

**Announcements & Important Meetings**

Legislative Briefing

At the start of each legislative session, the General Assembly's two committees with jurisdiction over election bills - the Senate's Education, Health, and Environmental Affairs (EHEA) Committee and the House of Delegates' Ways and Means Committee - request election briefings. EHEA's briefing is scheduled January 14, and the Ways and Means' briefing is scheduled for January 22. At these briefings, we will provide an overview of the 2020 General Election and election-related activities planned for 2021.

**2020 General Election Overview**

Electoral College

On December 14, 2020, Maryland's ten Presidential Electors met in the State House to certify the election for President and Vice-President. Pandemic restrictions limited the usually well attended event. Jared DeMarinis opened the meeting, and Governor Hogan and Maryland Democratic Party Chair Yvette Lewis welcomed the attendees and all those that watched the meeting via live streaming. While there were other SBE staff that supported the preparation of documents, Jared DeMarinis, Ebony Parran, Erin Dennis and Rachel Rachfal attended the meeting and coordinated the process.

Voter Education Campaign Report

We had a very successful public education campaign. A [report](#), with extensive graphics used in the campaign, was provided in early December and posted on our online Press Room under the "2020 General Election Press Releases, Public Relations and Voter Outreach" heading. The link to the report was provided to Board members and other interested parties on or around December 16.

Voting Equipment Performance

The tables below show the quantities of voting equipment deployed for early voting and election day.

Early Voting Deployment (81 early voting sites)		
DS200 Scanners	Ballot Marking Devices	Pollbooks
381	> 162	707

Election Day Deployment (320 vote centers)		
DS200 Scanners	Ballot Marking Devices	Pollbooks
1,382	> 640	2,574

Overall, the voting equipment performed well. To date, no major issues have been reported to SBE regarding equipment performance issues experienced during early voting or on election day. The voting equipment was released from lockdown on December 15, and the local boards have begun post-election maintenance activities on the voting equipment.

Post-Election Audits

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

*Manual Audit:* The local boards have started planning for the manual audit of randomly selected ballots. This audit must be completed within 120 days of election day. Five local boards have scheduled their audits with the first audit scheduled on January 15 at the Anne Arundel County Board of Elections. The

other scheduled audits are Harford County Board of Elections' audit on January 19, Caroline County Board of Elections' audit on January 20, Charles County Board of Elections' audit on January 27, and Wicomico County Board of Elections' audit on February 9.

## **Voter Registration**

### Joint Application Design (JAD)

SBE is planning a JAD meeting for January 25 - 28. JAD meetings are conducted to prioritize MDVOTERS issues and enhancements for the upcoming calendar year.

### User Acceptance Testing (UAT)

UAT is currently underway for the 7.4 MDVOTERS release. This release primarily focuses on issues identified in the candidacy module as well as enhancements. This release is scheduled to go into production in January of 2021.

### MVA Transactions

During December, MVA collected the following voter registration transactions:

New Registration - 9,084	Residential Address Changes - 22,974
Last name changes - 2,527	Political Party Changes - 4,944

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

Vicki Molina has retired from SBE after 25 years of service. We thank Vicki for her efforts with the Candidacy and Campaign Finance Division and wish her all the best in future endeavors.

### Candidacy for the 2022 Election Cycle

February 23, 2021 is the first day candidates can file paperwork for the 2022 Gubernatorial Election cycle. Systems are being prepared to accept the candidate information at the State and local offices, and SBE is developing a process for candidates to make an appointment to file the paperwork.

### Campaign Finance

The annual campaign finance report is due January 20, 2021.

Fundraising for members of the General Assembly and statewide officeholders must end when the 2021 Legislative Session begins on January 13, 2021 at 12 noon.

## **Voting Systems Division**

### Voting System Upgrade

SBE is in the planning stages of implementing an upgrade to the election management suite for the voting system. This upgrade contains significant benefits to the voting equipment and back-end processes associated with election related activities. SBE expects to begin initial testing of the new Election management suite in February 2021.

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

### Inventory Management

SBE is actively auctioning and recycling equipment and supplies. The auctioning is through the Department of General Services' agreement with GovDeals, and the recycling is through the State's equipment recycler.

### FY2022 Pollbook Project

The PMO continued working on tasks related to the project, including procurement tasks and ongoing meetings with and responses to external agencies and working with the Pollbook Project team on the many governance, financial, and technical aspects of the project. Now that the election is over, the project team has started to engage the local boards in focus group virtual meetings. Work continues on the contingency planning for 2021-2022, and SBE is now recruiting for an Agile Coach/Project Manager and testers for the project.

Due to a couple of RFP amendments, the due date for the RFP responses is now January 25. The project team is planning and preparing for the evaluation phase of the procurement when the responses are received.

### Other

The Central Warehouse team continued to work on a number of activities and events at the facility, including:

- Prepping equipment and supplies for recycling and auctioning. This includes making sure the inventory information is correct for the equipment and taking pictures.
- Transferring to the winning buyers the auctioned equipment and supplies and completing the required documentation so that the items could be removed from the active inventory.
- Working with the local boards storing equipment and supplies from their warehouses at the Central Warehouse.
- Making room in the facility for the on-going onsite testing requests and also the acceptance and testing of the new pollbooks that are expected to be delivered later this year.

### **Information Technology and Security**

SBE's Information Technology Master Plan (ITMP) will be submitted to the Department of Information Technology by February 2021.

### Disaster Recovery (DR) Testing

SBE's data center will perform in February 2021 a full-scale failover to the secondary data center and failback to primary data center.

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

Michael R. Cogan, Chairman  
Patrick J. Hogan, Vice Chairman  
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Severn Miller  
William G. Voelp



Linda H. Lamone  
Administrator  
  
Nikki Charlson  
Deputy Administrator

## Memorandum

**To:** State Board Members  
**From:** Nikki Charlson  
**Date:** January 8, 2021  
**Re:** Final Adoption of Proposed Change to COMAR 33.17.06.05

At next week's board meeting, I will present for final adoption the proposed change to COMAR 33.17.06.05. This proposed change was approved for publication at the October 8, 2020, meeting, and is now ready for final adoption.

During the October 8 meeting, the members adopted changes to COMAR 33.17.06.05 – Early Voting Activities – Ballots – In General – on an emergency and permanent basis. The proposed permanent change was published in the November 20, 2020 edition of the *Maryland Register* (Vol. 47, Issue 24). The public comment period closed on December 21, 2020. No comments were received.

The text as published was:

**Title 33 STATE BOARD OF ELECTIONS**  
**Subtitle 17 EARLY VOTING**  
**Chapter 06 Early Voting Activities**

**.05 Ballots — In General.**

- A. Absentee Ballots. During early voting, a local board shall:
- (1) (text unchanged)
  - (2) Ensure that absentee ballots are not issued [or received] at an early voting center.
- B. (text unchanged)

This proposed change removes the prohibition of receiving an absentee ballot at an early voting center. This provision is currently in conflict with COMAR 33.11.03.06E<sup>1</sup>, which allows for the return of voted absentee ballots at early voting centers. When 33.11.03.06E was adopted in 2020, Regulation .05 should have also been amended.

At the meeting, I will recommend final approval of these regulations. If you have any questions about these regulations before the meeting, please do not hesitate to contact me. I will also be at next meeting to answer any questions.

<sup>1</sup> 33.11.03.06E reads: Whenever an absentee ballot is received at an early voting center or polling place, a chief judge or designee shall: (1) Instruct the voter to put the voted absentee ballot into the absentee ballot bag; (2) Ensure the security of the absentee ballot bag; and (3) Return the absentee ballot bag to the local board of elections at the end of voting hours each day of early voting and on election day.



