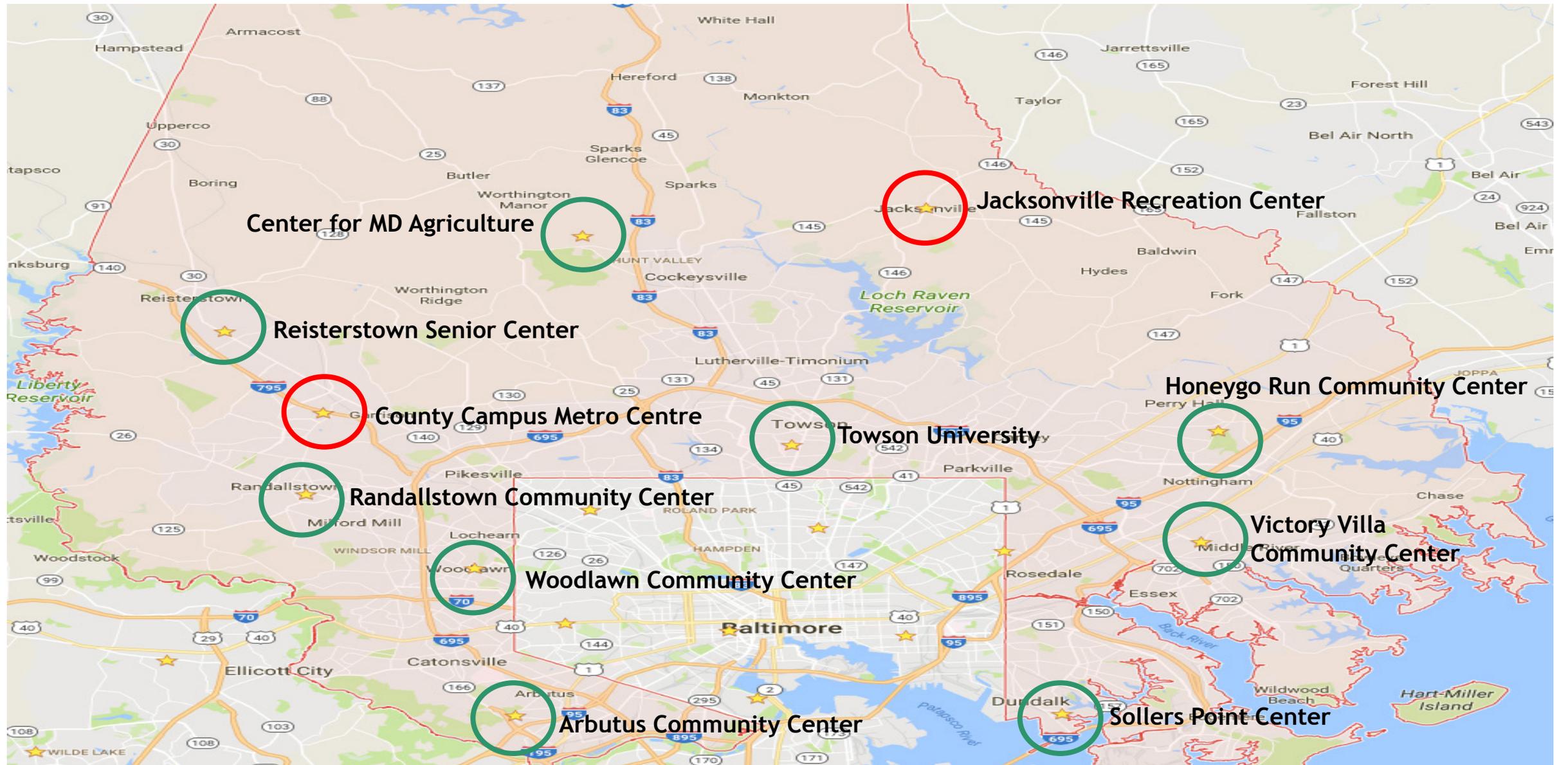
Recommendation: Approve

Baltimore County - 11 early voting centers

Jacksonville Recreation Center at Sweet Air Park

Campus Metro Centre at Owings Mills

- ▶ Additional centers
- ▶ 80% of voters live within 5 miles of one center
- ▶ Accessible for 2018 early voting
- ▶ Allows for electioneering
- ▶ Adequate parking
- ▶ Accessible by public transportation (County Campus Metro Centre)
- ▶ Adequate to handle estimated peak voting hour



Location of all Early Voting Centers (RED - proposed new centers, GREEN - existing centers)

Baltimore County is proposing two new early voting centers. They are using the same centers from the 2016 elections and more area is being covered by adding the two additional centers. At least 80% of the registered voters live within 5 miles of one of the early voting centers.

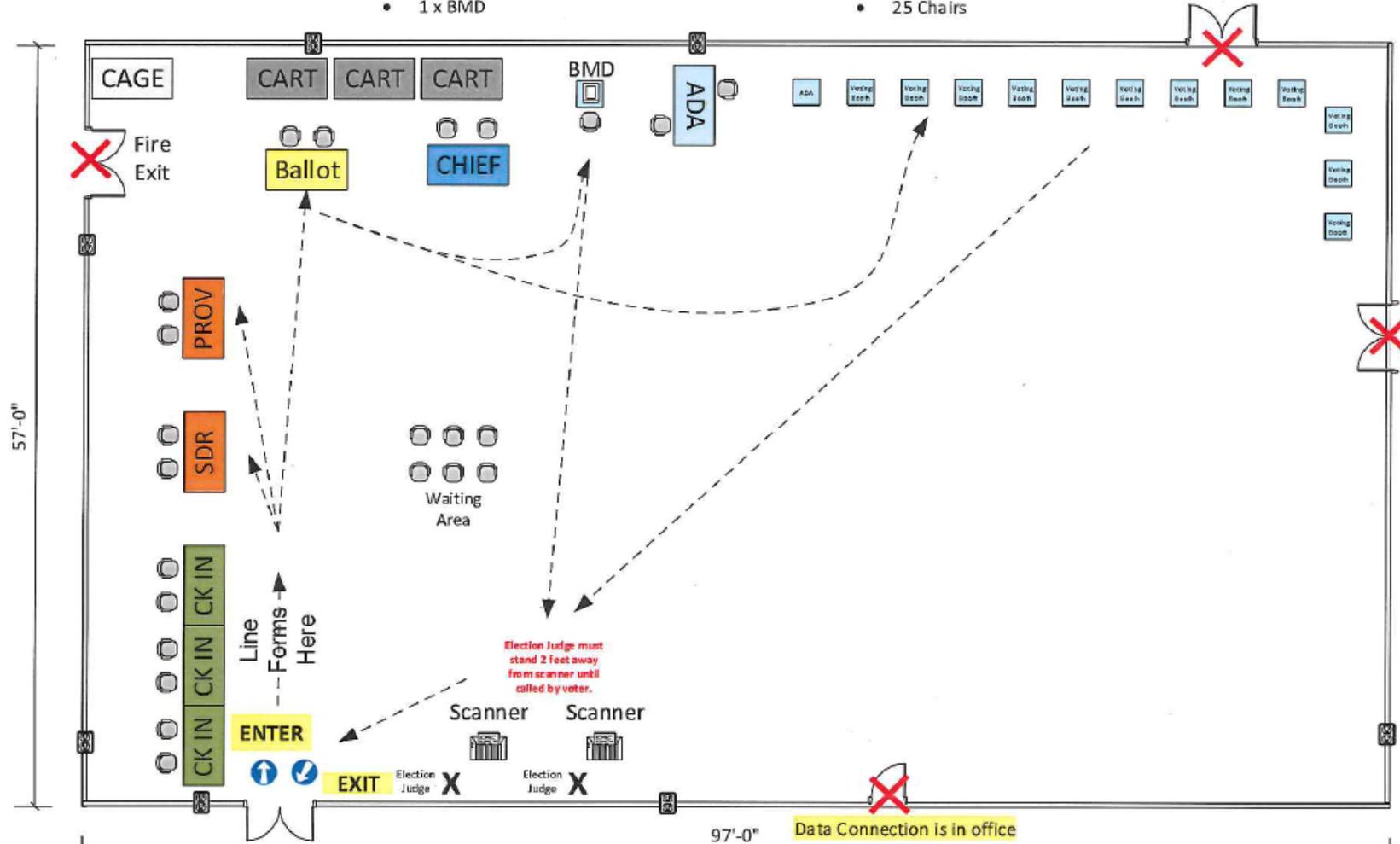
Jacksonville Recreation Center at
Sweet Air Park
Voter Entrance



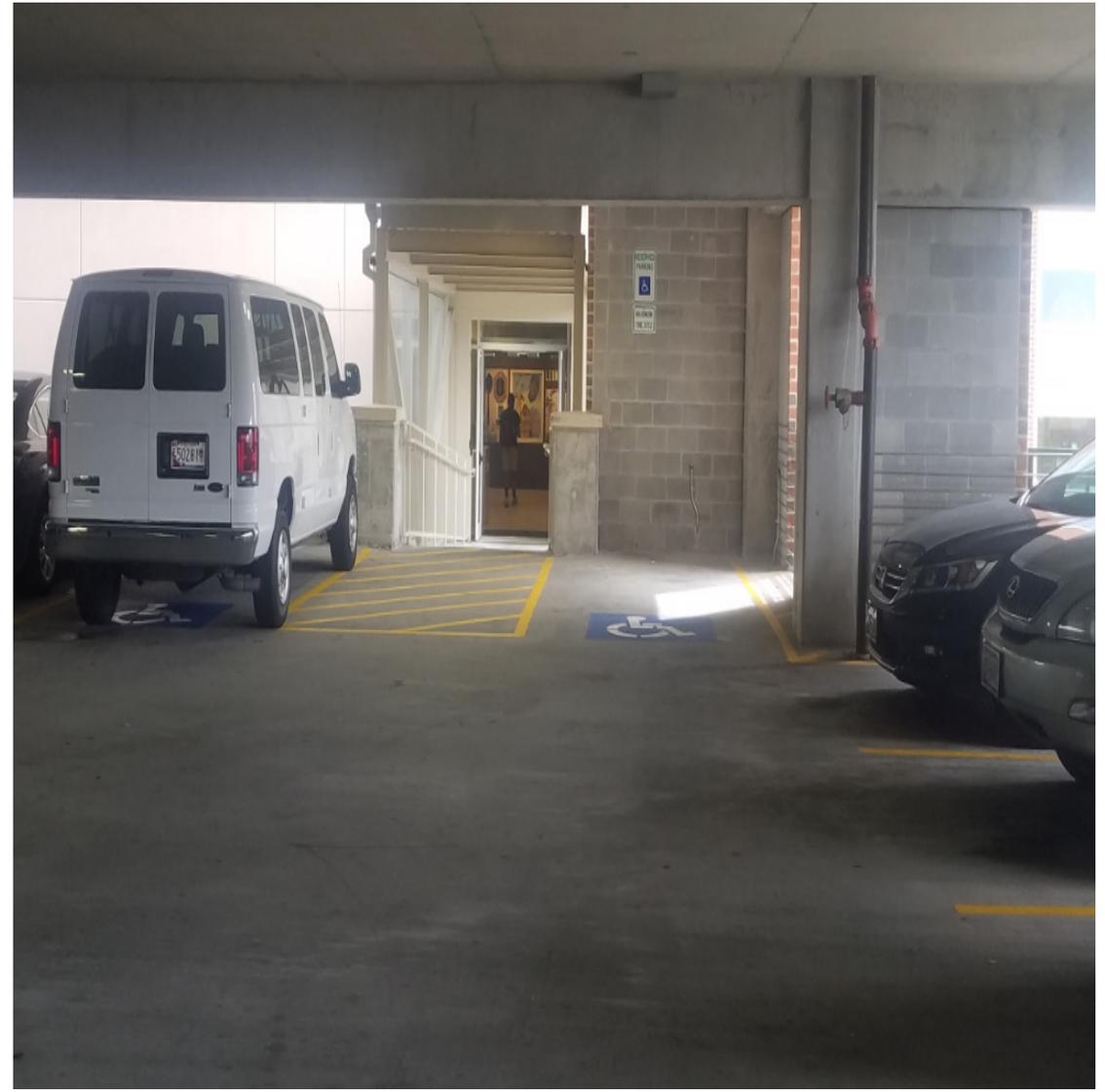
EV 10 – Jacksonville Recreational Center at Sweet Air Park
 3605-B Sweet Air Rd, Phoenix, MD 21131

Print Date: 11/22/2017

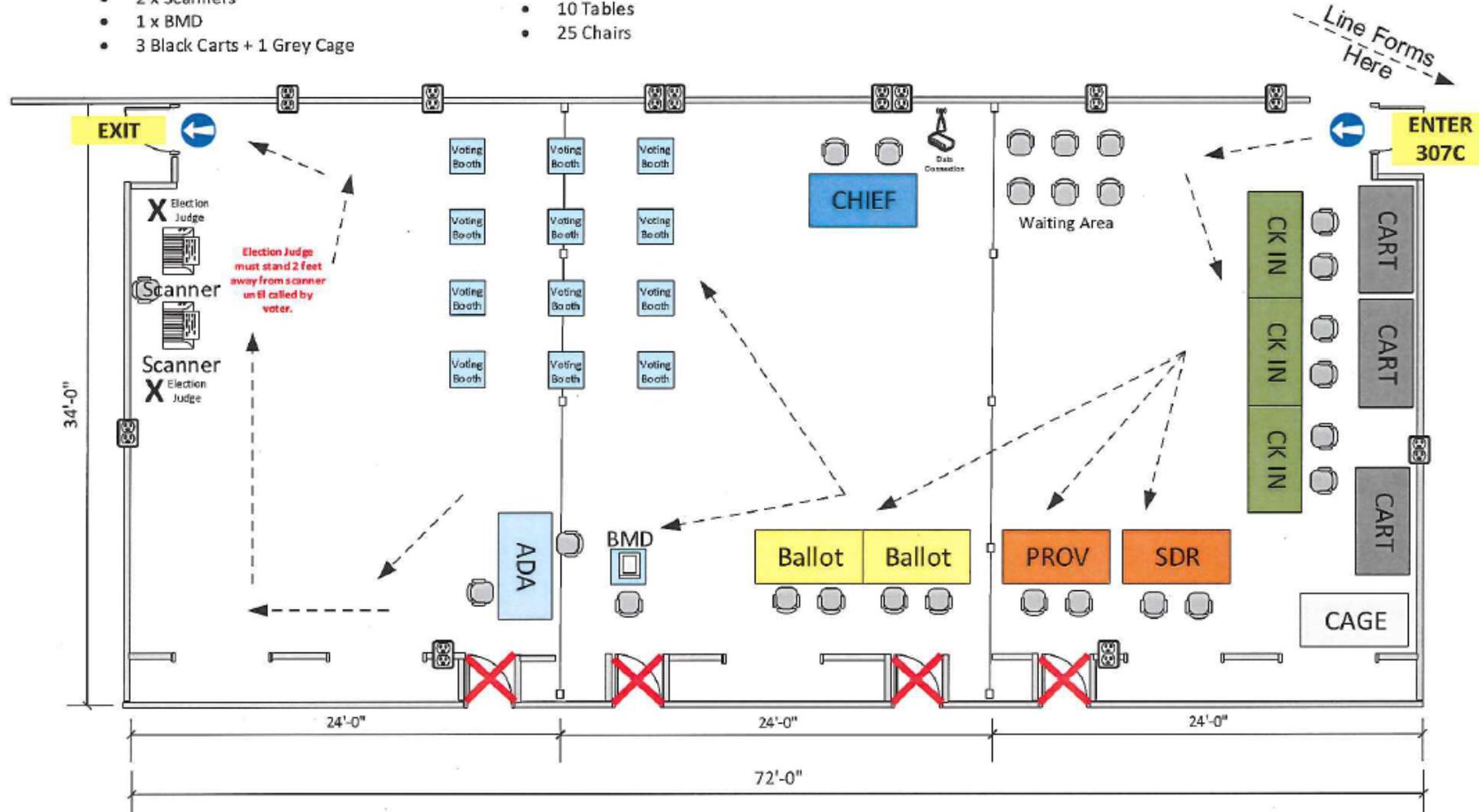
- 8 x Pollbooks (6 Check-in, 1 SDR, 1 Prov)
- 12 x Voting Booths
- 2 x Scanners
- 1 x BMD
- 3 Black Carts + 1 Grey Cage
- 5,529 Square Feet (57' x 97')
- 24 Election Judges
- 8 Tables
- 25 Chairs



County Campus Metro Centre at
Owings Mills
Voter Entrance



- 8 x Pollbooks (6 Check-in, 1 SDR, 1 Prov)
- 12 x Voting Booths
- 2 x Scanners
- 1 x BMD
- 3 Black Carts + 1 Grey Cage
- 2,448 Square Feet (34' x 72')
- 25 Election Judges
- 10 Tables
- 25 Chairs



Baltimore County

Towson University - Administration Building

Arbutus Community Center

Honeygo Run Community Center

Sollers Point Multi-Purpose Room

Randallstown Community Center

Victory Villa Community Center

Center for MD Agriculture & Farm Park

Reisterstown Senior Center - Hannah More Campus

Woodlawn Community Center

Jacksonville Recreation Center at Sweet Air Park

Campus Metro Centre at Owings Mills

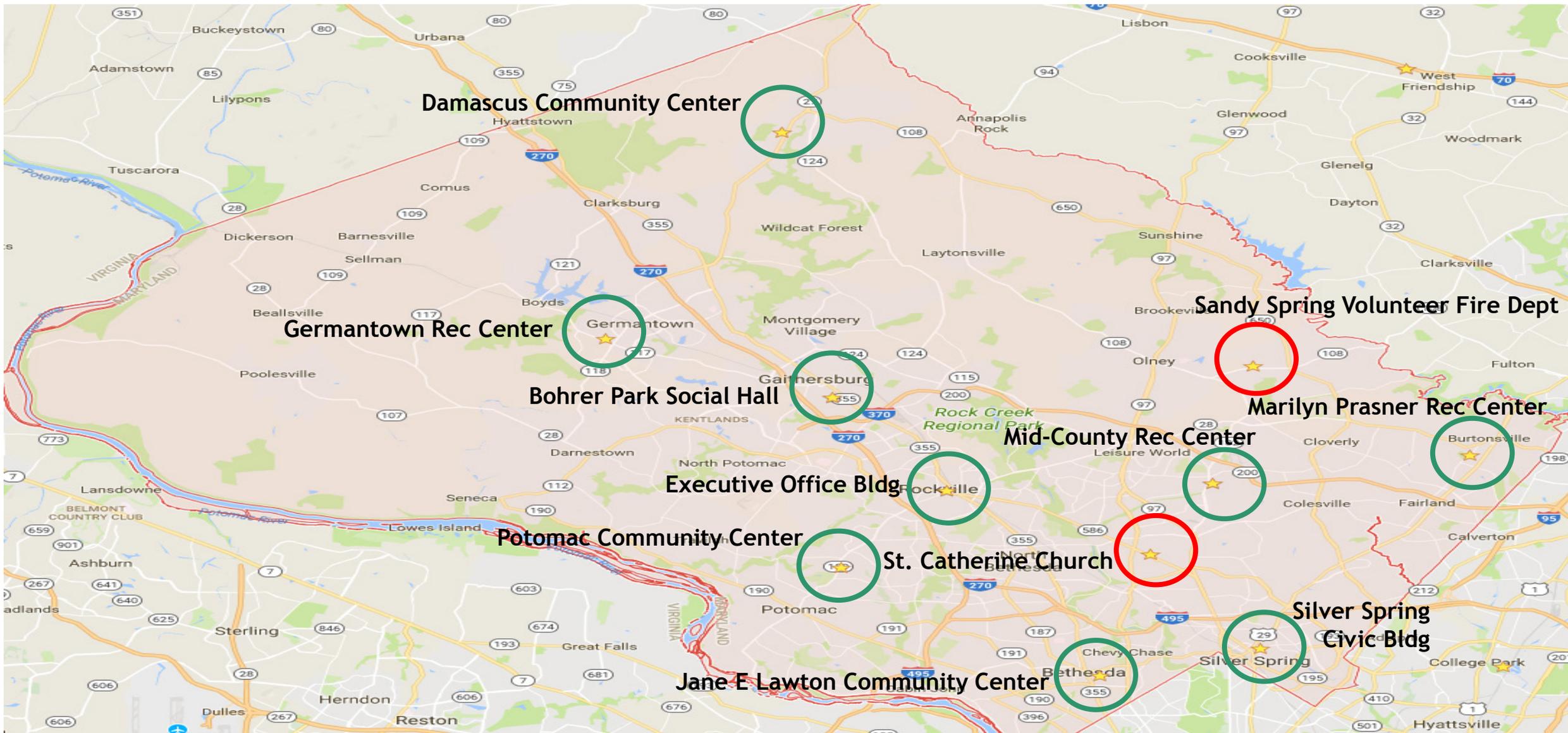
Recommendation: Approve

Montgomery County - 11 early voting centers

St. Catherine Laboure Catholic Church

Sandy Spring Volunteer Fire Department

- ▶ Replacing Wheaton Volunteer Rescue Squad
- ▶ Additional center
- ▶ 80% of voters live within 5 miles of one center
- ▶ Accessible for 2018 early voting
- ▶ Allows for electioneering
- ▶ Adequate parking
- ▶ Accessible by public transportation
- ▶ Adequate to handle estimated peak voting hour



Location of all Early Voting Centers (RED - proposed new centers, GREEN - existing centers)

Montgomery County is replacing one center and proposing one new early voting center. They are using nine of the same centers from the 2016 elections and more area is being covered by adding the one additional center. At least 80% of the registered voters live within 5 miles of one of the early voting centers.