## SBE Policy 2020-01: Temporary Electronic Petition Signature Acceptance

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Adopted: April 22, 2020  
Annapolis, Maryland

WHEREAS, on March 5, 2020, the Governor issued a proclamation declaring a State of Emergency in an effort to control and prevent the spread of COVID-19 within the State;

WHEREAS, on March 17, 2020, the Governor issued a proclamation renewing the declaration of a State of Emergency and declaring the existence of catastrophic health emergency that interferes with the electoral process and stated that steps should be taken to prevent or reduce harmful consequences to the electoral process;

WHEREAS, on March 30, 2020, the Governor issued a Stay-at-Home-Order except to conduct essential activities and prohibiting any gathering of more than 10 people;

WHEREAS, on April 10, 2020, the Governor issued a proclamation renewing the declaration of a State of Emergency and catastrophic health emergency, and specified that the Stay-at-Home-Order did not prohibit persons from traveling between their homes and polling places or ballot return locations for certain purposes relating to the April 28, 2020 special general election to fill the vacancy in the Seventh Congressional District and the June 2, 2020 presidential primary election;

WHEREAS, the Governor's April 10, 2020 proclamation, did not specify that persons living in Maryland may travel outside their homes for the purpose of circulating or signing petitions to place a candidate or question on the ballot at the November 3, 2020 presidential general election, or for a political party to gain recognition by the State;

WHEREAS, the collection of signatures for a petition is often conducted during gatherings, events, or festivals that are prohibited under the order of the Governor;

WHEREAS, the State Board of Elections recognizes that the current, extreme conditions inhibit the collection of signatures required for a petition to gain access to or place a question on the ballot;

WHEREAS, Maryland law allows a government agency "to determine whether, and to the extent to which, it will send and accept electronic records and electronic signatures to and from other persons and otherwise . . . rely upon electronic records and electronic signatures," Md. Code, Comm. Law § 21-117(a);

WHEREAS, the State Board of Elections has not, to date, permitted the submission of petitions bearing electronic signatures; and

WHEREAS, the State Board of Elections believes that allowing the submission of petitions bearing electronic signatures during the period in which Maryland citizens may seek to file petitions to place a candidate or question on the ballot at the November 3, 2020 presidential general election, or for a political party to gain recognition by the State in time to qualify to nominate candidates to appear on the ballot at the November 3, 2020 presidential general election, will further the State's goals of minimizing the threat posed by COVID-19 while preserving the Constitutional rights of Marylanders to petition for access to or to place a question on the ballot;

THEREFORE, the State Board of Elections states as follows:

1. Definitions.

- a. "Circulator" shall have the meaning set forth in Md. Code, Elec. Law § 6-101(d)
- b. "Electronic signature" shall have the meaning set forth in Md. Code, Elec. Law § 1-101(y)
- c. "Petition" shall have the meaning set forth in Md. Code, Elec. Law § 6-101(i)

2. Policy.

- a. Any petition authorized by law to place the name of an individual or question on the ballot or to create a new political party pursuant to Title 6 of the Election Law Article of the Annotated Code of Maryland may contain the electronic signatures of individuals signing the petition, and/or circulators circulating any of the signature pages filed with the petition.
- b. For an electronic signature to be valid under this policy, in addition to meeting the requirements of Elec. Law § 1-101(y), the signature must reflect an affirmative action by the signer to type or electronically sign or affix the signer's name on to the signature page.
- c. The signature must be typed, signed or affixed onto a form prescribed by the State Board of Elections.
- d. All current statutory and regulatory requirements applicable to petition signatures (including the signatures of circulators in the circulator's affidavit) remain in effect.
- e. This policy does not change the requirement that a circulator must personally observe each signer as the page for which that circulator will swear an affidavit is being signed. Remote observations (such as via Skype or FaceTime) do not meet this requirement.

3. Applicability.

- a. This policy shall be in effect from April 22, 2020 until the deadline for submitting any petition to place the name of an individual or question on the November 3, 2020 presidential general election ballot, or to create a new political party in time for that party to qualify to nominate candidates to appear on the ballot at the November 3, 2020 presidential general election.



## SBE Policy 2020-02: Extension of Certain Petition-Filing Deadlines

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Adopted: June 18, 2020  
Annapolis, Maryland

WHEREAS, on March 5, 2020, the Governor issued a proclamation declaring a State of Emergency in an effort to control and prevent the spread of COVID-19 within the State;

WHEREAS, on March 12, 2020, the Governor issued an Order authorizing “the head of each unit of State or local government may, upon a finding that the suspension will not endanger the public health, welfare, or safety, and after notification to the Governor, suspend the effect of any legal or procedural deadline, due date, time of default, time expiration, period of time, or other time of an act or event described within any State or local statute, rule, or regulation that it administers”;

WHEREAS, on March 17, 2020, the Governor issued a proclamation renewing the declaration of a State of Emergency and declaring the existence of catastrophic health emergency that interferes with the electoral process and stated that steps should be taken to prevent or reduce harmful consequences to the electoral process;

WHEREAS, on March 30, 2020, the Governor issued a Stay-at-Home-Order except to conduct essential activities and prohibiting any gathering of more than 10 people;

WHEREAS, since that time, the Governor has begun to lift certain restrictions imposed on the citizens of Maryland as a result of COVID-19, some local jurisdictions have retained those restrictions, and many gatherings, events or festivals otherwise scheduled to take place remain prohibited;

WHEREAS, the State Board of Elections recognizes that the current, extreme conditions inhibit the collection of signatures required for a petition to gain access to or place a question on the ballot;

WHEREAS, on April 22, 2020, the State Board of Elections, pursuant to its authority under Md. Code, Comm. Law § 21-117(a), authorized the use of electronic signatures to facilitate signature-gathering during this state of emergency;

WHEREAS, the State Board of Elections has not, to date, extended the statutory deadlines associated with the submission of a petition for the placement of a charter amendment on the ballot pursuant to Article XI-A of the Maryland Constitution, which deadlines are found in Md. Code, Elec. Law § 7-104(b), under the authority granted by the Governor’s March 12 Proclamation;

WHEREAS, the timetable for ballot preparation and the election calendar limit the extent of any extension the State Board of Elections is able to provide as to the deadlines found in Md. Code, Elec. Law § 7-104(b), which call for the filing of the petition no later than the 99th day before the election, or July 27, 2020 in the current election cycle;

WHEREAS, petitions for the formation of new political parties and for the nomination of unaffiliated candidates are required to be filed no later than the first Monday in August under Md. Code, Elec. Law §§ 4-102(c) and 5-702(f), or August 3, 2020 in the current election cycle;

WHEREAS, in light of the restraints imposed by the timetable for ballot preparation and the election calendar, the State Board of Elections believes that an extension of the deadline for filing a petition relating to a question arising under Article XI-A of the Maryland Constitution by one week is appropriate, so that the deadline aligns with the deadlines for new party and candidacy petitions; and

WHEREAS, extending the deadline for filing a petition relating to a question arising under Article XI-A of the Maryland Constitution by one week will also require corresponding extensions to the deadlines for county attorneys to prepare and certify to the State Board the information required by Md. Code, Elec. Law § 7-103(b), associated with any such petition, or for the clerk of the appropriate circuit court to prepare and certify that information to the State Board, both deadlines found in Md. Code, Elec. Law § 7-103(c)(3);

THEREFORE, the State Board of Elections states as follows:

1. Findings

- a. The State Board of Elections finds that one-week extensions of the deadlines set forth in Md. Code, Elec. Law § 7-104(b) and Md. Code, Elec. Law § 7-104(c)(1)-(2) will not endanger the public health, welfare, or safety.
- b. To the contrary, a one-week extension of these deadlines promotes the public health, welfare, or safety by providing additional time to sponsors of petitions relating to questions arising under Article XI-A of the Maryland Constitution to safely collect signatures in support of their efforts.

2. Policy.

- a. Pursuant to the authority granted the State Board of Elections under the Governor's March 12, 2020 Order, the State Board of Elections hereby suspends the effect of the deadlines set forth in Md. Code, Elec. Law § 7-104(b) and Md. Code, Elec. Law § 7-103(c)(i)-(ii) by one week.
- b. The State Administrator is directed to prepare a public notice of this suspension, and to transmit the public notice of this suspension along with this promulgated policy to the Office of the Governor.
- c. This suspension shall take effect 24 hours following the transmittal of the public notice by the State Administrator to the Office of the Governor, and shall remain in effect until the earlier of the November 3, 2020 Presidential General Election or the 30th day after the date by which the state of emergency is terminated and the catastrophic health emergency is lifted.

## ASSISTANT ATTORNEY GENERAL'S REPORT

January 12, 2021

1. *Fusaro v. Davitt et al.*, No. 20-1879 (U.S.C.A. for the 4th Cir.). Plaintiff Dennis Fusaro brought a complaint in federal court alleging that Maryland violates the First and Fourteenth Amendments by limiting access to the voter list to Maryland voters and only for purposes related to the electoral process. On September 4, 2018, the State defendants' motion to dismiss the complaint was granted, and the plaintiff appealed. On July 12, 2019, the Fourth Circuit vacated the dismissal order, and remanded the case for further proceedings. The parties then conducted discovery and briefed dispositive summary judgment motions. On July 14, 2020, the Court awarded Summary Judgment to the defendants on the issue of whether the "electoral process" requirement was unconstitutionally vague, and declined to reach the issue of whether Maryland's registered voter requirement violates the First Amendment. Plaintiff has appealed to the United States Court of Appeals for the Fourth Circuit, and briefing is now complete. Oral argument has not yet been scheduled.