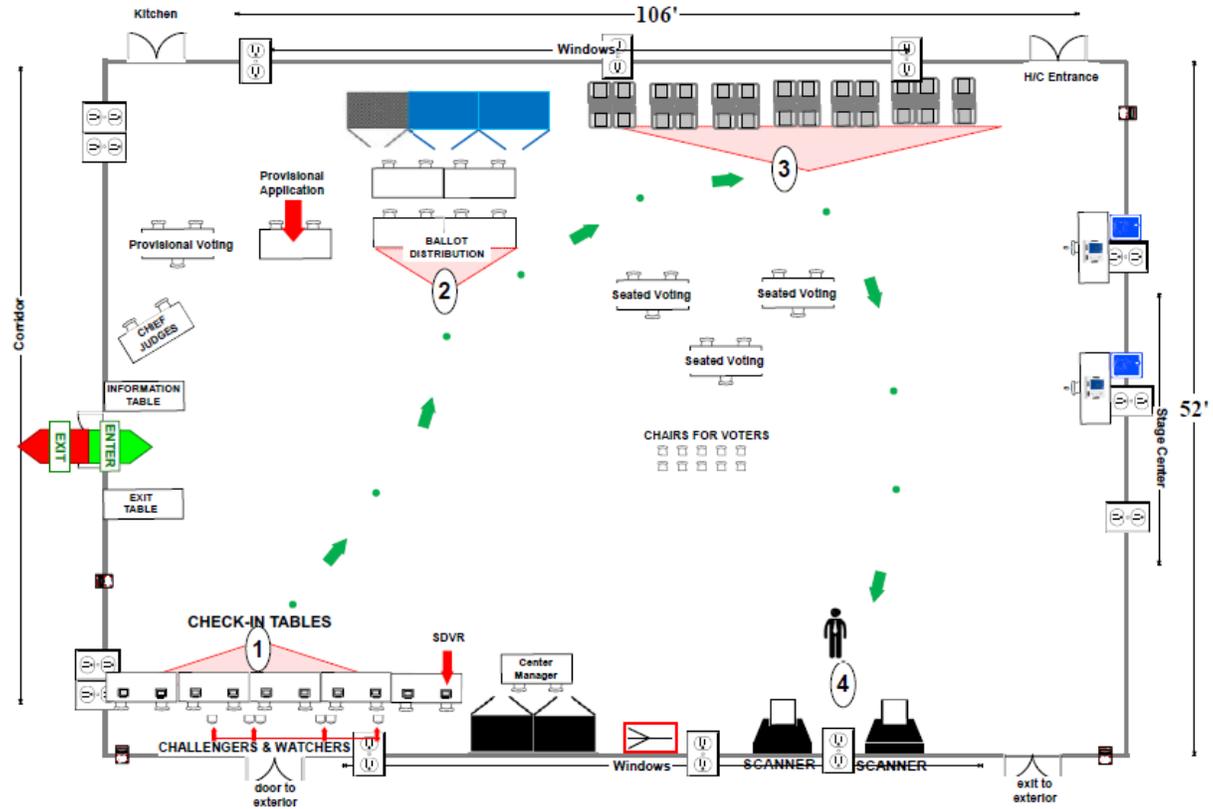
ST. CATHERINE LABOURE CHURCH – Claridge Room



The Claridge Room at St. Catherine Labouré

DRAFT

- 26 Voting Booths
- 10 Poll Books
- 2 Scanners



	6'x2 1/2' Table		Voter Travel		Supply Cart		Ballot Cart
	5'x5' Voting Booths with 5'x5' clearance		Electrical outlet		Black Cart		Ballot Marking Device for VISUALLY IMPAIRED
	Electronic poll book		Digital scanner reader		Modem		
	Fire alarm		Scanner Judge				

Montgomery County Board of Elections

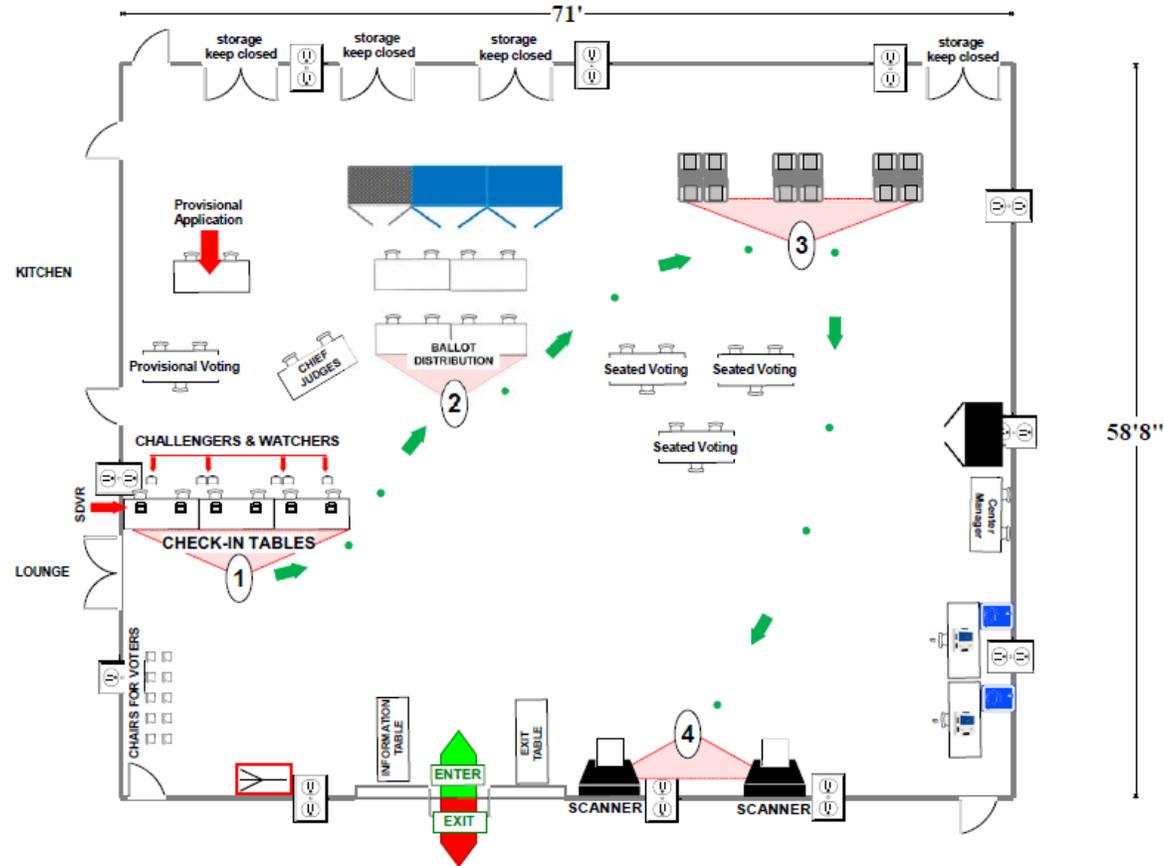
SANDY SPRING VOLUNTEER FIRE DEPARTMENT



Sandy Spring Volunteer Fire Department
DRAFT

The Oak Room

- | | |
|----|---------------|
| 12 | Voting Booths |
| 6 | Poll Books |
| 2 | Scanners |



- | | | | |
|--|------------------------|-------------|---|
| 6'x2 1/2' Table | 1 • Voter Travel | Supply Cart | Ballot Cart |
| 5'x5' Voting Booths with 5'x5' clearance | Electrical outlet | Black Cart | Ballot Marking Device for VISUALLY IMPAIRED |
| Electronic poll book | Digital scanner reader | Modem | |
| Fire alarm | | | |

Montgomery County

Germantown Community Recreation Center

Marilyn J Praisner Community Recreation Center

Executive Office Building Auditorium

Silver Spring Civic Building at Veterans Plaza

Activity Center at Bohrer Park Social Hall

Damascus Community Recreation Center Social Hall

Jane E Lawton Community Recreation Center

Mid-County Community Recreation Center Social Hall

Potomac Community Recreation Center

St. Catherine Laboure Catholic Church

Sandy Spring Volunteer Fire Department

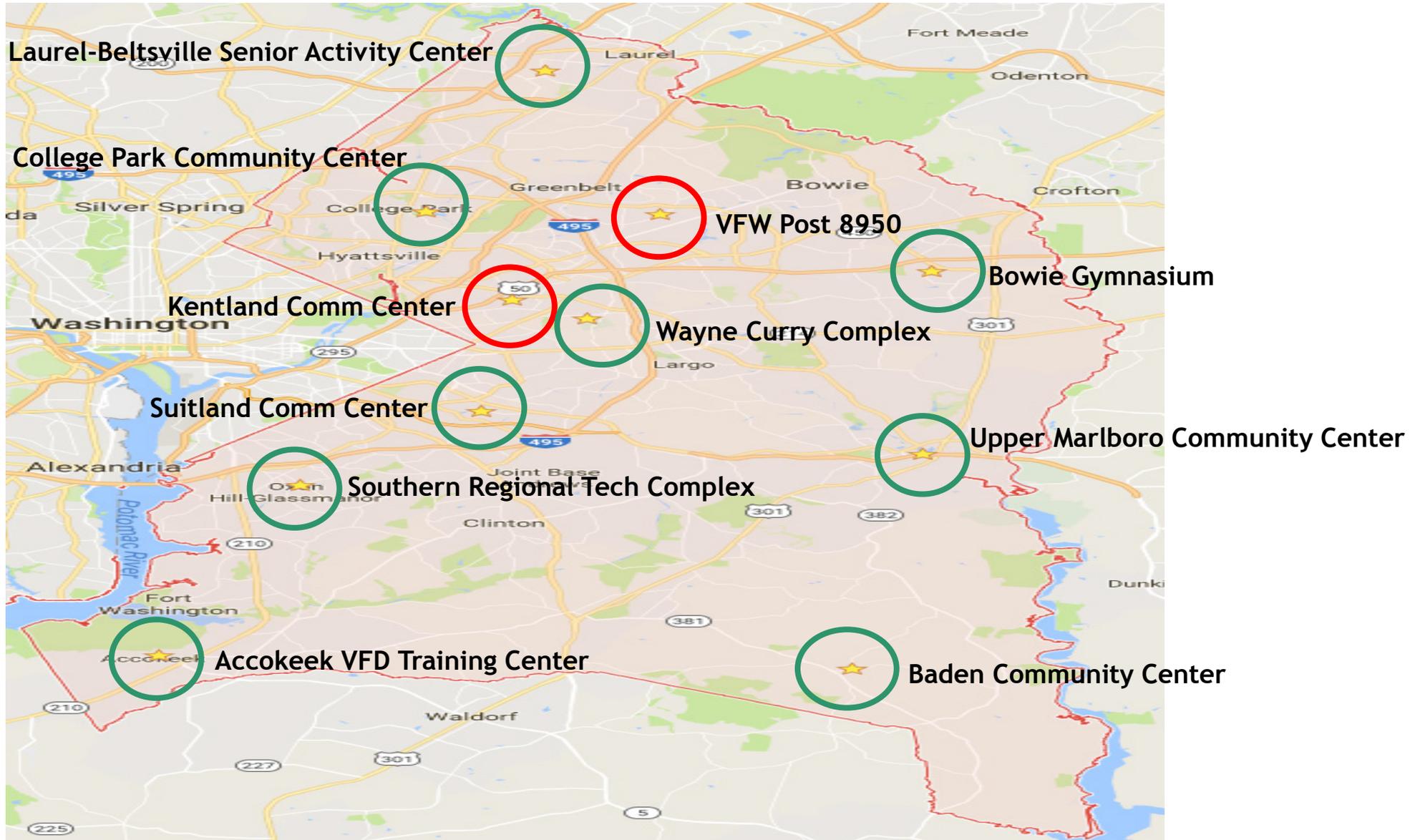
Recommendation: Approve

Prince George's County- 11 early voting centers

Kentland Community Center

VFW Post 8950 Hansen Hall

- ▶ Additional centers
- ▶ 80% of voters live within 5 miles of one center
- ▶ Accessible for 2018 early voting
- ▶ Allows for electioneering
- ▶ Adequate parking
- ▶ Accessible by public transportation
- ▶ Adequate to handle estimated peak voting hour



Location of all Early Voting Centers (RED - proposed new centers, GREEN - existing centers)

Prince George’s County is proposing two new early voting centers. They are using the same nine centers from the 2016 elections and more area is being covered by adding the two new centers. At least 80% of the registered voters live within 5 miles of one of the early voting centers.

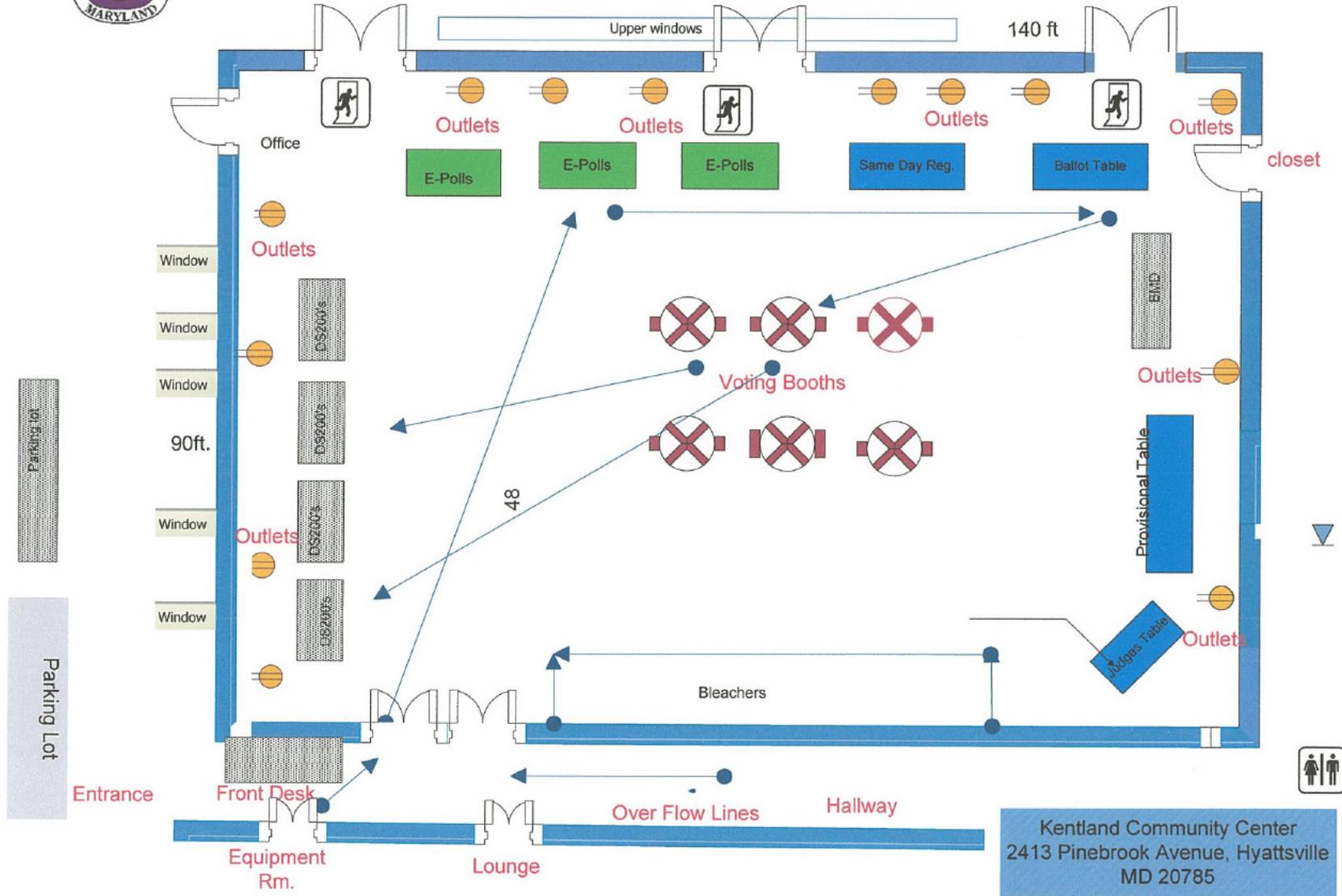
Kentland Community Center





EV - 11 Polling Place Location Kentland Community Center

Outlets (13)
Phone Jacks (1)







EV - 10 VFW Post 8950 Hansen Hall

99 Ft.

Voter Exit

Kitchen

48 Ft.

Outlets

Outlets

Outlets

foyer

Provisional Table

Express Vote

DS200's

DS200's

Ballot Table

Judges Table

Counter

Same Day Reg.