2. *Johnson v. Prince George's County Board of Elections*, No. CAL16-42799 (Cir. Ct. Prince Georges Cnty.). No change from the last update. This case involves a challenge under the U.S. Constitution and Maryland Constitution and Declaration of Rights to the SBE's alleged failure to provide information and access to voter registration and voting resources to eligible voters detained by the Prince Georges County Department of Correction during the 2016 election. The case had been originally filed in the Circuit Court for Prince Georges County but was removed on the basis of the federal claims asserted by the Plaintiffs. On February 27, 2018, the U.S. District Court for the District of Maryland granted SBE's motion to dismiss the Plaintiffs' federal claims, declined to exercise jurisdiction over the state claims, and remanded the case to the Circuit Court for further proceedings. The parties are awaiting further direction from the court.

3. *National Federation of the Blind, Inc., et al. v. Lamone et al.*, No. 1:19-CV-02228-ELH (U.S. District Court, D. Md.). On August 1, 2019, the National Federation of the Blind ("NFB"), NFB's Maryland chapter, and three individual plaintiffs filed a lawsuit against the State Administrator and the individual members of the State Board of Elections alleging that SBE's BMD policy has, in practice, violated the rights of voters with disabilities "to an equal opportunity vote in person by a secret ballot," in violation of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. Plaintiffs seek an order requiring the State Board "in all future elections to offer BMDs to

every in-person voter as the default method of voting, with paper ballots offered only to those voters who affirmatively opt out of using the BMD or in cases where there are long lines of people waiting to vote.” On September 3, 2019, defendants filed a motion to dismiss the complaint, and on September 20, 2019, plaintiffs filed a motion for a preliminary injunction, seeking relief in time for the November 2020 election. On February 10, 2020, the court denied the defendants’ motion to dismiss, and denied the plaintiffs’ motion for preliminary injunction, and the parties proceeded to discovery. On October 6, 2020, the parties filed a joint motion to extend the discovery deadline to December 9, 2020, which was granted by the Court. On November 12, 2020, the parties filed a joint motion to stay the case for 60 days to allow for a focused period of settlement discussions, which was also granted by the Court. The stay has been extended by 14 days and is now set to expire on January 25, 2021.

4. *Chong Su Yi v. Hogan*, Nos. 480720, 480721, 480722, 480723 (Cir. Ct. Montgomery Cty.). No change from the last update. On March 6, 2020, plaintiff Chong Su Yi filed four apparently identical complaints in the Circuit Court for Montgomery County challenging the results of Maryland’s 2018 elections, and naming Governor Larry Hogan as defendant. Specifically, Mr. Chong appears to be arguing that the results are invalid because of the use of religious facilities as polling places, that the State’s use of “scanners” to tabulate ballots is unconstitutional and/or not permitted by federal law, and that the State’s identification of candidates’ party affiliations on the general election ballot is not permitted by State law. The complaints are substantially identical to complaints Mr. Chong filed in 2019, which the court dismissed with prejudice earlier this year. Defendant moved to dismiss the complaints on May 3, 2020. Beginning on May 15, 2020, Mr. Chong filed substantially identical amended complaints in these actions, this time adding the State of Maryland as a Defendant in addition to Governor Hogan. The Defendants have moved to dismiss these complaints, or in the alternative have sought summary judgment on plaintiff’s claims. The Court held a hearing on Defendants’ motions in all four matters on August 25, 2020, and at the conclusion of the hearing granted the Defendants’ motions. On August 26, 2020, the plaintiff filed motions for reconsideration of the Court’s dismissal order. On September 17, 2020, those motions were denied. On October 9, 2020, plaintiff filed notices of appeal to the Court of Special Appeals in each of these matters. No briefing schedule has been set.

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:** Members, Maryland General Assembly

**FROM:** Jared DeMarinis, Director  
Division of Candidacy and Campaign Finance

**DATE:** January 11, 2021

**SUBJECT:** Fundraising During Session and Use of Campaign Funds for Caucus Dues

**Fundraising During Session:**

This memorandum serves as a reminder that members of the General Assembly are prohibited from receiving and depositing contributions or soliciting contributions for their candidacy or any other candidate for federal, State or local office during legislative session, which commences at noon on Wednesday, January 13, 2021 unless one of the exceptions listed below is applicable. This prohibition extends to any and all slates that members have joined.

Please note that during the legislative session, distributing “Save the Date” notices or any information regarding fundraising events is a solicitation and is prohibited, even if the event will occur after Sine Die. Additionally, a member’s campaign website or social media accounts may not include active contribution links or solicitation information.

A social media account associated with a member or a member’s campaign must remove any posts or references for fundraising events during legislative session, even if the information was posted prior to the start of legislative session and the event will occur after Sine Die. A member may not retweet or repost solicitations or information regarding fundraising events from other candidates during legislative session. Retention rules still apply for deleted tweets and posts. See COMAR 33.13.07.04C.

The prohibition does not prohibit a member’s campaign committee from making expenditures during legislative session to promote the member’s candidacy.

Please consult COMAR 33.13.10.02 for further information on prohibited activities. If a member is found in violation of Election Law Article 13-235, the campaign finance entity that receives the contribution as a result of the violation can be fined up to \$1,000 plus the amount of the contribution received or solicited.

**Exceptions:**

As previously stated above, the prohibition does not apply to making expenditures. A member's campaign committee may make expenditures during legislative session to promote his or her candidacy.

There are a few exceptions to the overall prohibition which allows a member to engage fundraising activities during session.

An electronic contribution that was initiated by the contributor prior to the start of session may be deposited during session. This limited exemption applies only to a single transaction by the contributor and not for on-going reoccurring contributions.

A member may fundraise during legislative session if the member is a filed candidate for a federal or local office. However, the exception is limited solely to the member's election and does not apply other candidates seeking federal, State or local office.

In order to be considered a filed candidate for federal office, the member must have on record with the Federal Election Commission a *Statement of Candidacy* prior to the commencement of fundraising activities. A courtesy copy of the *Statement of Candidacy* should be provided to the State Board. In order to be considered a filed candidate for local office, the member must file a *Certificate of Candidacy* with the appropriate local board of elections. Again, the member may not engage in fundraising activities until the *Certificate of Candidacy* is on record.

**Permissible Activities:**

During legislative session, a member of the General Assembly may receive a loan and deposit it subject to the requirements of Election Law Article, §13-230, Annotated Code of Maryland. Additionally, the authorized candidate campaign committee of the member may make limited expenditures for a fund-raising event not held during a regular session for the limited purposes of securing a location and food or printing invitations to be distributed after session ends.

A member may solicit contributions or donations for an out-of-State nonfederal candidate and any authorized entity established to elect out-of-State nonfederal candidates, ballot issue committees organized under Election Law Article, Title 13, Annotated Code of Maryland, or charitable organizations.

**Legislative Caucus Dues**

In order for expenditures to be made by a campaign finance entity, the expenditure must have an electoral purpose. In other words, the expenditure must enhance the individual's candidacy and improve the candidate's chance of success at winning the election. A caucus serves as a vehicle to assist legislators in their official roles and is not for the benefit of a particular individual candidate. Additionally, caucuses use and historically have used

government resources. Pursuant to COMAR 33.13.10.03, the use of campaign funds to pay for membership dues is prohibited.

This prohibition also applies to the Speaker's Society, Society of Senates Past and the legislative protocol committees.

**Legislative Newsletters**

A legislative newsletter may be paid from campaign funds or personal funds, if the incumbent has not filed a certificate of candidacy. This newsletter differs from constituent correspondence which are paid with government funds. Please contact the Joint Committee on Legislative Ethics on the rules governing constituent correspondence.

A legislative newsletter is unsolicited correspondence to a voter created and distributed by the member without supervision by or coordination with the General Assembly about the member's performance in office or on issues of public interest chosen by the member.

If the legislative newsletter is paid with campaign funds, it must include an authority line. Additionally, all expenses associated with the newsletter must be included on the next campaign finance report. If paid with personal funds, a notice must appear on the newsletter that it was paid with personal funds and the member must file an expenditure report within 10 days after the mailing. The report also includes a statement under perjury that no funds were solicited or received to supplement the personal funds used.