E-Polls

E-Polls

E-Polls

Voting Booths

DS200's

DS200's

STAGE

Parking Lot

Office

closet

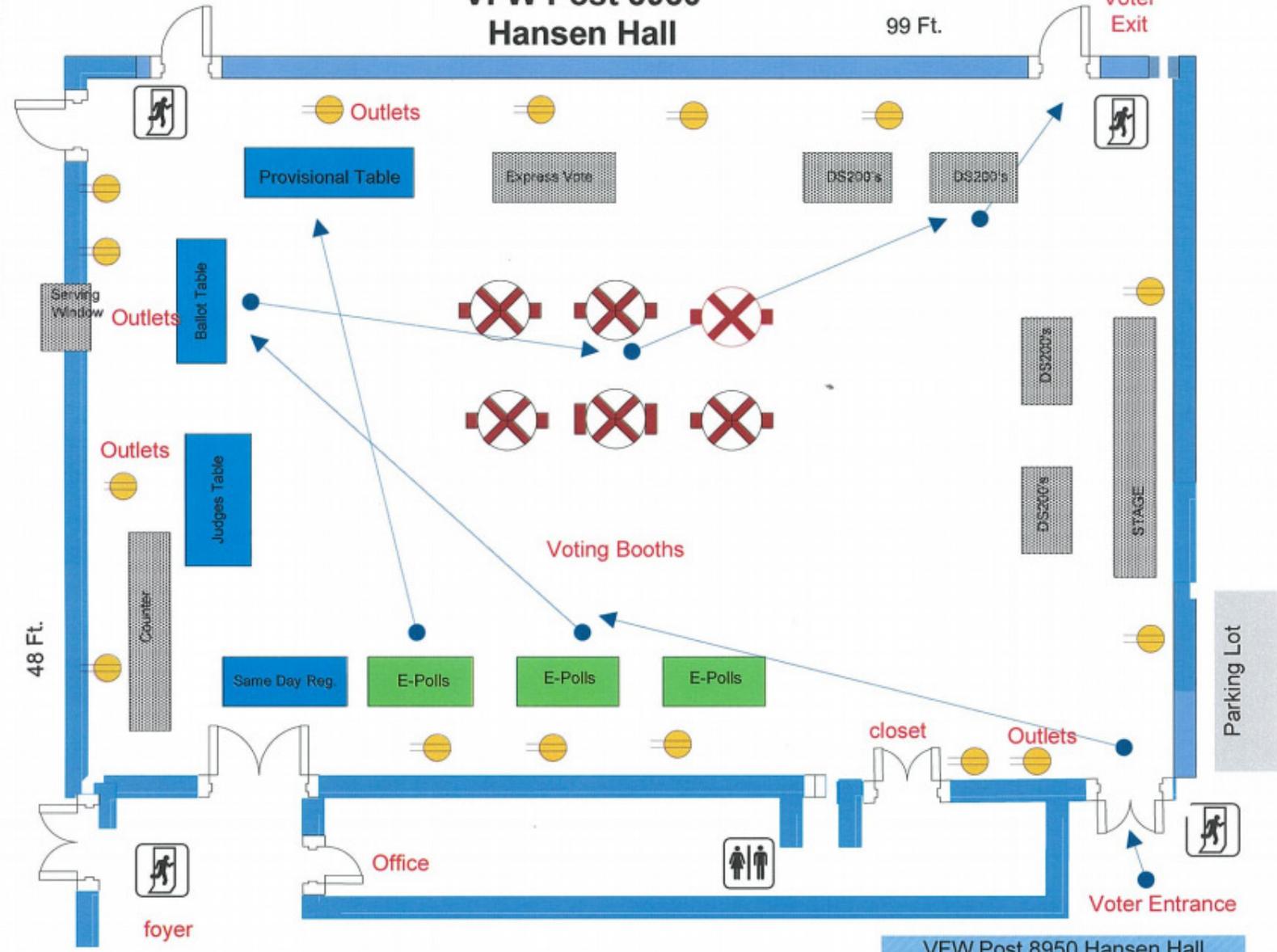
Outlets

Voter Entrance

Outlets (15)
Phone Jacks (1)

Parking Lot

VFW Post 8950 Hansen Hall
9800 GoodLuck Rd.
Lanham, Md



Prince George's County

Upper Marlboro Community Center

College Park Community Center

Bowie Gymnasium

Wayne K. Curry Sports and Learning Complex

Baden Community Center

Laurel - Beltsville Senior Activity Center

Suitland Community Park School Center

Southern Regional Technology and Recreation Complex

Accokeek VFD Training and Activity Center

Kentland Community Center

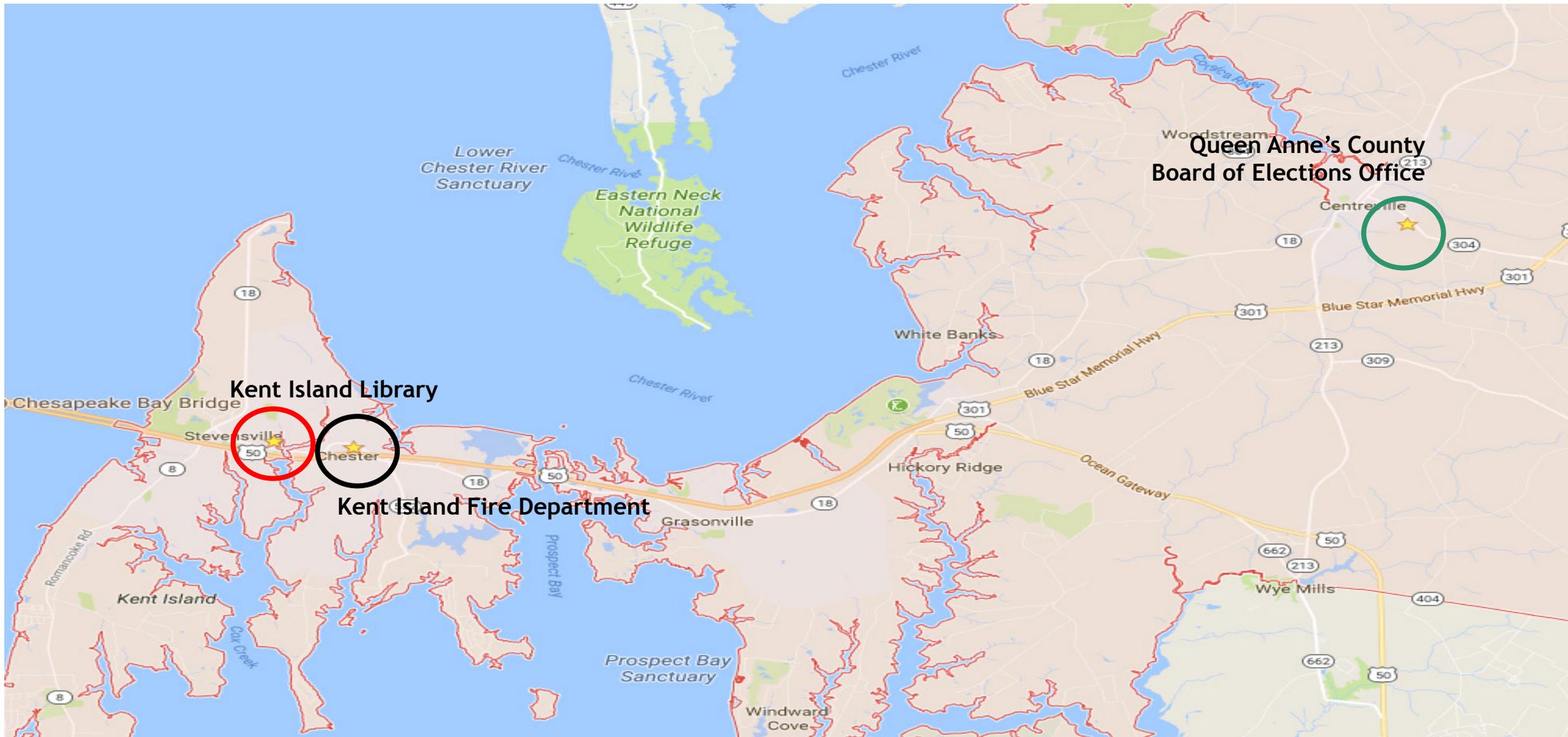
VFW Post 8950 Hansen Hall

Recommendation: Approve

Queen Anne's County- 2 early voting centers

Kent Island Library

- ▶ Replacing the Kent Island Fire Department
- ▶ 50% of voters live within 10 miles of one center
- ▶ Accessible for 2018 early voting
- ▶ Allows for electioneering
- ▶ Adequate parking
- ▶ Accessible by public transportation
- ▶ Adequate to handle estimated peak voting hour



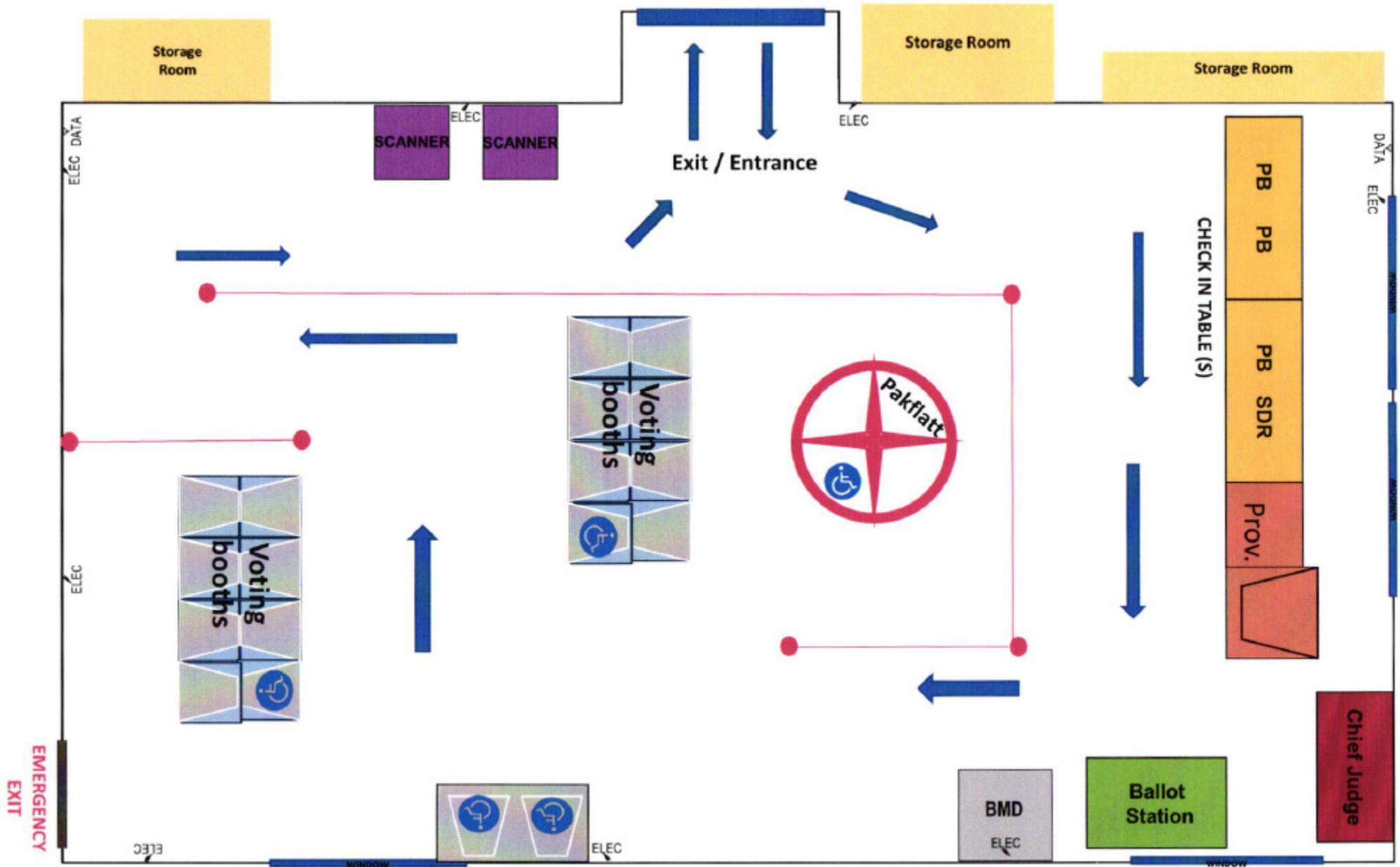
Location of all Early Voting Centers (GREEN - existing center, RED - proposed new center, BLACK - replaced center)

Queen Anne's County is replacing one of their early voting centers. They are using one of the same centers from the 2016 elections. At least 50% of the registered voters live within 10 miles of one of the early voting centers.



Kent Island Library- Main Entrance

200 Library Circle
Stevensville, Md. 21666



Queen Anne's County

Kent Island Library

Queen Anne's Office Building, Conference Room

Recommendation: Approve

Saint Mary's County- 1 early voting center Hollywood Firehouse Main Building

- ▶ Moving from the Carnival Bingo Building
- ▶ 50% of voters live within 10 miles of the center
- ▶ Accessible for 2018 early voting
- ▶ Allows for electioneering
- ▶ Adequate parking
- ▶ Accessible by public transportation
- ▶ Adequate to handle estimated peak voting hour



Hollywood Firehouse Main Building

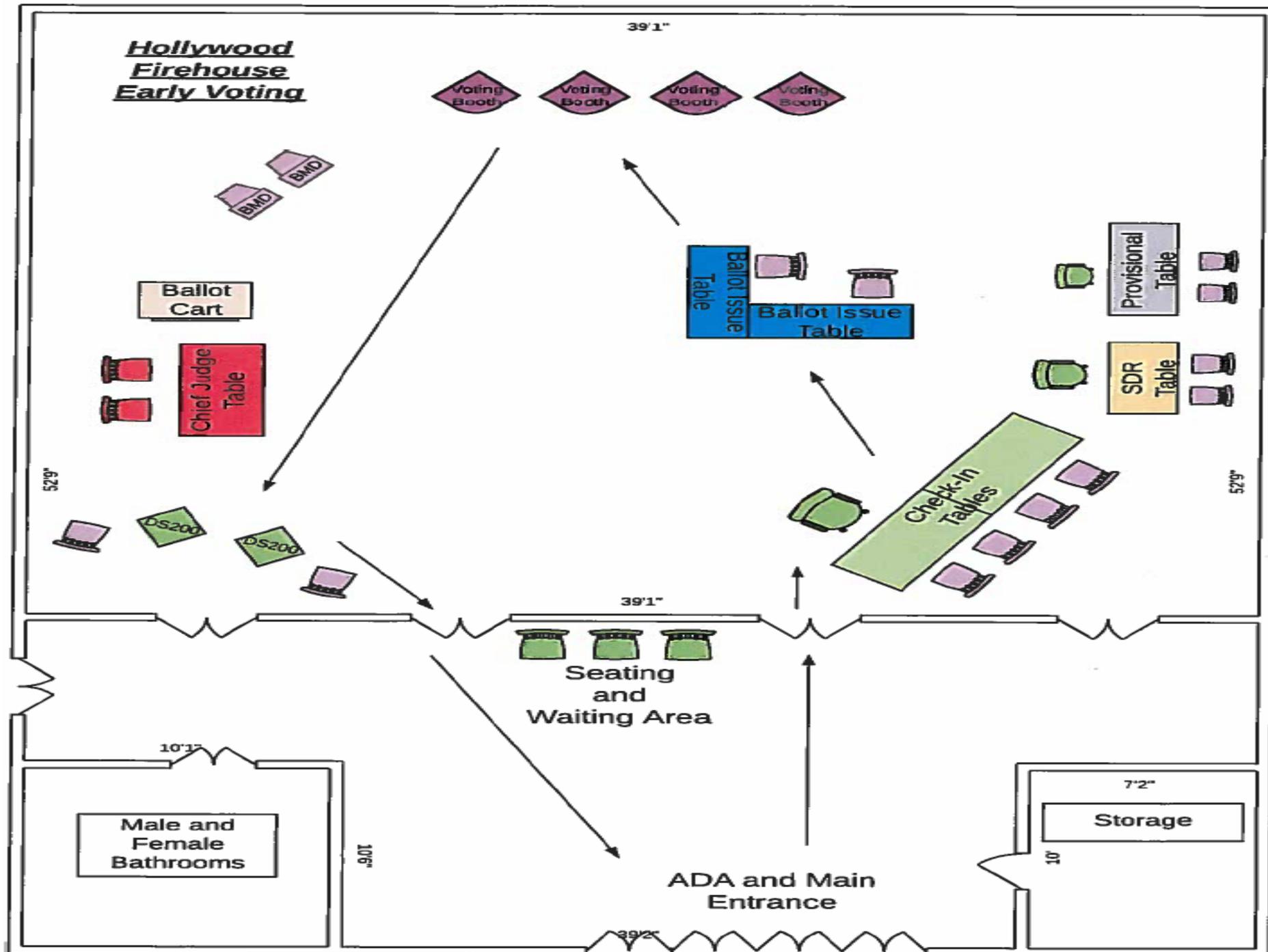


Saint Mary's County is proposing to use a different building at the same early voting center from the 2016 elections. At least 50% of the registered voters live within 10 miles of the early voting center.



PARKING

**Hollywood
Firehouse
Early Voting**



Saint Mary's County

Hollywood Firehouse Main Building

Recommendation: Approve

State of Maryland

SBE Policy 2017-01: Contingency Plans for the 2018 Elections

Each local board of elections must ensure that voting during early voting and on election day continues without interruption if all or some combination of the equipment fails, is inoperable, or is unavailable.

General Contingency Plan Requirements

1. Within 2 hours of the equipment failing or becoming inoperable or unavailable:
 - a. The equipment must be functioning; or
 - b. Replacement equipment must be delivered and functioning.

The appropriate contingency supplies must be used until the deployed or replacement equipment is functioning.

2. Except for extended hours voting supplies, a local board can distribute the contingency supplies to an early voting center or a polling place before voting starts (*e.g.*, with other election supplies) **or** if they are needed.
 - a. If a local board distributes contingency supplies before voting starts:
 - 1) The local board must label the supplies and specify when they are to be used; and
 - 2) The election judges must immediately use the contingency supplies and continue using them until the deployed or replacement equipment is functioning.
 - b. If a local board distributes the supplies only if needed, the election judges must use the regular provisional voting process to facilitate voting until one of the conditions in §1 above is met. All contingency supplies must be delivered within 1 hour during early voting and within 2 hours on election day.
 - c. Extended hours voting supplies **must** be deployed with the election judges.
3. A chief judge must notify the local board of the need for the contingency plan. A local board can require the chief judges to provide notice before or immediately after implementing the plan.

Early Voting Contingency Plans

1. *Electronic Pollbook Back-Up* – Use this contingency plan if **none** of the electronic pollbooks at an early voting center are functioning. Keep the plan in place until the deployed or replacement electronic pollbooks are functioning.
 - a. For counties with one early voting center:
 - 1) To check in voters, use:
 - a) At least one computer with: (1) the pollbook emulator software¹ to check in voters; and (2) a searchable list of registered voters to look up voters (*preferred option*); **or**
 - b) A paper precinct register (the ballot style number is printed in the precinct register); **and**
 - c) Blank voter authority cards.
 - 2) For voting, use the ballot style written on the voter authority card to issue each voter a privacy sleeve and:
 - a) A pre-printed ballot; or

¹ SBE will provide pollbook emulator software, a searchable list of registered voters, and instructions for loading software and list onto the computer(s). The searchable list is a back-up to the emulator software in case the emulator software has the same issues as the software on the electronic pollbook.