MARYLAND

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 Members  
**FROM:** Jared DeMarinis, Director  
Division of Candidacy and Campaign Finance  
**DATE:** January 12, 2021  
**SUBJECT:** Waiver of late filing fees standards

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

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

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

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

Pursuant to Election Law Article §13-337 (b) (3), the State Administrator has denied seven waiver request, for the month of January. No Board action is required on the denials. Late fees collected year to date for Late Fee Waivers are \$89,758.00.

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

January 12, 2021

1. Ebling, Bryan for Board of Education
2. Fritz, Richard D. Bi-part.Comm For The Re-election of, State
3. Libertarian Party Of Maryland
4. Siddiqui, Janet Friends of
5. Smith, Steven Heelers for Baltimore
6. Somerset County Republican Central Committee
7. Williams, Bryan for School Board

Denied

1. Bombach, Jon for Baltimore
2. Byrd, Catalina Friends of
3. Committee for ReCharge At-Large
4. Goldsby Jr., Tim People for
5. Preston, Harry V Friends of
6. Progressive Maryland Liberation Alliance PAC
7. Young, Yasaun People For

## Waiver Request Information Page

### General

<b>Account Name</b>	Ebling, Bryan for Board of Education	
<b>CCF ID:</b>	01013383	<b>Status:</b> Active
<b>Date Established</b>	1/24/20	
<b>Date Waiver Requested</b>	11/18/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Gerald Sutton	<b>Start Date:</b> 1/24/20
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Bryan Ebling	1/24/20
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
11/17/20		11/18/20	\$20	\$20
			\$	\$
				Total: \$20.00

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

### Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
N/A	\$		N/A

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
11/17/20	\$600	\$482	\$117	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

As campaign Treasurer I am asking for a waiver of late fees due to complication of having to send a report instead of an affidavit due to campaign expenses exceeding \$1000 as per conversation with you this afternoon. Thank you for your help as it was much appreciated.

### Division Comments

Grant first request.

### Administrator's Decision



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

**Fwd: Waiver-Bryan Ebling for Board of Education entity# 01013383**

1 message

**Ebony Parran -SBE-** <ebony.parran@maryland.gov>  
To: Victorica Smith -SBE- <victorica.smith@maryland.gov>

Wed, Nov 18, 2020 at 8:03 PM

FYI

Begin forwarded message:

**From:** Gerald Sutton <gasutton51@gmail.com>  
**Date:** November 18, 2020 at 7:57:16 PM EST  
**To:** Ebony.Parran@maryland.gov, Bryan Ebling <eblingforeducation@gmail.com>  
**Subject:** **Waiver-Bryan Ebling for Board of Education entity# 01013383**

As campaign Treasurer I am asking for a waiver of late fees due to complication of having to send a report instead of a affidavit due to campaign expenses exceeding \$1000 as per conversation with you this afternoon . Thankyou for your help as it was much appreciated.

Gerald Sutton- Campaign Treasurer

Cc Bryan Ebling candidate

Sent from Mail for Windows 10

## Waiver Request Information Page

### General

<b>Account Name</b>	Fritz, Richard D. Bi-part.Comm For the Re-election of, State	
<b>CCF ID:</b>	01000570	<b>Status:</b> Active
<b>Date Established</b>	3/22/00	
<b>Date Waiver Requested</b>	11/24/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Dena Womack	<b>Start Date:</b> 10/6/20
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Andy Cusick	10/06/20
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
11/17/20		11/23/20	\$120	\$120
			\$	\$
				Total: \$120.00

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

### Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
9/2/11	\$120.00	paid	N/A

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
11/17/20	\$0	\$2	\$-637	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

It was my understanding from Ms. Rivera that green cards would be mailed to notify us when a filing was due. Neither I, Mr. Cusick, nor Mr. Fritz received a notification of any filing that was coming due.

### Division Comments

Grant first request.

### Administrator's Decision



Maryland

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

## Fwd: Bipartisan Committee for the Re-election of Richard D. Fritz, State's Attorney

1 message

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

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

Tue, Nov 24, 2020 at 9:15 AM

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

From: **Dena Womack** <denawomack@outlook.com>

Date: Tue, Nov 24, 2020 at 9:13 AM

Subject: Bipartisan Committee for the Re-election of Richard D. Fritz, State's Attorney

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

Entity No. 01000570

Good morning,

I am emailing you to respectfully request that the late fees for filing the report due November 17, 2020 be waived. In support of my request, please consider the following:

1. Barbara Rivera and Lyle Long were the previous Treasurer and Chairman, respectively. Myself and Andrew Cusick completed the form to replace Ms. Rivera and Mr. Long. It was my understanding from Ms. Rivera that green cards would be mailed to notify when a filing was due. Neither myself, Mr. Cusick, nor Mr. Fritz received a notification of any filing that was coming due.
2. Mr. Cusick received an email on November 17 stating that the report was due that day. Due to Covid-19, Mr. Cusick has limited access to his email and did not see the email until Friday, November 20 at which time he gave me the email.
3. I emailed the address provided inquiring about my status as Treasurer and I it appeared that I was not added at the same time (10/26) as Ms. Rivera was removed. I was just added yesterday after my inquiry.
4. I was able to log in (with your help) and submit the report last night.

Due to the restricted work schedules because of Covid on both your end and our end, the fact that we did not receive notification of a report being due, that I was not added on October 26 when Ms. Rivera was removed and Mr. Cusick added, and that Mr. Fritz has a long history of timely filings, we are asking that the late fees for filing the report that was due on November 17, 2020 be waived.

Thank you for your consideration. I look forward to hearing from you on this matter.

## Waiver Request Information Page

### General

<b>Account Name</b>	Libertarian Party of Maryland	
<b>CCF ID:</b>	05007626	<b>Status:</b> Active
<b>Date Established</b>	1/01/01	
<b>Date Waiver Requested</b>	11/18/20	
<b>Account Type</b>	Party Central Comm. Account	

### Officers

<b>Current Treasurer</b>	Michael Linder	<b>Start Date:</b> 6/05/07
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Robert Johnston	9/9/05
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
8/25/20		8/27/20	\$40	\$40
			\$	\$
				Total: \$40.00

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

### Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
1/21/09	\$130.00	paid	N/A
7/23/10	\$100.00	paid	N/A
12/12/08	\$140.00	paid	N/A

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
8/25/20	\$3013	\$2722	\$-2634	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

I tried to file the 8/25/2020 pre general report on 8/25/2020. The button that is labeled "file all to state" would not respond if I clicked on it. The other buttons above the button are in a bright blue color and can be clicked on. I have not experienced this situation before. After the third attempt to file, the contributions disappeared, as if the filing process to the state had been completed. The system did not respond with a filing successful statement.

### Division Comments

Grant

-- Forwarded message -----

From: **Michael Linder** < >  
Date: Wed, Nov 18, 2020 at 3:54 PM  
Subject: late fee bill  
To: < >, Michael Linder < >

I tried to file the 8/25/2020 pre general report on 8/25/2020. The button that is labeled "file all to state" would not respond if I clicked on it. The other buttons above the button are in a bright blue color and can be clicked on. I have not experienced this situation before. After the third attempt to file, the contributions disappeared, as if the filing process to the state had been completed. The system did not respond with a filing successful statement.

The next day, I checked the MCRIS page to see if the report had processed through. I tried again to file but was not successful. I sent an e-mail to SBE asking for help on the situation. On the 27<sup>th</sup> I tried to file and this time the system stated filing successful.

The Libertarian Party of Maryland received a notice of a failure to file for two days.

Can this fine be waived due to the fact I tried to file but the system would not process and also the contributions and expenditures were removed as if the filing was complete? The MCRIS computer had been having processing issues at this time.

Michael Linder

## Waiver Request Information Page

### General

<b>Account Name</b>	Siddiqui, Janet Friends Of	
<b>CCF ID:</b>	01003940	<b>Status:</b> Active
<b>Date Established</b>	6/26/06	
<b>Date Waiver Requested</b>	12/3/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	David Magovern	<b>Start Date:</b> 1/11/18
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Anwar Siddiqui	6/26/06
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
8/25/20		9/09/20	\$435	\$435
			\$	\$
				Total: \$435.00

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

### Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
N/A	\$		

### Recent Financial Activity History

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

### Reason for Waiver

I want to apologize for any inconvenience and to let you know that it was an unfortunate oversight due to family matters that required my full attention. Please let me know if the fee can be waived, as we did not have any activity for the period of the affidavit filed.