- b) A blank ballot activation card if the voter needs to use the ballot marking device. Write on the back of the ballot activation card the voter's ballot style number, and manually select the voter's ballot style on the ballot marking device.
 - 3) For individuals who want to use the same day registration or address change process, issue a regular provisional ballot application, pre-printed ballot, and orange provisional privacy sleeve.
 - b. For counties with more than one early voting center:
 - 1) To check in voters, use:
 - a) At least one computer with: (1) the pollbook emulator software¹ to check in voters; and (2) a searchable list of registered voters to look up voters; and
 - b) Blank voter authority cards.
 - 2) For voting, use the ballot style written on the voter authority card to issue each voter a privacy sleeve and:
 - a) Pre-printed ballot; or
 - b) Blank ballot activation card if the voter needs to use the ballot marking device. Write on the back of the ballot activation card the voter's ballot style number and manually select the voter's ballot style on the ballot marking device.
 - 3) For individuals who want to use the same day registration or address change process, issue a regular provisional ballot application, pre-printed ballot, and orange provisional privacy sleeve.
 - c. The following supplies are needed for this contingency plan. The local board must have one set of supplies for each early voting center.
 - 1) At least one computer (*preferred*) or one paper precinct register;
 - 2) Blank voter authority cards;
 - 3) Regular provisional ballot applications for the same day registration and address change process;
 - 4) Extra pens; and
 - 5) Instructions for the election judges, including how to select the ballot style on the ballot marking device.
2. *Electronic Pollbook Network* – This contingency plan only applies to counties with more than one early voting center. Use this plan if the network connection for the electronic pollbooks is not functioning. Keep the plan in place until the network connection is restored.
 - a. To check in voters, follow the normal process with the electronic pollbooks.²
 - b. For voting, follow the normal process to issue each voter a pre-printed ballot or ballot activation card and privacy sleeve.
 - c. For individuals who want to use the same day registration or address change process, follow the normal check-in and ballot issue process.
 - d. No supplies are needed for this contingency plan.
3. *Ballot Marking Device Back-Up* – Use this contingency plan if **none** of the ballot marking devices at an early voting center are functioning. Keep this plan in place until the deployed or replacement ballot marking devices are functioning.
 - a. For all counties:
 - 1) To check in voters, follow the normal process with the electronic pollbooks.

² If the network connection is not functioning, electronic pollbooks in the county's other early voting centers will not be updated as voters check in to vote. Once the network connection is restored, these electronic pollbooks will be updated. If any voter voted more than once during this time, election officials will be alerted and will take the appropriate action.

State of Maryland 

SBE Policy 2017-01: Contingency Plans for the 2018 Elections

- 2) For voting, issue each voter a pre-printed ballot and privacy sleeve. After manually marking the ballot, the voter will feed the ballot into the precinct tabulator.
 - b. For counties with one early voting center, also give voters the following options:
 - 1) Go to the local board to vote an absentee ballot;
 - 2) Return to the early voting center later that day or on another early voting day; or
 - 3) Vote on election day.
 - c. For counties with more than one early voting center, also give voters the following options:
 - 1) Go to another early voting center;
 - 2) Go to the local board to vote an absentee ballot;
 - 3) Return to the early voting center later that day or on another early voting day; or
 - 4) Vote on election day.
 - d. The following supplies are needed for this contingency plan. The local board must have one set of supplies for each voting center.
 - 1) Pens;
 - 2) Ballot receptacle;
 - 3) Instructions for the election judges; and
 - 4) Handout with voters' options (as specified in §4(b) or §4(c) above).
4. *Voting System Back-Up* – Use this contingency plan if **none** of the ballot scanning units at an early voting center are functioning. Keep the plan in place until the deployed or replacement scanning units are functioning.
 - a. For all counties:
 - 1) To check in voters, follow the normal process with the electronic pollbooks.
 - 2) For voting, follow the normal process to issue a pre-printed ballot or ballot activation card and privacy sleeve. After making selections, the voter will put the marked ballot in the emergency compartment. This ballot will be tabulated later.
 - b. For counties with only one early voting center, also give voters the following options:
 - 1) Go to the local board to vote an absentee ballot;
 - 2) Return to the early voting center later that day or on another early voting day; or
 - 3) Vote on election day.
 - c. For counties with more than one early voting center, also give voters the following options:
 - 1) Go to another early voting center;
 - 2) Go to the local board to vote an absentee ballot;
 - 3) Return to the early voting center later that day or on another early voting day; or
 - 4) Vote on election day.
 - d. The following supplies are needed for this contingency plan. The local board must have one set of supplies for each voting center.
 - 1) Ballot receptacle;
 - 2) Instructions for the election judges; and
 - 3) Handout with voters' options (as specified in §4(b) or §4(c) above).
5. *Extended Voting Hours* – This plan is implemented if a court orders one or more early voting centers to remain open past 8 pm during early voting. Keep the plan in place until the closing time in the court order.
 - a. The local boards must train election judges on extended hours voting and deploy extended hours voting supplies.
 - b. To check in voters, follow the normal process with the electronic pollbooks.
 - c. For voting:

- 1) For voters who would have voted a regular ballot during normal voting hours, issue a pre-printed paper ballot and extended hours envelope.
- 2) For voters who would have voted a provisional ballot during normal voting hours, issue a provisional ballot and regular provisional ballot application stamped or marked with an "E."
- d. The following supplies are needed for this contingency plan. The local board must have one set of supplies for each early voting.
 - 1) Extended hours envelopes in a quantity to be determined by the State Administrator;
 - 2) Regular provisional voting applications (stamped or marked with "E" written on the application) in a quantity to be determined by the State Administrator;
 - 3) Instructions for the election judges; and
 - 4) Forms for election judges to complete at the end of extended voting hours.

Election Day Contingency Plans

1. *Electronic Pollbook Back-Up* – This contingency plan is implemented if **none** of the electronic pollbooks in a precinct are functioning. Keep the plan in place until the deployed or replacement electronic pollbooks are functioning.
 - a. To check in voters, use a paper precinct register and blank voter authority cards.
 - b. For voting, follow the normal process to issue a pre-printed ballot or ballot activation card and privacy sleeve. If a voter needs to use the ballot marking device, write on the back of the ballot activation card the voter's ballot style number and manually select the voter's ballot style on the ballot marking device.
 - c. The following supplies are needed for this contingency plan. The local board must have one set of supplies for each precinct.
 - 1) Paper precinct register;
 - 2) Blank voter authority cards; and
 - 3) Instructions for the election judges.
2. *Ballot Marking Device Back-Up* – Use this contingency plan if **none** of the ballot marking devices in a precinct are functioning. Keep this plan in place until the deployed or replacement ballot marking devices are functioning.
 - a. To check in voters, follow the normal process with the electronic pollbooks.
 - b. For voting, follow the normal process to issue a pre-printed ballot and privacy sleeve.
 - c. The only supplies needed for this contingency plan are instructions for the election judges. The instructions must include how election judges can provide assistance to voters with disabilities. The local board must have one set of instructions for each precinct.
3. *Voting System Back-Up* – This contingency plan is implemented if the ballot scanning unit in the precinct is not functioning. Keep the plan in place until the deployed or replacement ballot scanning unit is functioning.
 - a. To check in voters, follow the normal process with the electronic pollbooks.
 - b. For voting, follow the normal process to issue a pre-printed ballot or ballot activation card and privacy sleeve. After marking the ballot, the voter will put the marked ballot in the emergency compartment. This ballot will be tabulated later.
 - c. The only supplies needed for this contingency plan are instructions for the election judges. The local board must provide one set of instructions for each precinct.

4. *Extended Voting Hours* – This plan is implemented if a court orders one or more precincts to remain open past 8 pm on election day. Keep the plan in place until the closing time in the court order.
- a. The local boards must train election judges on extended hours voting and deploy extended hours voting supplies with the election judges.
 - b. To check in voters, follow the normal process with the electronic pollbooks.
 - c. For voting:
 - 1) For voters who would have voted a regular ballot during normal voting hours, issue a pre-printed paper ballot and extended hours envelope.
 - 2) For voters who would have voted a provisional ballot during normal voting hours, issue a provisional ballot and regular provisional ballot application stamped or marked with an “E.”
 - d. The following supplies are needed for this contingency plan. The local board must have one set of supplies for each precinct.
 - 1) Extended hours envelopes in a quantity to be determined by the State Administrator;
 - 2) Regular provisional voting applications (stamped or marked with “E” written on the application) in a quantity to be determined by the State Administrator;
 - 3) Instructions for the election judges; and
 - 4) Forms for election judges to complete at the end of extended voting hours.

STATE BOARD OF ELECTIONS

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

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Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

MEMORANDUM

To: State Board of Elections

From: Jared DeMarinis

Date: December 7, 2017

Re: Declaratory Ruling- Coordination Expenditures – Retention of Shared Fund-Raising Advisor or Consultant

On October 23, 2017, the State Board of Elections (“SBE”) received a Petition for Declaratory Ruling (“Petition”) from the Republican Governors Association (“RGA”) regarding the employment of Rivet Strategies, LLC (“Rivet”), a professional fund-raising firm, by both the RGA and Larry Hogan for Governor. A declaratory ruling states how SBE will apply a statute it administers to the set of facts set forth in the petition.

At issue is whether, under Election Law (“EL”) Article §13-249(d), the RGA, which intends to operate as an independent expenditure entity, would be presumed by virtue of its relationship with Rivet to have made coordinated expenditures subject to contribution limits when it spends money in support of Governor Hogan's candidacy.

A coordinated expenditure is a disbursement, or action to cause a disbursement, that promotes the success or defeat of a candidate or a political party at an election and is made in cooperation or concert with, or at the request or suggestion of, the candidate or political party that benefits from the disbursement. Under EL §13-249(d)(3), an expenditure is presumed to be coordinated if “during the 18-month period preceding the disbursement, the person [making the expenditure] employs or retains a strategic political campaign, media, or fund-raising advisor or consultant of the candidate or political party that is the beneficiary of the disbursement.” Additionally, under EL §13-249(d)(4), an expenditure is presumed to be coordinated if “during the 18-month period preceding the disbursement, the person [making the expenditure] has retained the professional services of a vendor, an advisor, or a consultant that during the election cycle has provided professional services to the candidate” without establishment of a firewall by the vendor. Professional services includes any paid services for fund-raising operations of a political campaign. Subsection (e) provides that the presumption may be rebutted.

A petitioner may request a declaratory ruling in support of the independent expenditure prior to making disbursement by presenting evidence sufficient to show that coordination does not exist. RGA states that it has not made any disbursements to date to promote the success or defeat of a candidate in the 2018 Maryland election.

In its Petition, the RGA states that it hires multiple professional fund-raising firms to solicit contributions from across the United States. The RGA states that its fundraisers do not advise the RGA on expenditures and that its own staff, in consultation with other, non-fundraising advisors or consultants make the RGA's political expenditure decisions. Specifically, the RGA states that it has not discussed with Rivet any potential expenditure it might make in support of Governor Hogan and further states that Rivet "does not and will not have any nonpublic strategic information" about such expenditures.

Notwithstanding Rivet's non-involvement in the RGA's spending decisions, the RGA has also revised its contract with Rivet "to require adherence to a firewall to prevent the transmission of nonpublic strategic information about the Hogan campaign from Rivet to the RGA" and "to prohibit Rivet from sharing any such information with the Hogan Campaign."

The statute requires "sufficient contrary evidence" to rebut a presumption of coordination. The evidence provided supports the belief that Rivet is not a strategic fundraiser for the RGA. However, the RGA did not provide sufficient information or evidence regarding the referenced firewall to determine whether the firewall is sufficient to rebut the presumption of coordination under the statute and Rivet's role within the Hogan campaign.

It is therefore my recommendation that SBE issue a declaratory ruling stating that, provided the RGA submits sufficient evidence of the referenced firewall, the RGA will not be presumed to make coordinated expenditures on behalf of the Hogan campaign by virtue of its relationship with Rivet.

October 15, 2017

Maryland State Board of Elections
c/o The Honorable Linda H. Lamone
State Administrator of Elections
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401

RECEIVED

OCT 23 2017

STATE BOARD OF ELECTIONS

Re: Petition for Declaratory Ruling

Dear Members of the Board:

Pursuant to Section 13-249(E) of the Election Law Article of the Annotated Code of Maryland (eff. Oct. 1, 2017) and Title 33, Subtitle 1, Chapter 2, Section 1 of the Code of Maryland Regulations, the Republican Governors Association (the “RGA”), by and through the undersigned, its General Counsel, seeks to obtain a declaratory ruling from the Maryland State Board of Elections (“Board”) on the manner in which, under the facts set forth herein, the Board would apply to the RGA a statute that the Board is to enforce.

I. INITIAL FACTS AND BACKGROUND

The RGA is a well-known and long-established national political organization whose primary purpose is to support the candidacies of Republican gubernatorial candidates in the U.S. states and territories. Because the RGA does not have a major purpose of influencing Maryland elections specifically, it is not a “political committee” under Maryland law.¹ However, the RGA is subject to Maryland law insofar as it regulates independent expenditures made by a non-committee person.

As a national organization, the RGA solicits contributions – thousands of them – in all fifty states and the U.S. territories, and to that end contracts a number of professional fundraising firms. One of these is Rivet Strategies, LLC (“Rivet”).² Among other clients, Rivet has been retained by

¹ See Md. Code, Elec. Law § 1-101(gg).

² Rivet is registered to do business in multiple states, and public records indicate it contemporaneously has had multiple clients in various jurisdictions. See Ex. 1-2; see also Chris Christie for President, Inc., Federal Election Commission (“FEC”) April 20 Report of Receipts and Disbursements 35 (June 6, 2016), <http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2013%5C0926%5C30154913.tif&documentNumber=L1300013582> (last visited Sept. 26, 2017); Leadership Matters for America PAC, Inc., FEC January 31 Report of Receipts and Disbursements 43 (2015), <http://docquery.fec.gov/cgi-bin/fecimg/?201601299004771833> (last visited Sept. 26, 2017); Grow WV Inc., FEC July 31 Report of Receipts and Disbursements 10 (2015), <http://docquery.fec.gov/cgi-bin/fecimg/?201507299000438007> (last visited Sept. 26, 2017); Raye for Congress, FEC July 15 Report of Receipts and Disbursements 47 (2014), <http://docquery.fec.gov/cgi->

Larry Hogan for Governor (the “Hogan Campaign”). Both the RGA and the Hogan Campaign retained Rivet prior to the enactment of 2017 House Bill 898, a recent, significant revision of Maryland’s campaign finance code.

In some states, as state law allows, the RGA contributes to and coordinates expenditures with Republican gubernatorial candidates. Maryland is not one of those states. In compliance with Maryland law, the RGA does not coordinate expenditures with Maryland candidates, the Maryland Republican Party, or any Maryland political committee. **Specifically, the RGA has not made and does not make expenditures to promote the success or defeat of a Maryland candidate in cooperation, consultation, understanding, agreement, or concert with, or at the request or suggestion of, any Maryland candidate or political party.** Thus, under Maryland law (current law, and enacted but not yet effective law), the RGA has not *actually* coordinated, and does not and will not *actually* coordinate, expenditures with Maryland candidates or parties.

House Bill 898 sets forth various factors to establish a rebuttable presumption of coordination. To address those in turn:

- The RGA was not directly or indirectly formed or established by, or at the request or suggestion of, or with the encouragement of, any Maryland candidate (including during the time before the individual became a candidate) or political party.
- The RGA was not established, and is not financed, directed or managed, by a member of the immediate family of any Maryland candidate, and neither the RGA nor an agent thereof has had substantive discussions about a Maryland candidate’s campaign with a member of the immediate family of a Maryland candidate.
- The RGA has not employed or retained a responsible officer of a political committee affiliated with a Maryland candidate or political party.
- During the 18-month period prior to any anticipated RGA expenditure in connection with the 2018 elections in Maryland, the RGA will not retain the professional services of a vendor, an advisor, or a consultant that, during the 2018 election cycle, has provided professional services to a Maryland candidate or political party, absent establishment by the vendor, advisor, or consultant of a firewall to restrict the sharing of strategic campaign information between individuals who are employed by or who are agents of the RGA, and a Maryland candidate or political party.
- During the 18-month period prior to any anticipated RGA expenditure in connection with the 2018 election in Maryland, the RGA has not employed or retained, and will not employ or retain, for the purpose of receiving advice or consultation regarding an

bin/fecimg/?14941791670 (last visited Sept. 26, 2017); Iowans for Shaw, Inc. dba Iowans for Shaw, FEC July 15 Report of Receipts and Disbursements 24 (2014), <http://docquery.fec.gov/cgi-bin/fecimg/?14952556245> (last visited Sept. 26, 2017); Walters for Congress, FEC April 15 Report for Receipts and Disbursements 10, 11 (2014), <http://docquery.fec.gov/cgi-bin/fecimg/?14941181146> (last visited on Sept. 26, 2017).

expenditure in connection with the 2018 election in Maryland, a strategic political campaign or media advisor or consultant of a Maryland candidate or political party.

- However, during the 18-month period prior to any anticipated RGA expenditure in connection with the 2018 elections in Maryland, the RGA has retained (not employed) a fundraising advisor/consultant of a Maryland candidate.

II. REQUEST PRESENTED

House Bill 898 prohibits any person from making a “coordinated *expenditure*” in excess of the contribution limit to the candidate with whom the person coordinated the expenditure. It also establishes that, in certain factual situations, the person and the candidate are presumed to have coordinated the expenditure.

A presumption of coordination is a big deal. It denies Petitioner its clear First Amendment right to engage in speech by functionally disallowing it from doing so, by setting it (and the candidate Petitioner supports) up for punishment later on grounds of a coordinated expenditure. In America, guilt is not something to be presumed, certainly not without some set of facts with a logical connection to a finding of wrongdoing. In this situation, it is not immediately obvious how the common retention of a fundraising consultant – someone who *raises* money, not someone who *spends* money – is indicative of coordination of *expenditures* between a campaign and a person who retains the same fundraising consultant.

Fortunately, House Bill 898 provides that “[a] person may rebut [a] presumption [of coordination] by presenting sufficient contrary evidence and obtaining a declaratory ruling from the State Board before making a disbursement to promote the success or defeat of a candidate or political party at an election.” This Petition respectfully requests that the Board issue a declaratory ruling that, based on the facts and assurances in this Petition (which may serve as assumptions upon which the Board may make a legal finding), the RGA has presented sufficient contrary evidence to rebut the presumption that any future expenditures it makes in connection with the reelection of Governor Hogan are – *simply by virtue of nothing more than the RGA’s retention*³ of a particular fundraising consultant – coordinated with his campaign.