### Division Comments

Grant first request.

### Administrator's Decision



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

## Fwd: Late Fee Bill for the 8/25/20 Pre General 1 Report

1 message

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

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

Fri, Sep 25, 2020 at 10:57 AM

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

From: **Dave M** <David@anchortc.com>

Date: Fri, Sep 25, 2020 at 10:26 AM

Subject: Re: Late Fee Bill for the 8/25/20 Pre General 1 Report

To: <info.sbe@maryland.gov>

Cc: A. Nayab Siddiqui <nayab@sssi.net>

As the campaign treasury I am requesting a waiver for the late fee bill of \$ 435.00.

I want to apologize for any inconvenience and to let you know that it was an unfortunate oversight due to family matters that required my full attention.

Please let me know if the fee can be waived, as we did not have any activity for the time period of the affidavit filed.

v/r,

David Augustus Magovern, Treasurer

On Fri, Sep 25, 2020 at 9:43 AM <info.sbe@maryland.gov> wrote:

To the Candidate, Chair, and Treasurer,

This is to notify you that the 8/25/20 Pre General 1 Report was received late and that the campaign committee has a late fee assessed for this report.

Attached you will find a copy of the Late Fee Bill and a hard copy of the bill will be followed up to you in the mail. You can pay over the phone with a credit card if MasterCard or Visa by calling Vicky Smith at 410.269.2871 or Ebony Parran at 410.269.2922. We do not have an online payment option.

If you have any questions, please feel free to contact the Campaign Finance Division at 410.269.2880 and please leave a message. One of our staff will get back to you.

## Waiver Request Information Page

### General

<b>Account Name</b>	Smith, Steven Heelers for Baltimore	
<b>CCF ID:</b>	01013533	<b>Status:</b> Inactive
<b>Date Established</b>	10/19/20	
<b>Date Waiver Requested</b>	12/14/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Todd Bates	<b>Start Date:</b> 10/19/20
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Steven Smith	10/19/20
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
11/17/20		12/14/20	\$1000	\$1000
			\$	\$
				Total: \$1000.00

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

### Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
N/A	\$		N/A

### Recent Financial Activity History

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

### Reason for Waiver

No internet service or public library also COVID 19 associated problems

### Division Comments

Grant first request.

### Administrator's Decision

RECEIVED

DEC 14 2020

Late Fee Waiver Request Form

Maryland State Board of Elections - Division of Candidacy and Campaign Finance

P.O. Box 6486 • Annapolis, MD 21401-0486

410-269-2880 • 800-222-8683

STATE BOARD OF ELECTIONS

Campaign Account Name: Smith, Steven Hiders for Baltimore

Account Number: 01013533 Date of Request: 12/8/2020

Name of the Requestor(s)\*: Steven H. Smith

The Requestor is the:  Chairman  Treasurer  Candidate

Waiver of late fees for the following Campaign Fund Report(s): 11/17/2020

Total Amount of late fees: \$ \_\_\_\_\_

The basis for the request: No internet service or public library also Covid-19 associated problems!  
I was a Write-In Candidate for Balto. City Mayor 2020, and indigent and ran an impoverished unfunded campaign. Thank you,

Steven H. Smith, A.A.

Steven H. Smith 12/8/2020  
Dec 8 2020  
(Signature) (Date)

Instructions	For Board Use Only
<ul style="list-style-type: none"> <li>- Please print clearly or type.</li> <li>- 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.</li> <li>- Please limit your request to this document only.</li> <li>- *Requests may only be made by the committee chairman, treasurer or candidate.</li> </ul>	<p>Date Rcvd: _____ Date Heard: _____</p> <p>Verification: _____</p> <p>Bd. Decision: _____</p>

## Waiver Request Information Page

### General

<b>Account Name</b>	Somerset County Republican Central Committee	
<b>CCF ID:</b>	05007616	<b>Status: Active</b>
<b>Date Established</b>	1/01/01	
<b>Date Waiver Requested</b>	11/24/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Suzanne Smith	<b>Start Date: 11/24/20</b>
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Tammy Truitt	6/12/19
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
11/17/20		11/24/20	\$140.00	\$140.00
			\$	\$
				Total: \$140.00

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

### Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
10/26/18	\$140.00	paid	N/A
4/15/16	\$60.00	paid	N/A

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
11/17/20	\$1,250.00	\$0	\$1,729.00	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

Our treasurer David passed away suddenly, financial document were not available until November 23, as they needed to be pick up from his widow.

### Division Comments

Grant

### 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: Somerset Co. Republican Centrl <sup>Committee</sup> Account Number: 05007616

Date of Request: 11-25-20 Total Amount of late fees: \$ 140<sup>00</sup>

Name of the Requestor(s)\*: Tamela C Truitt, Chairman

The Requestor is the:  Chairman  Treasurer  Candidate

Waiver of late fees for the following Campaign Finance Report(s): 11/10/2020 Post-General Election

The basis for the request: Dave Lloyd, our Treasurer, passed away unexpectedly October 23, 2020.

Financial documents needed to submit report were not available until November 23, 2020 as they needed to be picked up from Dave's widow.

Thank you for working with us.

Tamela C Truitt  
(Signature)

11-25-20  
(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](http://www.elections.state.md.us)

## Waiver Request Information Page

### General

<b>Account Name</b>	Williams, A. Bryan for School Board	
<b>CCF ID:</b>	01011418	<b>Status:</b> Inactive
<b>Date Established</b>	2/5/16	
<b>Date Waiver Requested</b>	12/1/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Helen Williams	<b>Start Date:</b> 2/5/16
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Albert Williams	2/5/16
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
8/25/20	yes	8/27/20	\$	\$40.00
			\$	\$
				Total: \$40.00

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

### Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
N/A	\$		N/A

### Recent Financial Activity History

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

### Reason for Waiver

I tried for 2 days to file the report I was not able to get through on the computer

### Division Comments

Grant first request.

### Administrator's Decision

RECEIVED

DEC 01 2020

State of Maryland



STATE BOARD OF ELECTIONS

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: Williams, A Bryan for Sched Board Account Number: 01611418

Date of Request: 11/23/20 Total Amount of late fees: \$ 40,00

Name of the Requestor(s)\*: Helen Elizabeth Williams

The Requestor is the:  Chairman  Treasurer  Candidate

Waiver of late fees for the following Campaign Finance Report(s): 2020 Pre-General Report Presidential

The basis for the request: On 8/25/20 I tried to file campaign finance report. Could not get through on the computer for 2 days. Finally on 8/27/20 the filing went through on line. We were then informed of the \$40,00 late fee. I responded with a note in Oct. for a waiver of fee. I received notice again of fee owed and I called today (11/23/20) to inquire. I was sent this form to fill out.

Helen Elizabeth Williams  
(Signature)

11/23/20  
(Date)

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

Maryland State Board of Elections  
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## Waiver Request Information Page

### General

<b>Account Name</b>	Bombach, Jon for Baltimore	
<b>CCF ID:</b>	01011355	<b>Status:</b> Active
<b>Date Established</b>	2/2/16	
<b>Date Waiver Requested</b>	12/1/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Robert Johnston	<b>Start Date:</b> 2/2/16
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	John Bombach	2/2/16
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
8/25/20		11/23/20	\$120	\$120
10/23/20		11/23/20	\$1000	\$1000
11/17/20		11/23/20	\$1000	\$1000
				<b>Total: \$ 2120.00</b>

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

### Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
5/22/20	\$1000.00	outstanding	Yes
4/28/20	\$1000.00	outstanding	Yes

### Recent Financial Activity History

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

### Reason for Waiver

We were under the impression, incorrectly, that since Mr. Bombach was not running for office in 2020, nor any contributions or expenditures would be made from the campaign account, that no reports would need to be filed for the election cycle.

### Division Comments

Deny, committee has a history of non-compliance.

### Administrator's Decision

--

## **Request for Waiver of Late Filing Fees**

To the honorable members of the State Board of Elections for Maryland:

Jonathan Bombach, 2016 candidate for Baltimore City Auditor, and Robert Stanley Johnston, III, Treasurer for the Bombach For Baltimore campaign, are requesting a waiver of the late filing fees for the 2020 election cycle that have not yet been referred to the Office of State Prosecutor. It is our understanding that the three reports which have yet to be referred to the Office of State Prosecutor are:

2020 Presidential Pre-General1 Report; due 8/25/20; fine imposed: \$1,000  
2020 Presidential Pre-General2 Report; due 10/23/20; fine imposed: \$935  
2020 Presidential Post-General Report; due 11/17/20; fine \$120 (6 days x \$20).

It is our understanding that the fines for the two reports not listed above, the orders for the 2020 Presidential Pre-Primary1 and 2020 Presidential Pre-Primary2, are now in the exclusive jurisdiction of the Office of State Prosecutor because they have been referred to that office. Robert S. Johnston, III has, through legal counsel, contacted Ms. Cindy Thomas of the Office of the State Prosecutor and advised her that we would be filing these requests for waivers of the fees for the three reports described above. After the disposition of our request by the Board of Elections associated with the three reports, we will quickly resolve the two cases that are under the jurisdiction of the Office of State Prosecutor.

### **Statement of Justification:**

We were under the impression, incorrectly, that since Mr. Bombach was not running for office in 2020, nor any contributions or expenditures would be made from the campaign account, that no reports would need to be filed for the election cycle.

Upon realizing that reports were due for the 2020 election cycle, Robert S. Johnston, III promptly filed Affidavits in Lieu of Expenditures for each of the filing periods (Pre-Primary 1 due 4/28/20, Pre-Primary 2 due 5/22/20, Pre-General 1 due 8/25/20, and Pre-General due 10/23/20). In addition, the Post-General Report, due 11/17/20, was filed, though it was filed late on 11/23/20. No show cause has been issued for that late filing.

All reports prior to 2020 have been consistently submitted on time. There was no intent to avoid filing any reports this election cycle. No expenditures or income were made by the campaign since 2016, including all of the time periods covered the three reports described above.

All of the annual reports (which we mistakenly believed were all that were necessary to be filed due to inactivity), were filed for 2017, 2018, 2019 and 2020. The campaign and both Jon Bombach and Robert S. Johnston, III individually have previously filed reports

for this campaign on time and these instances are the first time we've ever been late, much less had a show because order was filed against us.

We apologize that we did not respond sooner to the notices and requests to show cause, which were sent out for these reports. Both of us moved after 2016 and we forgot to update our addresses, so the notices and show causes that were mailed were not received. The email for Mr. Bombach was misspelled in the database so they were not arriving (spelled bambach instead of bombach). The emails to Mr. Johnston were received but because the text of the email subjects were the same as the confirmation emails for the reports in his role as State Chair of the Libertarian Party, he incorrectly assumed those were just confirmation emails and did not read them. Upon realizing this was the problem for receiving notices, both of our contact information has been updated to correctly reflect our addresses and emails.

The fines are quite substantial and would impose a significant and undue burden on us if we are required to pay them. We recognize the importance of filing timely reports and can assure you we will make all due efforts to ensure all future reports are filed in a timely fashion. We respectfully request that you fully abate the fines as these our first offense and were made due to a mistake in not realizing these interim report obligations applied to a campaign that was inactive. While we recognize that we are also responsible for understanding the law applicable to these filing deadlines, we simply made a mistake based upon a faulty assumption. We humbly ask that you exercise your discretion to fully abate these fines.

Respectfully submitted,

Robert S. Johnston, III  
Jonathan Bombach

## Waiver Request Information Page

### General

<b>Account Name</b>	Byrd, Catalina Friends of	
<b>CCF ID:</b>	01013235	<b>Status:</b> Active
<b>Date Established</b>	8/20/19	
<b>Date Waiver Requested</b>	12/1/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Victor Clark	<b>Start Date:</b> 8/02/19
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Catalina Byrd	8/02/19
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
8/25/20		10/23/20	\$1000	\$1000
			\$	\$
				Total: \$1000.00

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

### Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
5/22/20	\$1000	outstanding	Yes
4/28/20	\$1000	outstanding	Yes

### Recent Financial Activity History

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

### Reason for Waiver

I am the listed Treasurer for the account of Friends of Catalina Byrd. This was my first time functioning in this capacity and I had a difficult time navigating the system. The report for 8/25/2020 was the last of three that were filed late due.

### Division Comments

Deny, committee has a history of non-compliance.

### Administrator's Decision



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

## Fwd: Request for Waiver/ Later Filing Fees

1 message

**Ebony Parran -SBE-** <ebony.parran@maryland.gov>  
**To:** Victorica Smith -SBE- <victorica.smith@maryland.gov>

Tue, Dec 1, 2020 at 5:52 PM

Sent from my iPhone

Begin forwarded message:

**From:** Victor Clark <victordarkjr@yahoo.com>  
**Date:** December 1, 2020 at 3:45:58 PM EST  
**To:** Ebony Parran -SBE- <ebony.parran@maryland.gov>  
**Subject:** Request for Waiver/ Later Filing Fees

Ms. Parran,

Per our conversation, I am submitting a request of waiver of late filing fees for consideration. As I explained, I am the listed Treasurer for the account of Friends of Catalina Byrd (CCF ID: 1013235). This was my first time functioning in this capacity and I had a difficult time navigating the system. The report for 8/25/2020 was the last of three that were filed late due to a number of reasons that I will attempt to explain in this email.

- (1) **Late filing** of the report for **4/28/2020** was caused by a system problem encountered by my daughter, the Candidate/Campaign Chairperson, Catalina A. Byrd who I asked to file it due to me being away. Once the problem was noticed she informed me that she was attempting to get guidance from your office. Because she was trying to correct the situation I thought that with her more proficient computer skills and .early contact with your office that she should follow on with the next report filing.
- (2) **Late filing** of the report for **5/22/2020** was a carry over of confusion and I attempted unsuccessfully on 5/21/2020 to reach Mr. Jerod Demara which was suggested for me to do by the Baltimore City office. Later after numerous attempts I was able to talk with Ms. Victoria Smith and explained to her my problems. When I informed her of the fact that the campaign was delayed in submitting the reports because of an earlier problem she asked that I file the reports that were due and forthcoming as soon as possible and close the account.
- (3) **Late filing** of the report for **8/25/2020** was due mainly to the fact that the system would not let me close the account on 7/31/2020 and I could not determine what was causing the problem and by this time I was totally upset. When I received the notice for the late 8/25/2020 report I again tried to discover a way forward and decided to file the report on 10/23/2020 with one that was due that day until I could find an answer. It was not until I was put in touch with you that I was able get directions and a full explanation that assisted me in gaining clarity of the situation. As you suggested, I filed the reports for the remainder of the year and will close out the account with the annual report at the beginning of 2021.

The irony of the entire thing is that the bank forced closed the account in July and at no time did the campaign ever raise or spend a thousand dollars. I truly appreciate your assistance and your overall professional manner, Thanks.

Best Regards,

## Waiver Request Information Page

### General

<b>Account Name</b>	Committee for ReCharge At-Large	
<b>CCF ID:</b>	04011489	<b>Status:</b> Inactive
<b>Date Established</b>	8/19/16	
<b>Date Waiver Requested</b>	12/9/20	
<b>Account Type</b>	Ballot Issue Account	

### Officers

<b>Current Treasurer</b>	Calvin Brown	<b>Start Date:</b> 8/19/16
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Douglas Edwards	8/19/16
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
10/23/20		10/30/20	\$	\$40.00
			\$	\$
				Total: \$40.00

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

### Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
5/22/20	\$1000.00	N/A	Yes

### Recent Financial Activity History

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

### Reason for Waiver

The account was closed, and funds contributed to another campaign in the spring consistent with my honest belief that I had correctly completed the final report.

### Division Comments

Deny account referred to OSP.

### Administrator's Decision

RECEIVED

DEC 09 2020

STATE BOARD OF ELECTIONS

November 30, 2020

Mr. Jared DeMarinis, Director  
Division of Candidacy and Campaign Finance  
Maryland State Board of Elections  
P.O. Box 6486  
Annapolis, Maryland 21401-0486

RE: Request Waiver of Late Fees  
Committee for ReCharge At-Large

Dear Mr. DeMarinis:

I am writing to request a Waiver of Late Fees in the amount of One Thousand One Hundred and Forty Dollars (\$1,140) as stated in the enclosed notice to me dated November 4, 2020 in reference to the campaign, Committee for ReCharge At-Large.