III. REASONING

A. RGA FUNDRAISING CONSULTANTS ARE NOT INVOLVED IN RGA EXPENDITURE STRATEGY.

As a matter of practice, the RGA retains professional fundraising firms to engage in fundraising on behalf of the RGA. These fundraisers are professionally suited for, and tasked with,

³ This Petition assumes that the Board reads the word “retains” in Md. Code, Elec. Law § 13-249(D)(3) to include continuation of a prior retention. The RGA initially retained Rivet in March 2015; thus, in a literal sense, the RGA did not retain Rivet within 18 months of any RGA expenditure to be made in connection with the 2018 Maryland gubernatorial election. If the Board reads the word “retains” literally, it may issue a declaratory ruling to that effect with the same ultimate outcome to the Petitioner; if the Board does not, the RGA’s retention of Rivet years before the 2018 Maryland elections is probative of such retention’s complete irrelevance to the 2018 Maryland elections.

engaging in fundraising on behalf of the RGA. They are not professionally suited for, or tasked with, advising the RGA on how it spends the funds they raise, or any funds the RGA raises. RGA political expenditure decisions are made by RGA staff, in consultation with other, non-fundraising advisors/consultants.

B. RGA HAS NOT COOPERATED, CONSULTED, REACHED AN UNDERSTANDING WITH, OR AGREED WITH RIVET REGARDING ANY EXPENDITURE IT MAY MAKE IN SUPPORT OF GOVERNOR HOGAN'S REELECTION, NOR WILL IT DO SO, AND RIVET HAS NOT REQUESTED OR SUGGESTED ANY SUCH EXPENDITURE BY RGA, NOR WILL RGA PERMIT RIVET TO DO SO.

As noted above, as a matter of policy, the RGA has not made and does not make expenditures to promote the success or defeat of a Maryland candidate in cooperation, consultation, understanding, agreement, or concert with, or at the request or suggestion of, any Maryland candidate or political party.

To that end, the RGA has not discussed with Rivet any potential political expenditure it might make in support of Governor Hogan's reelection. Moreover, notwithstanding the RGA's practice of not involving fundraising consultants (including but not limited to Rivet) in the formulation of its political expenditure strategy, subsequent to the enactment of House Bill 898, **the RGA revised its contract with Rivet in order to require adherence to a firewall to prevent the transmission of nonpublic strategic information about the Hogan Campaign from Rivet to the RGA.** Moreover, even though Rivet does not and will not have any nonpublic strategic information about expenditures that RGA might make to support Governor Hogan's reelection, **RGA nevertheless revised its contract with Rivet to prohibit Rivet from sharing any such information with the Hogan Campaign.**

C. RGA's PAYMENT OF A COMMON FUNDRAISING VENDOR IS NOT EVIDENCE THAT RGA COORDINATED ITS EXPENDITURES WITH ANY OF THAT VENDOR'S CLIENTS.

A bank customer making a deposit and a bank robber both are involved with funds held by a bank. However, their roles are very different. One is putting money into the bank, and one is taking money out of the bank. This is an important distinction. Likewise, with a political organization, the role of a fundraiser is different from the role of a paid-media consultant: one raises money, the other spends money.

As stated above, House Bill 898 prohibits the coordination of "*expenditures*" in excess of an applicable contribution limit. To be sure, a fundraising vendor compensated both by a candidate and by an outside group supporting that candidate is capable of facilitating coordination of an expenditure – but only to the extent that the vendor goes beyond the fundraising role into a fund-spending role that is necessarily a different role. That is why the Federal Election Commission's common vendor rule does apply to fundraising vendors, but only to the extent they are involved with expenditures – specifically, the creation, production or dissemination of paid

communications.⁴ The FEC does not blindly assume that fundraisers are involved with the creation, production or dissemination of paid communications; neither should the Board. Here, as explained throughout this request, RGA does not and will not utilize Rivet in such a role in connection with any expenditures it makes in Maryland.

D. IF A FIREWALL REBUTS THE PRESUMPTION OF COORDINATION POSED WHEN A CANDIDATE AND OUTSIDE SPENDER SHARE A VENDOR ACTUALLY INVOLVED IN EXPENDITURES, THEN A FIREWALL SHOULD SUFFICE TO REBUT THE PRESUMPTION OF COORDINATION POSED WHEN A CANDIDATE AND OUTSIDE SPENDER SHARE A VENDOR NOT ACTUALLY INVOLVED IN EXPENDITURES.

House Bill 898 places a greater burden on a person who shares a *fundraising* consultant with a campaign than it does on someone who shares a *paid-media* consultant with a campaign. Though the risk of coordination clearly is greater when a person and a campaign share a paid-media advisor on *expenditure* matters, House Bill 898 plainly provides a self-rebutting mechanism via a firewall. However, House Bill 898 does not extend this same opportunity to a person and a campaign who share an advisor on *fundraising* matters – thus the necessity of this Petition.

Given the General Assembly's obvious recognition that a firewall effectively can prevent coordination of expenditures via paid-media consultants, coupled with the grant of authority to the State Board of Elections to issue declaratory rulings in other situations, the Board should draw the same conclusion with respect to fundraisers that the General Assembly drew for paid-media consultants – specifically, that the use of a firewall is sufficient to eliminate the possibility of coordination between a person and a campaign who share the same fundraising consultant.

IV. CONCLUSION

For the reasons above, the Republican Governors Association respectfully requests the Board to issue a declaratory ruling stating that the Republican Governors Association has presented sufficient contrary evidence to rebut the presumption of making a coordinated expenditure.

Respectfully submitted,



Michael G. Adams, Esq.
Chalmers Burch & Adams LLC
1300 Pennsylvania Ave. NW #190-612
Washington, DC 20004
(202) 695-8300 (direct dial)
(202) 695-8320 (fax)

⁴ See 11 C.F.R. § 109.21(d)(4)(ii).

STATEMENT OF VERIFICATION

I hereby affirm under the penalty of perjury the facts set forth in this Petition are true to the best of my knowledge, information, and belief.

Respectfully submitted,

Michael G. Adams

Michael G. Adams, Esq.
Chalmers Burch & Adams LLC
1300 Pennsylvania Ave. NW #190-612
Washington, DC 20004
(202) 695-8300 (direct dial)
(202) 695-8320 (fax)

STATE OF GEORGIA

Signed and affirmed to before me on October 15, 2017 by MICHAEL G. ADAMS.



Mary V Bates

NOTARY PUBLIC

My Commission Expires:

11/15/2019



1 OF 1 RECORD(S)

Florida Secretary of State

Corporate Filing 1

Business Information

Filing Type: CURRENT
Filing Number: L13000135826
Name: RIVET STRATEGIES LLC
Name Type: LEGAL
STANDARD PRINCIPAL Address: 1238 D ST SE
 WASHINGTON, DC 20003-2217
ORIGINAL PRINCIPAL Address: 1238 D STREET SE
 WASHINGTON, DC 20003
 US
MAILING Address: 204 37TH AVE N
 ST PETERSBURG, FL 33704
 US
TIN: 46-3742113
Business Type: FLORIDA LIMITED LIABILITY
Status: ACTIVE
Place Incorporated: FLORIDA
Date Incorporated: 09/26/2013
Foreign/Domestic: DOMESTIC
Partnership: NO
Date Last Seen: 04/13/2017

Registered Agent

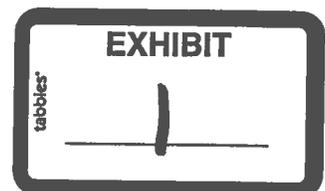
Name: MEYERS, ALLISON M
Title: REGISTERED AGENT
Registered Agent Address: 204 37TH AVE N
 SAINT PETERSBURG, FL 33704-1416

Corporate Filing 2

Business Information

Filing Type: HISTORICAL
Filing Number: L13000135826
Name: RIVET STRATEGIES LLC
Name Type: LEGAL
STANDARD PRINCIPAL Address: 168 DUDDINGTON PL SE
 WASHINGTON, DC 20003-2609
ORIGINAL PRINCIPAL Address: 168 DUDDINGTON PL SE
 WASHINGTON, DC 20003
 US
MAILING Address: 204 37TH AVE N
 ST PETERSBURG, FL 33704
 US
TIN: 46-3742113
Business Type: FLORIDA LIMITED LIABILITY
Status: ACTIVE
Place Incorporated: FLORIDA
Date Incorporated: 09/26/2013
Foreign/Domestic: DOMESTIC
Partnership: NO
Date Last Seen: 12/05/2016

Registered Agent



Name: MEYERS, ALLISON M
Title: REGISTERED AGENT
Registered Agent Address 204 37TH AVE N
SAINT PETERSBURG, FL 33704-1416

Annual Report Filings

Filing 1

Filing Year: 2017
Filed Date: 01/11/2017

Filing 2

Filing Year: 2016
Filed Date: 01/18/2016

Filing 3

Filing Year: 2015
Filed Date: 03/03/2015

Filing 4

Filing Year: 2014
Filed Date: 03/18/2014

Officers

Name: MEYERS, ALLISON M
Title: PRIN
Contact Type: MEMBER/MANAGER/PARTNER
Standard Address: Type: BUSINESS
204 37TH AVE N
SAINT PETERSBURG, FL 33704-1416
Original Address: 204 37TH AVE N #439
ST PETERSBURG, FL 33704
US

Experian Business Report

This data is for informational purposes only.

Business Information

Experian Company Number: 977124007
Company Name: RIVET STRATEGIES LLC
Address: 590 15TH ST S APT 105
ARLINGTON, VA 22202-2874
ARLINGTON COUNTY
Business Type: CORPORATION
Years In Business: 0
Number of Employees: 0
Fiscal Year End Month: 0
Profit Range: 0
Net Worth: 0
In Building Since Year: 0
Building Square Feet: 0
Active Customer Count: 0
Officer Name: MEYERS, ALLISON
Date First Seen: 10/2013
Date Last Seen: 03/07/2016
Last Updated Date: 03/08/2016
File Establish Date: 10/2013

Demographic 5600

Business Type: CORPORATION

Demographic 5610

Officer Title: MANAGER

Officer Name: MEYERS, ALLISON

Original Officer Name: MEYERS, ALLISON

Business Registration Records

This data is for informational purposes only.

Business Information

Filing Number: L13000135826

Company Name: RIVET STRATEGIES LLC

Address: 204 37TH AVE N 439
SAINT PETERSBURG, FL 33704-1416

Mailing Address: 590 15TH ST S APT 105
ARLINGTON, VA 22202-2874

Corporation Code: Secretary of State

Secretary Of State Code: Limited Liability Company

Status: Active

Filing Date: 09/26/2013

Business Registration Officers

Name: MEYERS, ALLISON M

Position: MANAG

Address: 204 37TH AVE N #439
SAINT PETERSBURG, FL 33704-1416

Experian Credit Risk DB

This data is for informational purposes only.

Summary

Name: RIVET STRATEGIES LLC

Address: 168 DUDDINGTON PL SE
WASHINGTON, DC 20003-2609
DISTRICT OF COLUMB COUNTY

Experian File Number: 977124007

File Established: 10/03/2013

Contents: Business Description

Business Description

Years in Business (ACTUAL): 3 TO 5 YEARS

Employees: 0

Business Type: CORPORATION

Owner Type: PRIVATE

Location: HEADQUARTERS

Officers: MEYERS, ALLISON, OFFICER

Important: The Public Records and commercially available data sources used on reports have errors. Data is sometimes entered poorly, processed incorrectly and is generally not free from defect. In addition, Industry Classifications and Normalized Titles are data elements automatically derived and unverified. This system should not be relied upon as definitively accurate. Before relying on any data this system supplies, it should be independently verified. For Secretary of State documents, the following data

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1 OF 1 RECORD(S)

Experian Business Report

This data is for informational purposes only.

Business Information

Experian Company Number: 405099969
Company Name: RIVET STRATIGIES LLC
Address: 91 MAIN ST
 ANNAPOLIS, MD 21401-2001
 ANNE ARUNDEL COUNTY
Business Type: CORPORATION
Years In Business: 0
Number of Employees: 0
Date First Seen: 10/2015
Date Last Seen: 03/07/2016
Last Updated Date: 03/08/2016
File Establish Date: 10/2015

Trade Payment Details(Trade Lines with an * after the date are newly reported)

Payment Detail

Business Category: FINCL SVCS
Reported Date: 02/29/2016
Activity Date: 2000
Payment Terms: CONTRCT
Recent High Credit: \$22,300
Balance: \$19,100

DBT Percentages

Current: 100%
Day 1-30: 0%
Day 31-60: 0%
Day 61-90: 0%
Day 91-plus: 0%

Trade Quarterly Details

Quarter 4

Year: 15
DBT: 0
Balance: \$21,000

DBT Percentages

Current: 100%
Day 1-30: 0%
Day 31-60: 0%
Day 61-90: 0%
Day 91-plus: 0%

Quarter 3

Year: 15
DBT: 0
Balance: \$0

DBT Percentages

Current: 0%
Day 1-30: 0%
Day 31-60: 0%



Day 61-90: 0%
Day 91-plus: 0%

Quarter 2

Year: 15
DBT: 0
Balance: \$0

DBT Percentages

Current: 0%
Day 1-30: 0%
Day 31-60: 0%
Day 61-90: 0%
Day 91-plus: 0%

Quarter 1

Year: 15
DBT: 0
Balance: \$0

DBT Percentages

Current: 0%
Day 1-30: 0%
Day 31-60: 0%
Day 61-90: 0%
Day 91-plus: 0%

Quarter 4

Year: 14
DBT: 0
Balance: \$0

DBT Percentages

Current: 0%
Day 1-30: 0%
Day 31-60: 0%
Day 61-90: 0%
Day 91-plus: 0%

Demographic 5600

Business Type: CORPORATION

Experian Credit Risk DB

This data is for informational purposes only.

Summary

Name: RIVET STRATEGIES LLC
Address: 91 MAIN ST FL 2
ANNAPOLIS, MD 21401-2001
ANNE ARUNDEL COUNTY
Experian File Number: 405099969
File Established: 10/06/2015
Contents: Business Description

Business Description

Years in Business (ACTUAL): 2 YEARS
Employees: 0
Business Type: CORPORATION

Owner Type: PRIVATE
Location: SINGLE ENTITY

Important: The Public Records and commercially available data sources used on reports have errors. Data is sometimes entered poorly, processed incorrectly and is generally not free from defect. In addition, Industry Classifications and Normalized Titles are data elements automatically derived and unverified. This system should not be relied upon as definitively accurate. Before relying on any data this system supplies, it should be independently verified. For Secretary of State documents, the following data is for information purposes only and is not an official record. Certified copies may be obtained from that individual state's Department of State.

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Your GLBA Permissible Use is: I have no permissible use

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Chapter 852

(House Bill 898)

AN ACT concerning

Election Law – Campaign Finance – Coordinated Expenditures

FOR the purpose of prohibiting a person from making a coordinated expenditure in excess of certain limits or making a donation to a person for the purpose of furthering a coordinated expenditure in excess of certain limits; prohibiting a candidate or political party from being the beneficiary of a coordinated expenditure in excess of certain limits; providing that a person may not be considered to have made a coordinated expenditure solely on certain grounds; providing that a person that makes a disbursement to promote the success or defeat of a candidate or political party at an election is presumed to have made a coordinated expenditure under certain circumstances; providing that a person may rebut the presumption that the person made a coordinated expenditure by obtaining a declaratory ruling from the State Board of Elections; providing that a person, candidate, or political party that willfully and knowingly violates this Act is guilty of a misdemeanor and on conviction is subject to certain fines; authorizing the State Board to investigate a potential violation of this Act in a certain manner; authorizing the State Board to impose a certain civil penalty for an unintentional violation of this Act or refer a suspected willful and knowing violation of this Act to the State Prosecutor; requiring a fine or penalty under this Act to be paid by certain persons and distributed to the Fair Campaign Financing Fund; authorizing the State Board to adopt regulations to implement this Act; altering certain definitions; defining certain terms; making a clarifying change; and generally relating to coordinated expenditures.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 1–101(o) and (bb) and 13–604.1(d)
Annotated Code of Maryland
(2010 Replacement Volume and 2016 Supplement)

BY adding to
Article – Election Law
Section 13–249
Annotated Code of Maryland
(2010 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
Article – Election Law
Section 13–306(a)(6)
Annotated Code of Maryland
(2010 Replacement Volume and 2016 Supplement)

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

Article – Election Law

1-101.

(o) (1) “Contribution” means the gift or transfer, or promise of gift or transfer, of money or other thing of value to a campaign finance entity to promote or assist in the promotion of the success or defeat of a candidate, political party, question, or prospective question.

(2) “Contribution” includes:

(i) proceeds from the sale of tickets to a campaign fund-raising event; and

(ii) [a disbursement or deposit of money or a gift, a subscription, an advance, or anything of value that is made by a person in coordination with, or at the request or suggestion of, a candidate or a campaign finance entity of a candidate] **A COORDINATED EXPENDITURE AS DEFINED IN § 13-249 OF THIS ARTICLE.**

(bb) (1) “Independent expenditure” means [an expenditure] **A DISBURSEMENT GIFT, TRANSFER, DISBURSEMENT, OR PROMISE OF MONEY OR A THING OF VALUE** by a person expressly advocating the success or defeat of a clearly identified candidate or ballot issue if the [expenditure] **DISBURSEMENT GIFT, TRANSFER, DISBURSEMENT, OR PROMISE OF MONEY OR A THING OF VALUE** is not made in coordination, **COOPERATION, CONSULTATION, UNDERSTANDING, AGREEMENT, OR CONCERT** with, or at the request or suggestion of, a candidate, a campaign finance entity of a candidate, an agent of a candidate, or a ballot issue committee.

(2) For purposes of this subsection, “clearly identified” means:

(i) the name of the candidate appears;

(ii) a photograph or drawing of the candidate appears; or

(iii) the identity of the candidate or ballot issue is apparent by unambiguous reference.

13-249.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) "CANDIDATE" HAS THE MEANING STATED IN § 1-101 OF THIS ARTICLE.

(II) FOR PURPOSES OF THIS SECTION, "CANDIDATE" INCLUDES A CANDIDATE, AN AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE, A SLATE COMMITTEE, AND AGENTS OF A CANDIDATE, AN AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE, OR A SLATE COMMITTEE.

(3) "COMMUNICATION" INCLUDES SOCIAL MEDIA INTERACTIONS WITH A CANDIDATE.

(4) (I) "COORDINATED EXPENDITURE" MEANS A DISBURSEMENT OR AN ACTION TO CAUSE A DISBURSEMENT THAT:

1. PROMOTES THE SUCCESS OR DEFEAT OF A CANDIDATE OR A POLITICAL PARTY AT AN ELECTION; AND

2. IS MADE IN COOPERATION, CONSULTATION, UNDERSTANDING, AGREEMENT, OR CONCERT WITH, OR AT THE REQUEST OR SUGGESTION OF, THE CANDIDATE OR POLITICAL PARTY THAT IS THE BENEFICIARY OF THE DISBURSEMENT.

(II) "COORDINATED EXPENDITURE" INCLUDES A DISBURSEMENT FOR ANY COMMUNICATION THAT REPUBLISHES OR DISSEMINATES, IN WHOLE OR IN PART, A VIDEO, A PHOTOGRAPH, AUDIO FOOTAGE, A WRITTEN GRAPHIC, OR ANY OTHER FORM OF CAMPAIGN MATERIAL PREPARED BY THE CANDIDATE OR POLITICAL PARTY THAT IS THE BENEFICIARY OF THE DISBURSEMENT.

(III) "COORDINATED EXPENDITURE" DOES NOT INCLUDE A DISBURSEMENT FOR ANY COMMUNICATION THAT IS NOT A PUBLIC COMMUNICATION.

(5) "COORDINATED SPENDER" MEANS A PERSON THAT MAKES A DISBURSEMENT TO PROMOTE THE SUCCESS OR DEFEAT OF A CANDIDATE OR POLITICAL PARTY AT AN ELECTION AND FOR WHICH ONE OF THE FOLLOWING APPLIES:

(I) DURING THE ELECTION CYCLE, THE PERSON WAS DIRECTLY OR INDIRECTLY FORMED OR ESTABLISHED BY OR AT THE REQUEST OR SUGGESTION OF, OR WITH THE ENCOURAGEMENT OF, THE CANDIDATE OR POLITICAL PARTY THAT IS THE BENEFICIARY OF THE DISBURSEMENT, INCLUDING DURING THE TIME BEFORE THE INDIVIDUAL BECAME A CANDIDATE; OR

(II) DURING THE ELECTION CYCLE, THE PERSON IS ESTABLISHED, FINANCED, DIRECTED, OR MANAGED BY A MEMBER OF THE IMMEDIATE FAMILY OF THE CANDIDATE WHO IS THE BENEFICIARY OF THE DISBURSEMENT, OR THE PERSON OR AN AGENT OF THE PERSON HAS HAD SUBSTANTIVE DISCUSSIONS ABOUT THE CANDIDATE'S CAMPAIGN WITH A MEMBER OF THE IMMEDIATE FAMILY OF THE CANDIDATE WHO IS THE BENEFICIARY OF THE DISBURSEMENT.

(6) "DISBURSEMENT" INCLUDES A DEPOSIT OF MONEY OR A GIFT, A SUBSCRIPTION, AN ADVANCE, OR OTHER THING OF VALUE.

(7) "DONATION" MEANS A GIFT OR TRANSFER, OR PROMISE OF GIFT OR TRANSFER, OF MONEY OR OTHER THING OF VALUE TO A PERSON.

(8) "IMMEDIATE FAMILY" HAS THE MEANING STATED IN § 9004(E) OF THE INTERNAL REVENUE CODE OF 1986.

(9) (I) "PERSON" INCLUDES AN INDIVIDUAL, A PARTNERSHIP, A POLITICAL COMMITTEE, AN ASSOCIATION, A CORPORATION, A LABOR ORGANIZATION, AND ANY OTHER ORGANIZATION OR GROUP OF PERSONS.

(II) "PERSON" DOES NOT INCLUDE A POLITICAL COMMITTEE THAT EXCLUSIVELY ACCEPTS CONTRIBUTIONS THAT ARE SUBJECT TO THE LIMITS UNDER § 13-226 OF THIS SUBTITLE.

(10) (I) "POLITICAL PARTY" HAS THE MEANING STATED IN § 1-101 OF THIS ARTICLE.

(II) FOR PURPOSES OF THIS SECTION, "POLITICAL PARTY" INCLUDES A POLITICAL PARTY, A CENTRAL COMMITTEE, A LEGISLATIVE PARTY CAUCUS COMMITTEE, AND AGENTS OF A POLITICAL PARTY, CENTRAL COMMITTEE, OR LEGISLATIVE PARTY CAUCUS COMMITTEE.

(11) (I) "PROFESSIONAL SERVICES" MEANS ANY PAID SERVICES IN SUPPORT OF A POLITICAL CAMPAIGN, INCLUDING ADVERTISING, MESSAGE, STRATEGY, POLICY, POLLING, COMMUNICATIONS DEVELOPMENT, ALLOCATION OF CAMPAIGN RESOURCES, FUND-RAISING, AND CAMPAIGN OPERATIONS.

(II) "PROFESSIONAL SERVICES" DOES NOT INCLUDE ACCOUNTING, LEGAL, PRINT, OR MAIL SERVICES.

(12) "PUBLIC COMMUNICATION" HAS THE MEANING STATED IN § 13-306 OF THIS TITLE.

VENDOR, AN ADVISOR, OR A CONSULTANT THAT, DURING THE ELECTION CYCLE, HAS PROVIDED PROFESSIONAL SERVICES TO THE CANDIDATE OR POLITICAL PARTY THAT IS THE BENEFICIARY OF THE DISBURSEMENT; AND

(II) THE VENDOR, ADVISOR, OR CONSULTANT HAS NOT ESTABLISHED A FIREWALL TO RESTRICT THE SHARING OF STRATEGIC CAMPAIGN INFORMATION BETWEEN INDIVIDUALS WHO ARE EMPLOYED BY OR WHO ARE AGENTS OF THE PERSON AND THE CANDIDATE OR POLITICAL PARTY THAT IS THE BENEFICIARY OF THE DISBURSEMENT.

(E) A PERSON MAY REBUT THE PRESUMPTION UNDER SUBSECTION (D) OF THIS SECTION BY PRESENTING SUFFICIENT CONTRARY EVIDENCE AND OBTAINING A DECLARATORY RULING FROM THE STATE BOARD BEFORE MAKING A DISBURSEMENT TO PROMOTE THE SUCCESS OR DEFEAT OF A CANDIDATE OR POLITICAL PARTY AT AN ELECTION.

(F) (1) A PERSON THAT WILLFULLY AND KNOWINGLY VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING:

(I) 300% OF THE AMOUNT BY WHICH THE COORDINATED EXPENDITURE MADE BY THE PERSON EXCEEDED THE APPLICABLE CONTRIBUTION LIMIT UNDER § 13-226 OF THIS SUBTITLE; OR

(II) 300% OF THE AMOUNT OF THE DONATION MADE TO A PERSON FOR THE PURPOSE OF FURTHERING A COORDINATED EXPENDITURE IN EXCESS OF THE LIMITS PRESCRIBED UNDER § 13-226 OF THIS SUBTITLE.

(2) A CANDIDATE OR POLITICAL PARTY THAT WILLFULLY AND KNOWINGLY VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING 300% OF THE AMOUNT BY WHICH THE COORDINATED EXPENDITURE OF WHICH THE CANDIDATE OR POLITICAL PARTY WAS THE BENEFICIARY EXCEEDED THE APPLICABLE CONTRIBUTION LIMIT UNDER § 13-226 OF THIS SUBTITLE.

(G) (1) THE STATE BOARD MAY INVESTIGATE A POTENTIAL VIOLATION OF THIS SECTION.

(2) THE STATE BOARD SHALL:

(I) NOTIFY A PERSON, CANDIDATE, OR POLITICAL PARTY THAT IS SUBJECT TO AN INVESTIGATION UNDER THIS SUBSECTION OF THE CIRCUMSTANCES THAT GAVE RISE TO THE INVESTIGATION; AND

(B) (1) A PERSON MAY NOT:

(I) MAKE A COORDINATED EXPENDITURE IN EXCESS OF THE LIMITS ESTABLISHED UNDER § 13-226 OF THIS SUBTITLE; OR

(II) MAKE A DONATION TO A PERSON FOR THE PURPOSE OF FURTHERING A COORDINATED EXPENDITURE IN EXCESS OF THE LIMITS UNDER § 13-226 OF THIS SUBTITLE.

(2) A CANDIDATE OR POLITICAL PARTY MAY NOT, DIRECTLY OR INDIRECTLY, BE THE BENEFICIARY OF A COORDINATED EXPENDITURE IN EXCESS OF THE LIMITS UNDER § 13-226 OF THIS SUBTITLE.

(C) A PERSON MAY NOT BE CONSIDERED TO HAVE MADE A COORDINATED EXPENDITURE SOLELY ON THE GROUNDS THAT THE PERSON OR THE PERSON'S AGENT ENGAGED IN DISCUSSIONS OR COMMUNICATIONS WITH A CANDIDATE REGARDING A POSITION ON A LEGISLATIVE OR POLICY MATTER, PROVIDED THAT THERE IS NO COMMUNICATION BETWEEN THE PERSON AND THE CANDIDATE REGARDING THE CANDIDATE'S CAMPAIGN ADVERTISING, MESSAGE, STRATEGY, POLLING, ALLOCATION OF CAMPAIGN RESOURCES, FUND-RAISING, OR OTHER CAMPAIGN ACTIVITIES.

(D) A PERSON THAT MAKES A DISBURSEMENT TO PROMOTE THE SUCCESS OR DEFEAT OF A CANDIDATE OR POLITICAL PARTY AT AN ELECTION IS PRESUMED TO HAVE MADE A COORDINATED EXPENDITURE IF:

(1) THE PERSON IS A COORDINATED SPENDER WITH RESPECT TO THE CANDIDATE OR POLITICAL PARTY THAT IS THE BENEFICIARY OF THE DISBURSEMENT;

(2) DURING THE 18-MONTH PERIOD PRECEDING THE DISBURSEMENT, THE PERSON EMPLOYS OR RETAINS A RESPONSIBLE OFFICER OF A POLITICAL COMMITTEE AFFILIATED WITH THE CANDIDATE OR POLITICAL PARTY THAT IS THE BENEFICIARY OF THE DISBURSEMENT;

(3) DURING THE 18-MONTH PERIOD PRECEDING THE DISBURSEMENT, THE PERSON EMPLOYS OR RETAINS A STRATEGIC POLITICAL CAMPAIGN, MEDIA, OR FUND-RAISING ADVISOR OR CONSULTANT OF THE CANDIDATE OR POLITICAL PARTY THAT IS THE BENEFICIARY OF THE DISBURSEMENT; OR

(4) (I) DURING THE 18-MONTH PERIOD PRECEDING THE DISBURSEMENT, THE PERSON HAS RETAINED THE PROFESSIONAL SERVICES OF A

(II) PROVIDE THE PERSON, CANDIDATE, OR POLITICAL PARTY AMPLE OPPORTUNITY TO BE HEARD AT A PUBLIC MEETING OF THE STATE BOARD.

(3) AT THE CONCLUSION OF THE INVESTIGATION AND FOLLOWING THE HEARING UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION, THE STATE BOARD SHALL ISSUE A PUBLIC REPORT OF ITS FINDINGS AND MAY:

(I) IMPOSE A CIVIL PENALTY AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION IF THE STATE BOARD DETERMINES THAT A PERSON, CANDIDATE, OR POLITICAL PARTY HAS UNINTENTIONALLY VIOLATED THIS SECTION; OR

(II) REFER THE MATTER FOR FURTHER INVESTIGATION BY THE STATE PROSECUTOR IF THE STATE BOARD HAS REASONABLE CAUSE TO BELIEVE THAT A PERSON, CANDIDATE, OR POLITICAL PARTY HAS WILLFULLY AND KNOWINGLY VIOLATED THIS SECTION.

(4) A CIVIL PENALTY UNDER PARAGRAPH (3)(I) OF THIS SUBSECTION:

(I) SHALL BE ASSESSED IN THE MANNER SPECIFIED IN § 13-604.1 OF THIS TITLE; AND

(II) MAY NOT EXCEED:

1. 100% OF THE AMOUNT BY WHICH THE COORDINATED EXPENDITURE MADE BY THE PERSON EXCEEDED THE APPLICABLE CONTRIBUTION LIMIT UNDER § 13-226 OF THIS SUBTITLE;

2. 100% OF THE AMOUNT OF THE DONATION MADE TO A PERSON FOR THE PURPOSE OF FURTHERING A COORDINATED EXPENDITURE IN EXCESS OF THE LIMITS PRESCRIBED UNDER § 13-226 OF THIS SUBTITLE; OR

3. 100% OF THE AMOUNT BY WHICH THE COORDINATED EXPENDITURE OF WHICH THE CANDIDATE OR POLITICAL PARTY WAS THE BENEFICIARY EXCEEDED THE APPLICABLE CONTRIBUTION LIMIT UNDER § 13-226 OF THIS SUBTITLE.

(H) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A FINE OR PENALTY IMPOSED UNDER THIS SECTION SHALL BE PAID BY THE PERSON THAT COMMITTED THE VIOLATION OR BY A POLITICAL COMMITTEE OF THE CANDIDATE OR POLITICAL PARTY THAT COMMITTED THE VIOLATION.

(2) A SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A FINE OR PENALTY UNDER THIS SECTION IS THE JOINT AND SEVERAL LIABILITY OF THE CANDIDATE OR A DIRECTOR, A MANAGER, AN OFFICER, OR ANY OTHER INDIVIDUAL EXERCISING DIRECTION OR CONTROL OVER THE ACTIVITIES OF THE PERSON, AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE, OR POLITICAL PARTY IF THE PENALTY IS NOT PAID BY THE PERSON OR BY A POLITICAL COMMITTEE OF THE CANDIDATE OR POLITICAL PARTY BEFORE THE EXPIRATION OF THE 1-YEAR PERIOD THAT BEGINS ON THE LATER OF:

(I) THE DATE THE FINE OR PENALTY WAS IMPOSED; OR

(II) THE DATE OF THE FINAL JUDGMENT FOLLOWING ANY JUDICIAL REVIEW OF THE IMPOSITION OF THE FINE OR PENALTY.

(3) A CANDIDATE MAY NOT BE JOINTLY AND SEVERALLY LIABLE FOR A FINE OR PENALTY UNDER THIS SECTION UNLESS A COURT OR THE STATE BOARD FINDS THAT THE CANDIDATE ENGAGED IN CONDUCT THAT CONSTITUTES COORDINATION WITH A PERSON UNDER THIS SECTION.

(I) A FINE OR PENALTY IMPOSED UNDER THIS SECTION SHALL BE DISTRIBUTED TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THIS ARTICLE.

(J) THE STATE BOARD MAY ADOPT REGULATIONS AS NECESSARY TO IMPLEMENT THIS SECTION.

13-306.

(a) (6) (i) “Public communication” means a communication by means of any broadcast television or radio communication, cable television communication, satellite television or radio communication, newspaper, magazine, outdoor advertising facility, mass mailing, e-mail blast, text blast, or telephone bank to the general public, or any other form of general public political advertising.

(ii) “Public communication” does not include:

1. a news story, a commentary, or an editorial disseminated by a broadcasting station, including a cable television operator, programmer, or producer, satellite television or radio provider, Web site, newspaper, magazine, or other periodical publication, including any Internet or electronic publication, that is not controlled by a candidate or political party;

2. an internal membership communication by a business or other entity to its stockholders or members and executive and administrative personnel

and their immediate families, or by a membership entity, as defined under § 13-243 of this title, to its members, executive and administrative personnel and their immediate families; or

3. a candidate debate or forum.

13-604.1.

(d) (1) Except as **OTHERWISE PROVIDED IN THIS TITLE OR AS** provided in paragraph (2) of this subsection, the amount of a civil penalty imposed under this section may not exceed \$500 for each violation.

(2) As to a violation of § 13-235 of this title, the campaign finance entity that receives a contribution as a result of a violation shall:

(i) refund the contribution to the contributor; and

(ii) pay a civil penalty that equals \$1,000 plus the amount of the contribution, unless the State Board at its discretion assesses a lesser penalty for good cause.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.

Rules of Security Behavior for Board of Elections' Officials and Employees

This form must be completed and filed with SBE within 30 days of hiring or appointment. Please read this document carefully. After reviewing the document and in the presence of another person, sign and date this document. The person who was in your presence when you signed it must sign and date this form as your "witness."

Name: _____ Address: _____

LBE: _____ City/State/Zip: _____

Phone: _____ Work Email: _____

Definitions

1. "Election officials and employees" mean individuals who are:
 - a. A temporary or permanent employee, other than an election judge, of the State Board of Elections (SBE) or a local board of elections (LBE);
 - b. A member of the State or a local board of elections;
 - c. A State or county employee temporarily assigned to SBE or a LBE;
 - d. A vendor, other than a county attorney appointed under §2-205 of the Election Law Article, providing services to SBE or a LBE; or
 - e. A volunteer (other than a voting system demonstrator) who has access to elections information systems.
2. "Election day" includes all days during which early voting is conducted.
3. "Election information system" includes the State's voting system, electronic pollbook system (including the EPIC server), voter registration, candidacy, and election management system (MDVOTERS), the online campaign finance system (MD CRIS), and SBE's online voter services.
4. "SBE's online voter services" are the voter look-up, polling place locator, online voter registration and absentee ballot request system, and the online ballot delivery system.
5. "Voting system" means all networks, components and consumables associated with State's voting system. It includes voted and unvoted ballots.

General Rules

Election officials and employees shall:

1. Wear an identification badge and carry a photo identification when required by the Election Director, State Administrator, or his or her designee;
2. Not share password(s) or provide unauthorized access to an election information system;
3. Not allow unauthorized access to information deemed sensitive, confidential, or trademark specific, including personal voter registration or candidacy information, to the extent protected by law;
4. Adhere to the State of Maryland's Software Code of Ethics and other policies related to information systems; and
5. Consistent with the *Policy for Conducting Criminal History Background Investigations*, submit to all necessary criminal history background investigations and receive authorization from the Election Director, State Administrator, or his or her designee before having access to sensitive, confidential or trademark specific information, materials or equipment.

Election Information System – Network Rules

Election officials and employees with access to the voting system networks (including servers, workstations, laptops for regional results reporting, and network equipment), electronic pollbook system, or the MDVOTERS system shall:

1. Only use the systems for elections authorized by the State Administrator;
2. Only use the systems as authorized by the State Administrator;
3. Only install software authorized by the State Administrator;

4. Not move any voting system network equipment unless authorized by the State Administrator;
5. Always secure the room(s) where the voting system network equipment is located;
6. Ensure that a *Physical Security Log* is located near each voting system server and workstation and signed by each person who has contact with this equipment;
7. Ensure that the voting system's Certified Network equipment is not connected to any telecommunication source without express authorization from the State Administrator;
8. Ensure that voting system's Regional Collection Networks are only connected to a virtual private network for the transmission of results and are disconnected from the network when not in use;
9. Only allow access to the voting system network equipment room by individuals who are on the approved access list (unless physically escorted by an employee with access);
10. Not allow an unauthorized individual to use an election information network for any purpose; and
11. Not share election information network login information or passwords. Only the user shall have possession or knowledge of his or her own login details and password.

Voting System & Electronic Pollbook Components Rules

Election officials and employees who have access to certain voting system (including voting units, ballots, and smart cards) and electronic pollbook components shall:

1. Secure all ballots prior to, during, and after the election.
 - a. All test deck ballots shall be secure at the conclusion of testing each day.
 - b. Voted ballots shall be secured and stored by precinct for 22 months after the election.
 - c. Unvoted ballots may be recycled when the State Administrator releases voting equipment.
2. Change combination, access or security locks upon the loss of any authorized employee;
3. Ensure the smart key cards are always secure and frequently inventoried;
4. Immediately report to the State Administrator and Election Director the loss of a smart key card;
5. Maintain constant care, custody and control over voting system and electronic pollbook components;
6. Prohibit unapproved access to or use of voting system and electronic pollbook components to someone who is not an authorized election official or employee; and
7. Only move voting system and electronic pollbook equipment pursuant to chain of custody signature and inventory requirements.

Voting Location Rules

Election officials and employees conducting field-work (*i.e.*, visiting polling places) on election day shall:

1. Immediately report the failure of a voting location to open or open on time to the LBE and the State Administrator; and
2. Immediately notify the Election Director and the State Administrator of any suspicious activity in a voting location.

I have read and understand these rules of security behavior. I also understand that violation of any applicable rule may result in:

- Criminal penalties under Election Law Article §§ 16-301, 16-302, 16-802, or 16-804 of the *Annotated Code of Maryland*;
- Disciplinary action as defined in State Personnel & Pensions Article § 11-104 of the *Annotated Code of Maryland*; and
- Other disciplinary actions as provided under applicable rules.