I acknowledge and deeply apologize for incorrectly completing the final report and submitting it late in May 2020 for the Committee for Recharge At- Large. I was confident that the final report was completed correctly, so much so, that I had contributed the remaining sum of less than \$4 to another campaign immediately thereafter. Although your office sent correspondence to me, I believed it was an administrative error due to the challenges COVID had on the Administration as a whole and the fact that I was hospitalized for COVID as well. It wasn't until your November reporting period letter that I truly understood my mistake, specifically not checking the final box.

Again, the account had been closed and the funds were contributed to another campaign in the Spring consistent with my honest belief that I had correctly completed the final report. It was not our intention to violate the rules; I apologize and request you Waive the Late Fee.

On the basis of the facts presented here, your favorable consideration is appreciated.



Calvin Brown,  
Campaign Treasurer

## Waiver Request Information Page

### General

<b>Account Name</b>	Goldsby Jr., Tim People for	
<b>CCF ID:</b>	01013185	<b>Status:</b> Active
<b>Date Established</b>	4/08/19	
<b>Date Waiver Requested</b>	12/03/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Mariah Phillips	<b>Start Date:</b> 4/08/19
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Tim Goldsby	4/08/19
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
11/17/20		11/20/20	\$60	\$60
10/23/20		11/20/20	\$1000	\$1000
8/25/20		11/20/20	\$1000	\$1000
				Total: \$2060.00

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

### Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
5/22/20	\$1000	outstanding	Yes
4/28/20	\$1000	outstanding	Yes
1/15/20	\$280.00	outstanding	Yes

### Recent Financial Activity History

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

### Reason for Waiver

I am writing to see if the late fees can be waived. The Maryland Film Industry Coalition is a small non-profit run by volunteers and we inadvertently missed the deadline. We apologize for the delay and would greatly appreciate the fees being waived.

### Division Comments

Deny committee has a history of non-compliance.

### 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: People for Tim Goldsby, Jr. Account Number: \_\_\_\_\_

Date of Request: 12/3/2020 Total Amount of late fees: \$ 2,005

Name of the Requestor(s)\*: Timothy Goldsby, Jr.

The Requestor is the:  Chairman  Treasurer  Candidate

Waiver of late fees for the following Campaign Finance Report(s): 2020 Presidential Pre-General 1 Report  
2020 Presidential Pre-General 2 Report  
2020 Presidential Post-General

The basis for the request: People for Tim Goldsby, Jr. is requesting that fees be waived for the reports listed above. Our campaign completely ceased operations on May 8, 2020. From the weeks preceding the end of our campaign, to the present, I have had extremely limited contact with our treasurer after a close relative of hers contracted COVID-19. This had an effect on our ability to submit transactions and reports. Working with the staff at the Board of Elections, Ebony Parran and Victoria Smith, I have been able to submit the outstanding reports and file affidavits for the three reports for which we are requesting a waiver- as the campaign has not taken any contributions since April.

We have agreed to pay fees owed for late submissions of the 2020 Annual, 2020 Presidential Pre-Primary 1, and 2020 Presidential Pre-Primary 2 reports as the campaign was functional during those times. We are requesting a waiver for the other three reports due to the impact of COVID and the inactivity of the campaign.

Timothy Goldsby, Jr.  
(Signature)

12/3/2020  
(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](http://www.elections.state.md.us)

## Waiver Request Information Page

### General

<b>Account Name</b>	Preston, Harry V Friends of	
<b>CCF ID:</b>	01011377	<b>Status:</b> Inactive
<b>Date Established</b>	2/1/16	
<b>Date Waiver Requested</b>	11/30/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Carla McCoy	<b>Start Date:</b> 2/1/16
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Harry Preston	2/1/16
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
8/25/20		9/10/20	\$485	\$485
			\$	\$
				Total: \$485.00

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

### Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
4/28/20	\$350	Paid	Yes
1/15/20	\$280	Paid	Yes
1/16/20	\$500	Paid	Yes

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
8/25/20	\$0	\$3,411	\$0	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

The basis for the request: This oversight was a result of multiple unusual occurrences of miscommunication and misunderstandings. One of the issues that created our misstep in filing this report was a lack of access to materials due to COVID-19. The treasurer and I are both Baltimore City Schools Teachers. She and I received changes in assignments of the course of the last year. I had to move and store cases of materials at a school that was shut down and inaccessible. I thought everything had been filed in July but somehow the items were shifted in packing and storing of materials. Once we noticed the error, we jumped to address it, but it was after the required date in addition a broken storage drive meant additional steps to find all the required information.

### Division Comments

Deny, committee has a history of non-compliance.

### Administrator's Decision



## Waiver Request Information Page

### General

<b>Account Name</b>	Progressive Maryland Liberation Alliance PAC	
<b>CCF ID:</b>	13012920	<b>Status:</b> Active
<b>Date Established</b>	3/3018	
<b>Date Waiver Requested</b>	12/3/20	
<b>Account Type</b>	PAC Account	

### Officers

<b>Current Treasurer</b>	Pat Snee	<b>Start Date:</b> 6/4/20
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Larry Stafford	6/04/20
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
8/25/20		10/08/20	\$1000	\$1000
			\$	\$
				Total: \$1000.00

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

### Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
1/16/19	\$500	paid	yes
11/20/18	\$410	paid	yes

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
8/25/20	\$130,000.00	\$129,045.00	\$253,339.00	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

We had some staff changes earlier in the year in our accounting department. The individual who oversaw reporting was let go (Jan) and we put someone else in this position (Angela). Unfortunately, there was no transition of information which included how to use the campaign reporting system along with when the reports are due

### Division Comments

Deny committee has history of non-compliance.

### Administrator's Decision

I am writing to request a waiver on the late fee assessed for \$1,000 on 10/14. The late fee was assessed due to a late submission of the 2020 Pre-General1 Report due on 08/25/2020. We had some staff changes earlier in the year in our accounting department. The individual who was in charge of reporting was let go (Jan) and we put someone else in this position (Angela). Unfortunately, there was no transition of information which included how to use the campaign reporting system along with when the reports are due. Angela has stayed on top of posting all transactions in the system and filing all disclosure reports. Additionally, she has been in constant communication with Lisa Hanzook to answer all questions while the account is being audited. Angela filed the August report in June after she posted the last transactions. She did not realize that the system had one more step- to push that report to the state. This oversight led to the report being late. Lisa Hanzook walked Angela through how to push the file to the state via a phone training. We also did not receive notification on the outstanding filing since we have had issues with the system saving the changes that we have made to our directors and contacts. We understand the importance of filing on time but ask that the lofty fee of \$1,000 plus any interest be waived at this time. We will be sure to submit all future reports on time without issue.

## Waiver Request Information Page

### General

<b>Account Name</b>	Young, Yasaun People For	
<b>CCF ID:</b>	01013302	<b>Status:</b> Active
<b>Date Established</b>	12/16/19	
<b>Date Waiver Requested</b>	12/11/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Reginal Rolison	<b>Start Date:</b> 12/16/19
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Yasaun Young	12/16/19
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
10/23/20		12/10/20	\$1000	\$1000
11/17/20		12/10/20	\$835	\$835
				Total: \$1835.00

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

### Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
8/25/20	\$1000	outstanding	yes

### Recent Financial Activity History

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

### Reason for Waiver

Being new to the political field, I truly had no idea that I had to continue to still submit a report since I wasn't selected in the primary election that was held in June 2020. On 12/10/2020 I received a letter stating a report needed to be submitted and I called right away to learn of this matter. Prior to this day, I had not received any correspondence regarding this matter to be aware of it. I have image notifications from the Post Office sent to me showing what will be coming to my mailbox, and I have never had a letter come. In addition, the e-mail provided with the report was dissolved after the primary election thus eliminating the chance for notification as well.

### Division Comments

Deny

### Administrator's Decision



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

## Fwd: Campaign Finance Report delay

1 message

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

To: Victoria Smith -SBE- <victorica.smith@maryland.gov>

Fri, Dec 11, 2020 at 11:15 AM

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

From: sean Y <ruxxton@gmail.com>

Date: Fri, Dec 11, 2020 at 11:13 AM

Subject: Campaign Finance Report delay

To: <CCF.SBE@maryland.gov>

12/10/2020

**From: Yasaun Young — Committee: People For Yasaun Young**

**To: Linda Lamone and other appropriate parties**

Good Day and Happy Holidays,

I write this letter in request and hope to have the fees associated with submitting the committee's finance report late waived. Being new to the political field, I truly had no idea that I had to continue to still submit a report since I wasn't selected in the primary election that was held in June 2020.