Signature

Date

Witness

Date



What Every Campaign Staffer Should Know About Cybersecurity

Congratulations, you're a cyber target.

Whether you're an intern or the campaign manager, cyber criminals are trying to break into your accounts and steal the campaign's information. Everyone has a responsibility to protect themselves and the campaign. That includes you.

There are simple things you **must** do to avoid making yourself and the campaign a victim.



1. **Activate Two-Factor Authentication**

Adding two-factor authentication to your email, file storage, and social media accounts is the most important step you can take to secure your information and it's really simple to set up. Your campaign will tell you which two-factor method to use. Two-factor authentication makes it a lot harder for the bad guys to get into your account, even if they steal your password.



2. **Create Strong Passwords**

Make your password as long as possible. Think of it more as a "pass-sentence" than a password. Less than 8 characters is too short. 12 or longer is much better. Contrary to popular belief, it should not include requirements for numbers, special characters, or capitalization. [SOMETHINGLIKETHISPASSWORDHERE](#) is actually harder to hack than [s0m3TH!n6L1k\\$](#). String a set of words together that are easy for you to remember. Don't write your password down where someone can find it. If you have even a faint suspicion that someone might know your password, change it immediately.



3. **Keep work on your work accounts**

Never use your personal email or storage services for campaign work. Foreign agents have hacked people's personal email accounts in the past to steal information. To keep your personal life secure, use strong passwords and two-factor authentication.

(Continued on back)



4. **Secure your personal accounts**

Make sure you have two-factor and strong passwords on your personal accounts, just in case someone tries to hack your personal life. If you are on Gmail, there's a service for personal accounts called Advanced Protection that uses physical keys to give you extra protection from someone else logging onto your accounts. There is also a Chrome extension you can download that helps protect Gmail accounts against phishing.



5. **Watch out...**

- a. **Clicking links.** Avoid clicking links in emails; go directly to a site through your browser instead. Just clicking a malicious link can install malware on your computer. Be especially careful of links that ask for your password or personal information. If you see something suspicious, contact us immediately!
- b. **Trust your gut.** If an email looks funny or has strange grammar, don't click anything or open any attachments. If a co-worker seems to be sending a strange request, or asking you to share something sensitive over email, pick up the phone and call them to make sure it's legit. Never click links, open attachments, or send sensitive information in response to emails from people you don't know or addresses you don't recognize. If you see something suspicious or aren't sure what to do, just say so!
- c. **Downloading apps.** Only download apps from the official Apple or Android store on your device. Avoid downloading apps you don't need, since adversaries will sometimes spy on your computer or phone by creating apps disguised as games or helpful tools.
- d. **Social media.** Your social media accounts contain a wealth of information about you and your whereabouts that hackers can use to send you sophisticated phishing emails. Limit the information you share by default and select security settings that allow only accepted friends to see personal information. Don't accept friend requests from people you don't know.



What Every Candidate Should Know About Cybersecurity

Unfortunately, candidates—and their families—are potential cyber targets.

All candidates and their family members should take a few simple steps to make sure their accounts are not easy targets for hackers.



1. Set the Tone

a. Talk with your family about digital security.

Human choices are the most important factor in any cyber security strategy. Your family should be aware that hackers may try to target them. They should follow the security steps below and be vigilant. Most importantly, they should be careful about what information they put in email and on social media. It's especially important to have a conversation with children and teenagers about securing their social media accounts and setting ground rules about what is appropriate to post. When possible, keep conversations in person or on the phone and always assume anything written in email or posted on social media could become public.

b. Cultivate a security culture in your campaign

Reinforce to staff how important security is to the success of your campaign. Model security best practices, so staff can follow your example.



2. Keep campaign business off personal accounts

By keeping your personal and campaign email accounts separate, it's less likely that hackers will steal your personal emails if they target your campaign.



3. Use encrypted messaging and don't keep what you don't need

Use an encrypted messaging app like Signal or Wickr to chat with family or staff. They're much harder to hack and you can set them to auto-delete messages. Also set your email to auto-delete messages more than a month old. This will leave less data for hackers to steal.

(Continued on back)



4. **Activate Two-Factor Authentication**

You and your family members should add two-factor authentication to your personal and work email, file storage, and social media accounts. Your campaign will tell you which two-factor method to use. Two-factor authentication makes it a lot harder for the bad guys to get into your account even if they steal your password.



5. **Create Strong Passwords**

You and your families should create passwords that are as long as possible. Less than 8 characters is too short. 12 or longer is much better. Contrary to popular belief, it should not include requirements for numbers, special characters, or capitalization. `SOMETHINGLIKETHISPASSWORDHERE` is actually harder to hack than `s0m3TH!n6L1k$`. String a set of words together that are easy for you to remember.

Don't write your password down where someone can find it. If you have even a faint suspicion that someone might know your password, change it immediately.



6. **Secure your devices**

Work with your campaign staff to make sure your computer and phone are secure as possible. You'll want to be sure all your devices automatically lock and require a password. You'll also want to be able to wipe your devices remotely in case they get lost.



Nikki Charlson -SBE- <nikki.charlson@maryland.gov>

Fwd: RFP for Ballot Duplication

1 message

info sbe -SBE- <info.sbe@maryland.gov>

Tue, Nov 21, 2017 at 10:43 AM

To: Nikki Charlson -SBE- <nikki.charlson@maryland.gov>, Donna Duncan -SBE- <donna.duncan@maryland.gov>

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

From: <grindlynn@aol.com>

Date: Tue, Nov 21, 2017 at 9:00 AM

Subject: Fwd: RFP for Ballot Duplication

To: info.sbe@maryland.govCc: linda.lamone@maryland.gov

Dear Chairman McManus, Vice Chairman Hogan and Members of the State Board of Elections,

I wrote to you on August 9th about the risks of acquiring equipment to automatically duplicate returned absentee ballots that voters received online. Please see my email below. As far as I know, the board has not yet addressed the risks and legality of this approach. However, the minutes of the October 26 SBE meeting stated that, "The Request for Proposal for software to duplicate during canvassing ballots that cannot be read by the scanning unit is in the process of being awarded to a bidder. The vendor proposed to offer the software to the five largest counties (Anne Arundel, Baltimore, Montgomery and Prince George's Counties and Baltimore City). This solution is not mandatory for these local boards but is optional if they are interested in the software. "

Maryland requires a certified voting system and requires that the voting system be uniform across the counties. As far as I know, the equipment being considered is not certified. And using it in some counties and not others would not be uniform.

I urge you to discuss the risks and legality of this approach before proceeding. The massive amount of manual duplication that currently must be performed to copy these ballots onto ballot stock is only a symptom of the problem. The source of the problem is that Maryland, unlike all other states except Alaska and Washington State, allows all voters both to vote no-excuse absentee and to receive their blank ballots online.

As discussed in my previous email, online delivery of absentee ballots without signature comparison of returned ballots creates serious security vulnerabilities. Maryland should continue to allow all voters to use the internet to request absentee ballots. But the actual delivery of the blank ballots to voters over the internet should be restricted to those voters for whom federal law requires such an option: military and overseas voters must be able to receive their blank ballots electronically per the MOVE Act, and voters with disabilities must be able to receive and mark their absentee ballots remotely according to the 4th Circuit NFB decision.

Sincerely,

Lynn Garland

CC

Ms. Linda Lamone, Maryland State Elections Administrator

-----Original Message-----

From: grindlynn <grindlynn@aol.com>To: info.sbe <info.sbe@maryland.gov>

Sent: Wed, Aug 9, 2017 1:25 pm

Subject: RFP for Ballot Duplication

Dear Chairman McManus, Vice Chairman Hogan and Members of the State Board of Elections,

At the July 27th SBE meeting, the administration said that it had submitted an RFP for equipment to "duplicate absentee ballots received by voters who requested to receive them via SBE's website." I recommend against procuring such equipment because it will introduce new risks to Maryland's voting system, while still not resolving the security and low return rates for internet-delivered absentee blank ballots. Moreover, the legality of including such equipment in Maryland's voting system is dubious. Instead of adding a band-aid to the system, internet delivery of absentee ballots should be limited in order to avoid the associated massive ballot duplication workload and security vulnerabilities.

I have reviewed the RFP and raise the following issues for the Board to take into consideration.

RISKS

As far as I know, the board has not discussed the risks of using such a machine. The RFP itself does not seem to have any requirements about the accuracy, speed and quality of the machine: will it work for all inks that a voter at home might use to mark the ballot? Will it work no matter the lightness or darkness of the submitted ballot? What are the speed requirements? Do ballots need to be individually fed or stacked? How many in a stack? Does it use ink that does not fade, smear, or otherwise degrade the paper record over time?

Does the automatic duplication of ballots introduce new security problems? For instance, what if voters receiving their ballots online were maliciously sent an altered email directing them to an alternative website with an alternative version of the ballot. This fake ballot could look just like the real ballot, but the spacing could be different so that the ovals fall in a slightly different place. If they were automatically duplicated, would the newly made ballot also have the ovals in the wrong place? Therefore, would the votes be incorrectly counted?

LEGALITY

Doesn't such an automated ballot duplication machine have to be federally certified under Maryland law since it would be part of the voting system? (See Election Law 9-102 below.) Note also that the definition of a voter-verifiable ballot does not include a machine duplicated ballot.

ADDRESS THE PROBLEM NOT THE SYMPTOM

Automating the duplication of these internet-delivered ballots is addressing the symptom, not the problem. Yes, the symptom is severe. In Montgomery County alone, over 19,000 ballots had to be hand duplicated in the last election. Two-person teams filled up 3 rooms for 5 days just hand copying the ballots. As the RFP points out, "Human error can occur when manually duplicating ballots." and "With the increase of voters requesting to receive an absentee ballot via posting to the website, the number of ballots that need duplication will steadily increase." The problem is that, unlike other states, Maryland allows all voters to have absentee ballots delivered to them over the internet.

When the Maryland General Assembly passed the law in 2013 to "authorize" (not require) the internet delivery of ballots and the ballot marking tool, and when the SBE certified the tool, the security backdrop was very different than it is today. Internet ballot delivery for all was established before parts of our election systems were under attack and before Russians allegedly were researching vulnerabilities associated with internet delivery of absentee ballots. An alleged NSA document says: "Russia/Cybersecurity: Main Intelligence Directorate Cyber Actors...**Research Absentee Ballot email addresses.**" *

Internet ballot delivery is potentially the most vulnerable sector of Maryland's voting system. The authentication is very weak: as the computer security expert's letters have repeatedly advised the Board, the front-end authentication parameters are too widely known to provide sufficient authentication and there is no back-end authentication because Maryland does not compare signatures upon receipt of absentee ballots as other states do.** NIST (the federal government's technical authority on voting systems) says: "Any mechanism used to remotely authenticate voters will serve as a secondary method to authenticate returned ballots, with voter signatures generally providing the primary mechanism to authenticate returned ballots. As such, the strength of the remote authentication method can be relatively weak as long as jurisdictions are confident in their ability to verify voter signatures."(4.2.1 Voter Identification and Authentication, p. 33, Security Best Practices for the Electronic Transmission of Election Materials for UOCAVA Voters <http://www.nist.gov/itl/vote/upload/nistir7711-Sept2011.pdf>)

Comprehensive post-election audits to check election outcomes are key for security, but they are greatly hindered by having a significant number of duplicated ballots. Post-election audits must sample from the original ballots that the voters verified, not the duplicated ballots, because only the voter-verified ballots provide the ground truth -- the voters have never seen the duplicated ballots.

Return rates for internet-delivered ballots have been consistently lower than return rates for postal-delivered ballots -- about 12% lower. One of the main reasons is probably that return envelopes are provided for mailed ballots but not internet-delivered ballots. Although the intent of having internet-delivered ballots was to make voting more convenient, for some it ended up making voting less convenient. For convenience sake, it is most important that the absentee

ballot can be requested online and less important that the blank ballot itself be delivered online. In fact, having the blank ballot delivered by mail to the voter provides the convenience of a pre-addressed return envelope.

RECOMMENDATION

All voters should continue to be allowed to use the internet to request their absentee ballot. But the actual delivery of the blank ballots over the internet should be restricted to those voters whose use is mandated by law - - military and overseas voters must be able to receive their blank ballots electronically per the MOVE Act, and voters with disabilities must be able to receive and mark their absentee ballots remotely according to the 4th Circuit NFB decision. At this point, because the SBE has certified the online marking tool, that certification should be reversed or a change must be legislated by the Maryland General Assembly.

Sincerely,

Lynn Garland

*<https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftheintercept.com%2F2017%2F06%2F05%2Ftop-secret-nsa-report-details-russian-hacking-effort-days-before-2016-election%2F&data=02%7C01%7Csgoodman%40commoncause.org%7C6e3fc6d2acd4417b4c6808d4b38bd%7Cdb39e4b4de324cf9b66e9d02d8172178%7C0%7C0%7C636330860687069899&sdata=JEIZBEBWO17peA%2FFpKf1K%2FvNla1LrzKkg%2Fqtg2vYpd4%3D&reserved=0>

**Computer scientists sent letters to the SBE warning about the vulnerabilities of the online absentee ballot delivery and marking system on September 25, 2012, March 23, 2014, and September 12, 2016. For example see, J. Alex Halderman, David R. Jefferson, Barbara Simons, Poorvi L. Vora, [Letter to State Board of Elections](#), 12 September 2016. Similarly, Michael Greenberger, Law School Professor and Director of the Maryland Center for Health and Homeland Security, testified (March 27) and sent the SBE warning letters (e.g. February 12, 2004.)

ELECTION LAW

§ 9-102. Certification of voting systems.

(a) *“Voter-verifiable paper record” defined.* — In this section, a “voter- verifiable paper record” includes:

- (1) a paper ballot prepared by the voter for the purpose of being read by a precinct-based optical scanner;
- (2) a paper ballot prepared by the voter to be mailed to the applicable local board, whether mailed from a domestic or an overseas location; and
- (3) a paper ballot created through the use of a ballot marking device...

(d) *Standards for certification.* — The State Board may not certify a voting system unless the State Board determines that: (1) the voting system will:

- (i) protect the secrecy of the ballot;
- (ii) protect the security of the voting process;...
- (vi) be capable of creating a paper record of all votes cast in order that an audit trail is available in the event of a recount, including a manual recount; and
- (vii) provide a voter-verifiable paper record that:
 1. is an individual document that is physically separated from any other similar document and not part of a continuous roll;
 2. is sufficiently durable to withstand repeated handling for the purposes of mandatory random audits and recounts; and
 3. uses ink that does not fade, smear, or otherwise degrade and obscure or obliterate the paper record over time;
- (2) the voting system has been:
 - (i) examined by an independent testing laboratory that is approved by the U.S. Election Assistance Commission; and
 - (ii) shown by the testing laboratory to meet the performance and test standards for electronic voting systems established by the Federal Election Commission or the U.S. Election Assistance Commission;

STATE BOARD OF ELECTIONS

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

David J. McManus, Chairman
Patrick J. Hogan, Vice Chairman
Michael R. Cogan
Kelley Howells
Gloria Lawlah



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

AEU-MEM-2017-016

November 20, 2017

Robert C. Rosenthal
Treasurer, *Larry Hogan for Governor* (CCF ID 01009614)
69 Franklin Street
Annapolis, MD 21401

Dear Mr. Rosenthal:

The Candidacy and Campaign Finance Division has completed its review of the complaint regarding the *Larry Hogan for Governor* committee. The complaint alleged that Alfred W. Redmer, Jr., acting on behalf of the Governor, solicited contributions during the regular session of the General Assembly for a fund-raising event to be held after the legislative session had ended. As part of this review, this office sought legal advice from the Office of the Attorney General regarding the potential liability of a campaign committee for the actions of its authorized volunteer fund-raiser, including for actions contrary to the instructions of the covered official or the official's campaign committee.

Pursuant to Election Law Article §13-235(b), the Governor or a person acting on behalf of the Governor may not, as to a candidate for federal, State or local office, solicit a contribution during a regular session of the General Assembly. Additionally, the covered official or the person acting on behalf of, or as an agent for, the covered official may not for the benefit of any candidate or political committee provide information or notice to the public or a defined group of persons regarding a fund-raising event to be held after the legislative session. This restriction applies to information concerning the time, date, or location of the fund-raising event and to suggested contribution amounts. See COMAR 33.13.10.02 F(3)(a)-(b) and F(5).

The first issue to be determined is whether a solicitation occurred during the legislative session. The legislative session started on January 11, 2017, and ended on April 10, 2017.

In January 2017, Mr. Redmer contacted the *Larry Hogan for Governor* committee offering to host a fund-raising event in Baltimore County. Mr. Redmer's purpose was to organize a fund-raising event for the Governor in Baltimore County and to select a date in the summer of 2017 that would fit with the Governor's schedule. After the logistics of the event were finalized, the *Larry Hogan for Governor* committee asked Mr. Redmer for his thoughts on sample invitations. The committee explained to Mr. Redmer that its communications with him were only to aid him in designing the invitation, and because the legislative session was ongoing, Mr. Redmer could not solicit contributions or distribute the invitations at that time.

In a February 21, 2017 email, Mr. Redmer acknowledged that he would not distribute the invitation during the legislative session.

On April 2, 2017, Mr. Redmer contacted several people regarding the potential fund-raising event via email. The subject line of the emails was entitled "Hogan fundraiser." The body of the emails listed the date, location, menu, and contribution amounts for the fund-raising event. The emails asked each recipient to become a member of the host committee for the event. It also stated that to become a host committee member, the recipient would be expected to "generate \$1,000 in revenue."

The intent and effect of these emails was to solicit and receive what amounted to a financial pledge of support for the *Larry Hogan for Governor* committee from the recipients. For example, one recipient replied to the email on April 16, 2017, stating "Al, I will be happy to do a Bronze sponsorship for \$1,000." Therefore, this office concludes that Mr. Redmer's April 2, 2017 email was a solicitation for a contribution under Election Law Article §13-235(b)(3) and that it was treated as such by at least one recipient. Furthermore, to violate the statute, it is not necessary that the financial commitment itself must occur within the legislative session; it is sufficient that the *solicitation* occurred during legislative session, which it did in this case.

The next issue is whether Mr. Redmer was acting on behalf of the *Larry Hogan for Governor* committee and the Governor when the solicitation for a contribution was made.

Governor Hogan and his campaign committee agreed to Mr. Redmer's proposal that he organize and conduct a fund-raiser for the campaign after the legislative session. The campaign coordinated with Mr. Redmer as to the date and other details of the event, and reviewed sample invitations. Mr. Redmer's recruitment of potential host committee members was done in connection with the work he had agreed to do for the campaign and was the kind of activity that an organizer might be expected to perform. The purpose of the fund-raiser, and of Mr. Redmer's solicitation for host committee members, was to benefit the *Larry Hogan for Governor* campaign. There is no evidence that Mr. Redmer's actions were actuated by any motive other than to benefit the Hogan campaign. Therefore, whether the prohibited solicitation resulted from Mr. Redmer's inattention, or to his conscious decision to skirt the in-session fund-raising restrictions, the evidence supports a finding that Mr. Redmer was acting "on behalf of" the *Larry Hogan for Governor* campaign when he emailed potential host committee members.

As noted above, the emails Mr. Redmer sent on April 2, 2017, solicited a financial commitment in support of the Governor's campaign committee for those recipients wishing to be named to the host committee. While there is no evidence that the Governor or his authorized candidate campaign committee had knowledge of the content or timing of those emails, or approved them, Mr. Redmer was nevertheless acting with the committee's general agreement and on its behalf in organizing and soliciting potential organizers for the event, even though he did so in a manner that was contrary to instructions he received from the campaign not to solicit contributions during the legislative session.

For any violation, the statute provides that civil penalties may be assessed, not on the actor who made the prohibited solicitation, but rather on the campaign finance entity of the covered official "that receives a contribution as a result of a violation." Elec. Law §13-604.1(d)(2). The campaign is thus liable for Mr. Redmer's violation of the statute while he was acting on behalf of the Governor's campaign. Pursuant to Election Law Article §13-604.1, this office may impose a civil penalty not to exceed \$1,000.00 for fund-raising during the General Assembly session in a manner not authorized by law.

In consideration of the totality of circumstances, including the committee's effort to avoid a violation, this office imposes on the *Larry Hogan for Governor* committee a civil penalty in the amount of \$250.00. See COMAR 33.18.01.04. The committee has 30 days from the date of this letter to pay the civil penalty. Failure to pay the penalty will result in the issuance of a civil citation against the political committee.

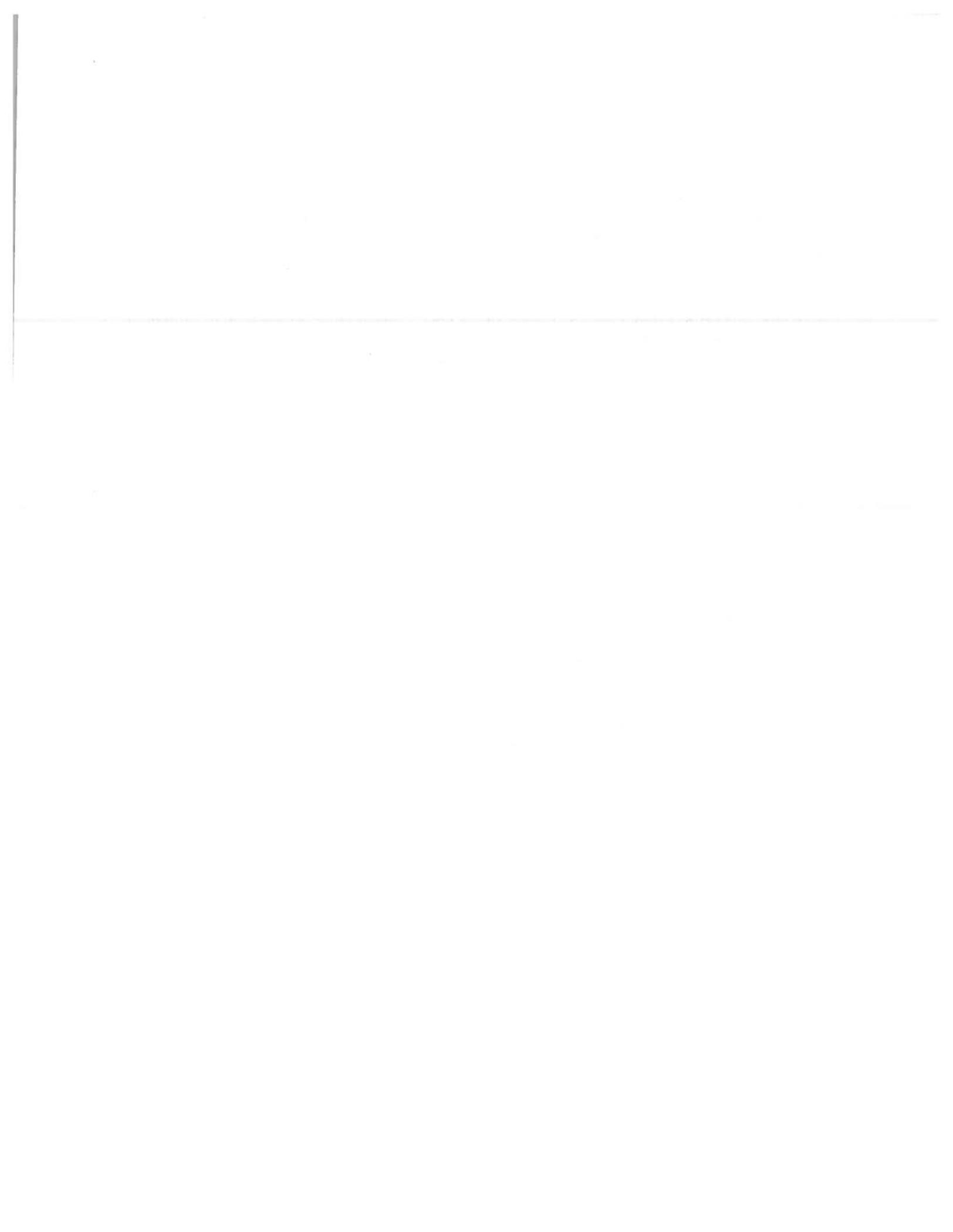
You may contact the Audit Enforcement Unit (AEU) at 410-269-2880 for any questions you may have about this determination.

Sincerely,



Jared DeMarinis
Director
Candidacy and Campaign Finance Division

cc: Thomas Kelso, Chairperson – *Larry Hogan for Governor*
Jeffrey L. Darsie, Assistant Attorney General



STATE BOARD OF ELECTIONS

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

David J. McManus, Chairman
Patrick J. Hogan, Vice Chairman
Michael R. Cogan
Kelley Howells
Gloria Lawlah



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

December 6, 2017

Via Email and U.S. Mail

Dirk Haire, Chairman
Maryland Republican Party
P.O. Box 631
Annapolis MD 21404-0631

Dear Mr. Haire:

Thank you for your letter dated November 14, 2017, requesting information and corrective actions on various voting processes and procedures that occurred in Baltimore City's 2016 Primary Election. I am pleased to report that the corrective actions described below were implemented for the 2016 General Election and will remain in place for the 2018 elections.

1. *Provisional Ballots Scanned at the Voting Location:* During SBE's precinct level reconciliation, we concluded that 1,188 provisional ballots were scanned during early voting or on election day. This is not the correct procedure, as provisional ballots should be placed and sealed in a combined application and envelope and reviewed by the local boards of canvassers to determine if the ballot should be counted.

To prevent future recurrences, I tasked a committee of State and local election officials with identifying strategies to prevent provisional ballots from being scanned at voting locations. Upon receipt and review of this committee's recommendations, I issued on August 12, 2016, mandatory and optional actions to mitigate the risk of provisional ballots being scanned at voting locations. The mandatory actions were:

- a. Hire at least one provisional judge for each early voting center and each precinct
- b. Use a different color (orange) provisional privacy sleeve than the privacy sleeve used by voters who are eligible to scan their voted ballots at the voting location
- c. Revise the instructions on the provisional privacy sleeve and include an instruction that provisional ballots are not to be scanned at the voting location
- d. Lay out the voting location so that a provisional voter does not follow the same path as voters who may scan their voted ballots at the voting location¹
- e. Train all elections judges to review the voter authority card to ensure the voter is in the correct voting area
- f. Require an election judge to escort the provisional voter from the check-in table to the provisional judge

¹ This included either placing the provisional voting area away from the table where other voters receive their ballots or making the provisional voting area an extension of the check-in tables so a provisional voter does not move from the check-in area and into the regular voting area.

These mandatory and other optional actions were successfully implemented statewide for the 2016 General Election. In the 2016 General Election, there were approximately 145 provisional ballots in Baltimore City that were scanned during early voting or on election day – a vast improvement from the 2016 Primary Election.

While printing provisional ballots on different colored paper was identified as a possible strategy, I did not include this recommendation for technical reasons. When a voted ballot is fed into the precinct scanner, the scanner first creates an electronic image of the voted ballot and then tabulates the votes on the electronic image of the voted ballot. Colored paper would create a shaded and poor electronic image of each voted ballot and impact the accuracy of the ballot tabulation.

While I am confident that the strategies put in place for the 2016 General Election and future elections will reduce the likelihood of provisional ballots being tabulated at voting locations, we have requested that the State's voting system vendor make programming changes to prevent a provisional ballot from being scanned if a voter tries to feed the provisional ballot into the scanner. We hope that this feature will be available in time for the 2020 elections.

2. *Republican Election Judges – Recruitment and Assignment:* This office can provide the names of the Republican judges and the precincts to which they were assigned for the 2016 Primary Election and will provide this list under separate cover.

We cannot, however, provide contact information for these individuals. This office and the Attorney General's Office have long taken the position that election judges are public employees for purposes of the Public Information Act, and that under General Provisions Article, §4-331, home addresses and telephone numbers of election judges are protected from disclosure. As a result, I am denying access to this information for the requested election judges.

Pursuant to General Provisions Article, §4-362, you are entitled to seek judicial review of this decision. You may also file a complaint with the Public Information Act Compliance Board concerning the amount of the fee charged, *see* General Provisions Article, §4-1A-01 *et seq.*, and may express any concerns about this decision to the Public Access Ombudsman pursuant to General Provisions Article, §4-1B-01 *et seq.*

Since election judge recruitment and assignments are solely the responsibility of the local boards of elections, I cannot respond to your request for an explanation of how the Baltimore City Board of Elections will comply with assignment requirements and why some Republican judges were allegedly retained at the offices of the Baltimore City Board of Elections. I have included Armstead Jones, the Election Director for the Baltimore City Board of Elections, on this letter and request that he provide the requested explanation.

3. *Election Night Return of USB Drives:* Election judges are instructed to return USB drives and other election supplies election night, and in the 2016 elections, election judges returned the vast majority of USB drives. There are, however, occasions when election judges neglect to return the USB drives and when this happens, local election officials

follow procedures to obtain the USB drives election night (if possible) or at the beginning of the transportation route the next day.

Election judges also return to the election office voted ballots election night. These ballots are the primary documents and can be rescanned if a USB drive is not located². This is the process the Baltimore City Board of Elections followed for the one precinct for which the USB drive could not be located.

4. *Voters Receiving the Incorrect Ballots:* There were no reports received by this office, the Baltimore City Board of Elections, or the Baltimore County Board of Elections that Baltimore County voters received Baltimore City ballots in the 2016 elections.

Although election officials train election judges on the importance of verifying that the correct ballot style is given to each voter, this is one of expected consequences of voting on paper ballots. To mitigate this risk, the Baltimore City Board of Elections instructs its election judges to circle the ballot style number printed on the voter authority card and compare the circled number to the number printed on the ballot and plans to post signs encouraging voters to check both numbers.

5. *List of Unaffiliated Voters with Voting History in the 2016 Primary Elections:* According to our records, there were 2,534 voters who voted a provisional ballot in the 2016 Primary Election. 124 of these voters were unaffiliated voters at the time of the election and had their provisional ballot counted either in full or in part. A list of voters who were unaffiliated at the time of the 2016 Primary Election will be provided under separate cover.
6. *Election Judge Recruitment for the 2018 Elections:* As mentioned above, recruitment of election judges is solely the responsibility of the Baltimore City Board of Elections. This office supports the recruitment efforts of the local boards of elections by posting and distributing information how to apply to serve as an election judge, but for specific recruitment efforts and plans, I encourage you to contact Mr. Jones, Election Director for the Baltimore City Board of Elections.
7. *Review of Election Judges' Manual:* This office provides each local board of elections with the template for the election judges' manual and identifies those provisions that can be customized. After each local board has customized its manual, this office reviews each manual for compliance with State law, regulations and procedures. If the manual includes the correct procedures and instructions, it is approved for use; if the manual does not include the required information or includes incorrect information, this office directs the local board of elections to make the necessary corrections before training begins.

This is the process used in the 2016 elections, and this office approved the Baltimore City Board of Elections' election judges' manual for the 2016 elections. This will be the process for the 2018 elections.

² Security features of the voting system prevent an unauthorized USB drive from being loaded into the voting system's central database and encrypt the data on each USB drive.

8. *GPS Tracking of Voting Units*: This office does not plan to use GPS tracking technology for voting equipment and supplies.
9. *Non-Citizens Eligible for Municipal Elections*: Municipalities that allow non-citizens to vote in municipal elections maintain their own voter registration list for these individuals. If the municipality obtains from SBE voter data, the municipality supplements SBE's data with the non-citizen data. SBE does not maintain in the State's official voter registration database voter records for municipalities that allow non-citizens to vote.
10. *Legality of Municipalities Allowing Non-Citizens to Vote*: State election law does not apply to municipal elections, and as a result, this office does not have authority to issue regulations or guidelines to prohibit non-citizens from voting in municipal elections.

As noted above, we will provide under separate cover the names and precinct assignments of Republican election judges in the 2016 Primary Election (Response to Question #2) and the names of Baltimore City voters who were unaffiliated at the time of the 2016 Primary Election and have voting credit for this election (Response to Question #4). Please provide an email address to which this office can submit this information.

Thank you for the opportunity to respond to your questions, and I hope this information assures you that corrective actions are in place and will be continued in future elections. If you have any additional questions or would like additional information, please do not hesitate to contact me.

Sincerely,



Linda H. Lamone

cc: Members, State Board of Elections
Armstead Jones, Election Director, Baltimore City Board of Elections



RECEIVED

NOV 20 2017

STATE BOARD OF ELECTIONS

Maryland Elections Integrity

Maryland State Board of Elections
151 West St #200
Annapolis, MD 21401

Tuesday, November 14, 2017

Dear Ms. Lamone,

As I know you are aware, a number of problems have been encountered during the 2016 elections in connection with voting processes and procedures in Baltimore City. The Maryland Republican Party requests an update on how the following problems will be remedied in the 2018 elections.

- 1) It appears that at least 1,188 provisional ballots were commingled with regular ballots and could not be separated in order to verify the status of these provisional ballots. How will the Board prevent this from happening in the future? Will the Board use a different color for provisional ballots?
- 2) It is our understanding that Baltimore City had at least enough Republican judges to assign at least one Republican judge to every precinct in the City, but chose not to do so. Please provide a list of each Baltimore City Republican judge for the 2016 elections (primary and general), with precinct assignment and contact information so that we may assist the Board with avoiding these problems in 2018. Please also provide additional explanation on how the Board will comply with Election Law Article 10-201, and why as many as 35 Republican judges were allegedly retained at the main Baltimore City Elections Office.
- 3) According to information we have reviewed, eight USB drives that contained the information gathered by optical scanners were not handled according to standard procedures and could not be accounted for on primary election night, April 26, 2016. It is our understanding that seven were found the next day and one was never found. How will the Board prevent this from happening in 2018?
- 4) We have received reports that voters in Baltimore County were incorrectly given Baltimore City mayoral ballots and others were given ballots with the wrong city Council candidates. If true, can you explain how this happened, and what procedures the Board will utilize to prevent it from happening again?



- 5) Please send the State Party a list of any voters registered as Unaffiliated who voted in either the Republican or Democrat primaries in Baltimore City in 2016.
- 6) Has the Board commenced any activities in connection with the 2018 election cycle to ensure that Baltimore City will be able to provide a full slate of Republican and Democrat judges?
- 7) There appear to be discrepancies in the Baltimore City Elections Judge Manual compared to other Election Judge Manuals in the State. Does the State Board of Elections plan to take any actions that would correct discrepancies that do not conform to the State Board of Elections standards?
- 8) Will the Board utilize GPS tracking technology to ensure that each voting machine and its associated voting information, including real-time location, is able to be accounted for at all times, thereby improving on the chain-of-custody concerns? Will the Board make this information available to all political parties, so that real-time location of all machines and voter information is able to be monitored continuously?
- 9) It is our understanding that at least nine municipalities in Maryland have authorized non-American citizens the right to vote in their elections. How are these non-American citizen voters separated from the state voter file to ensure they do not vote in our state and federal elections?
- 10) In light of the evidence of non-American citizen interference with the 2016 elections, does the Board believe it is a violation of law for these municipalities to permit non-American citizens to vote in Maryland elections? Does the Board intend to issue regulations or guidance to prohibit non-American citizens from voting in Maryland elections?

Please let me know if you have any questions or desire further information on the above matters. As 2018 is rapidly approaching, I would appreciate a response by December 15, 2017.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dirk Haire".

Dirk Haire



Chairman
Maryland Republican Party

Cc: Donna Duncan; Assistant Deputy for Election Policy
David J. McManus, Jr., Esq.; Chairman of the State Board of Elections
Michael R. Cogan, Esq.; Member of the State Board of Elections
Kelley A. Howells; Member of the State Board of Elections
Gloria G. Lawlah; Member of the State Board of Elections
Patrick J. Hogan; Member of the State Board of Elections



**Montgomery County
Board of Elections**

Post Office Box 4333
Rockville, Maryland 20849-4333

December 5, 2017

David J. McManus, Chairman
Maryland State Board of Elections
151 West St. Suite 200
Annapolis, MD 21401

RE: COMAR 33.10.01.17(F)

Dear Chairman McManus:

The Montgomery County Board of Elections supports the efforts of Election Directors to eliminate the existing state requirement for an attached, single-perforated, serially numbered stub on each ballot. This regulation change is consistent with practices in other states. It is an important change to help election judges better manage the volume of ballot styles that we will be using in the 2018 gubernatorial primary election.

The voters will not need to wait for the ballot to be torn from the packet or suffer through paper jams at the scanner station. This will reduce the bits of paper contributing to paper jams. Ultimately, fewer ballots will be spoiled and it will eliminate backup at the scanner because of a torn ballot and ensure greater privacy because the election judge will not need to resolve paper jams. It will also reduce the likelihood of election judges providing the wrong ballot to voters because the unnecessary and time-consuming process is distracting. It takes their attention off of their primary focus – **making sure that each voter gets one correct ballot.**

We support all prudent efforts to streamline the process of voting that impacts the voters and election judges. The proposed replacement process for our county would be to affix each ballot packet with labels reflecting the numbered sequencing and a clear view of the ballot style and political party designation for the packet. Election Judges will still account for the number of ballots issued to the precinct for use as regular ballots, spoiled ballots and provisional ballots. The election judges will have the ballot packets easily seen and coded so that their energies will be focused on providing the correct ballot style to each voter using the voter authority card.

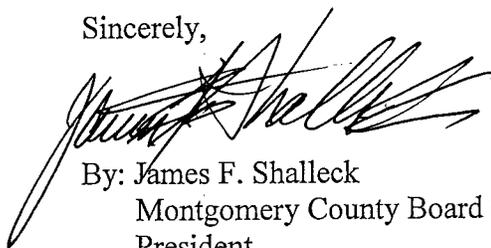
David J. McManus
December 5, 2017
Page 2

Individual serial numbers on the ballot stub for each voter are not used for any accounting purpose in the State of Maryland, a function that is instead served by the Voter Authority Card. Eliminating the stubs will also eliminate the multiple teams of election judges assigned to busy early voting sites simply for the purpose of tearing stubs as cleanly as possible.

The same high caliber of accounting at the local board level will occur without the ballot stubs because all of the necessary information is retained on the ballot certificate and other documents maintained by the local board.

Thank you for your consideration to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "James F. Shalleck", written over a printed name and title.

By: James F. Shalleck
Montgomery County Board of Elections
President