On 12/10/2020 I received a letter stating a report needed to be submitted and I called right away to learn of this matter. Prior to this day, I had not received any correspondence regarding this matter to be aware of it. I have image notifications from the Post Office sent to me showing what will be coming to my mailbox, and I have never had a letter come. In addition, the e-mail provided with the report was dissolved after the primary election thus eliminating the chance for notification as well.

I spoke to Vicki who helped me understand the scenario and was empathetic with my error. Overall, this was an honest mistake, and once learning of it I filed immediately and elected to dissolve the committee. Please grant this request for the 10/23/2020 and 11/17/2020 reports.

Thank you.

Best Regards,

Yasaun Young  
People For Yasaun Young

605 Highview Circle  
Chattanooga, TN 37415  
December 2, 2020

RECEIVED  
DEC 09 2020  
STATE BOARD OF ELECTIONS

Dear State Election officials and volunteers:

As a fellow American, I offer my profound gratitude for faithfully serving your state and our country during the recent election season.

Your loyalty to the Constitution is especially appreciated in the face of the unprecedented scrutiny, lawsuits, and recounts many of you have endured.

This year has given us a necessary reminder of the work and service performed by regular citizens on our behalf at the local and state levels. You have emerged as the true heroes and leaders our country needs.

If free and fair elections are the cornerstone of our democracy, then you, friends, are the guardians of that cornerstone. Your steady defense of the election process is a model for our own duty as citizens. May we all live up to your high standard.

Please share my thanks with your co-workers. Their work, though behind the scenes, is so crucial to the success of our country.

Sincerely,

  
Jeanie McKenna

# Bylaws of the Maryland State Board of Elections

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## **Article 1 – Adoption of Bylaws Generally**

### **Section 1.1 – Definitions**

- A. “Administrator” means the State Administrator as defined under §1-101(qq) of the Election Law Article.
- B. “Absence” means a duly appointed member is not present at or able to take part in a meeting.
- C. “Member” means a member of the board, regardless of whether the member has been duly confirmed by the Maryland Senate.
- D. “Vacancy” means a member was removed, died, or resigned from the board.

### **Section 1.2 – Purpose**

These bylaws, adopted by the members of the Maryland State Board of Elections, provide the rules of governance for the board during the conduct of all duties assigned under State and federal laws and regulations. Further, these bylaws set a standard of personal conduct for members of the board requiring them to conduct themselves in accordance with high ethical standards in order to ensure the public that members are independent of partisan pressures and conflicting interests.

### **Section 1.3 – Enactment**

- A. These bylaws shall be approved by a supermajority vote of the full board.
- B. These bylaws are effective and binding on all board members as evidenced by each member signing this document.
- C. When a new member is appointed to fill a vacancy, the new member must sign the bylaws.
- D. In order to amend the bylaws, a member must make a motion and present the amendment during a regularly scheduled meeting of the board. The motion to amend the bylaws must be approved by a supermajority vote of the full board at the next regularly scheduled meeting of the board.
- E. The bylaws shall be reviewed by the members of the Board on an annual basis at the first meeting of the calendar year. Members may propose changes to the bylaws at that time. If the bylaws are amended they will be voted and approved as provided by subsection A above.
- F. A copy of the approved bylaws and any amendments shall be posted on the SBE website.

## **Article 2 – Organization of the Board**

### **Section 2.1 – New Members**

New members must be sworn in by a Clerk of the Circuit Court of Maryland within 30 days of receiving the commission of appointment from the Governor. They must be either sworn in by the Clerk of the Circuit Court of the county in which they reside or, if sworn in another county, must file their commission with the Clerk of the Circuit Court in the county in which they reside.

### **Section 2.2 – Officers**

- A. As required by § 2-102 of the Election Law Article, not later than August 1<sup>st</sup> of each year, the board shall elect by a supermajority vote a member to serve as chairman. The duties of the chairman include:
  - 1. Running the board meetings and setting agendas;
  - 2. Serving as the primary board member spokesperson for media inquiries; and
  - 3. Acting as the board’s primary point of contact for the administrator.
- B. At the same time the chairman is elected, the board shall also elect by a supermajority vote a member to serve as a vice-chairman. The vice-chairman shall not be a member of the same party as the chairman. The vice-chairman shall fulfill the duties of the chairman if the chairman is absent or unable to carry out the assigned duties.

## Article 3 – Meetings

### Section 3.1 – Time and Location

- A. Regular meetings. The Maryland State Board of Elections shall meet every month on the fourth Thursday at 2:00PM.
- B. Location. Unless circumstances dictate otherwise, board meetings will be held in the election office located at 151 West Street, Suite 200, Annapolis, Maryland.
- C. Public Notice. Except as provided in E of this section, public notice of regular meetings must be provided for at least one week prior to the meeting. Information on the SBE website and public display of the meeting agenda constitute public notice for purposes of this section.
- D. Cancellation of a regular meeting. The chairman may cancel a regular meeting of the board. Notice of cancellation must be given at least one week prior to the meeting.
- E. Special Meetings. The chairman of the board may call a special meeting. However, no votes may be taken at a special meeting unless three days prior notice has been given to all members, staff and the public.
- F. Immediate Action. If the chairman determines that an issue needs immediate board action that cannot wait until the next regularly scheduled meeting, the chairman may direct staff to poll the members to obtain their vote on the issue.

### Section 3.2 – Rules of Order

- A. Quorum
  - 1. A quorum must be present to conduct official business of the board.
  - 2. A quorum of the board of elections shall consist of a majority of the membership of the board.
  - 3. In the event of a vacancy on the board, a quorum shall consist of a majority of members currently serving on the board.
  - 4. There shall be no effect on the quorum when a member of the board abstains or declines to vote or if a member is disqualified from participating under section 4.3 of these by-laws.
- B. Public participation at a meeting must be pre-scheduled and pre-approved by the chairman. Each Board member shall receive notice of all requests for public participation. The chairman may exercise discretion in determining whether to allow participation that has not been pre-scheduled and pre-approved.
- C. The board, with the advice of counsel, shall follow the requirements of the Open Meetings Act as specified under Title 3 of the General Provisions Article<sup>1</sup>.

### Section 3.3 – Meeting Agenda

- A. Each board meeting shall include, at a minimum, the following agenda items:
  - 1. Declaration of Quorum Present
  - 2. Approval of Prior Meeting Minutes
  - 3. Additions to the Agenda
  - 4. Administrator’s Report
  - 5. Assistant Attorney General’s Report
  - 6. Old Business
  - 7. New Business
  - 8. Confirmation of Next Meeting

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<sup>1</sup> For information and guidance on the Open Meetings Act, see the Attorney General’s *Open Meetings Act Manual* (6<sup>th</sup> ed., October 2006) - <http://www.oag.state.md.us/Opengov/Openmeetings/support.htm>.

9. Closed Session (if needed)
  10. Adjournment
- B. Additional items may be added to the agenda in advance of the meeting at the discretion of the chairman.
- C. The administrator shall provide the agenda to the members and publicly post the agenda at least one week prior the meeting.
- D. Prior to each meeting, the administrator shall submit to the board a written report of the activities of the office and all significant agency-related events since the last meeting. The report shall include information on personnel changes, meetings attended, significant correspondence received, voter registration activities, voting system activities, candidate filings, precinct and polling issues, and other projects or initiatives undertaken by the office. An oral summary of the written report shall be provided at each board meeting.
- E. Minutes
1. Minutes shall be prepared by the administrator pursuant to SBE's *Guidelines for Conducting Meetings and Writing Minutes*<sup>2</sup>.
  2. Closed meeting minutes shall include a summary of the meeting, the individuals in attendance, and the actions taken. The closed meeting minutes may be:
    - a. Included in the open meeting minutes; or
    - b. In a separate sealed document, provided that a summary of the closed meeting is provided in the open meeting minutes.
  3. If the administrator does not attend the closed meeting, the assistant attorney general or one of the members shall be responsible for preparing the closed meeting summary and minutes.
  4. Meeting minutes shall be prepared and presented to all board members within 5 business days after the meeting. The authority to approve the meeting minutes is delegated to the chairman. The chairman shall approve the minutes after the board members have had two full business days to review and comment on the minutes.
  5. The administrator shall post the approved open meeting minutes on the SBE website within 1 business day of the chairman's approval.

## **Article 4 – Rules of Conduct**

### **Section 4.1 - Attendance**

- A. As provided under § 8-501 of the State Government Article, a member of the board who fails to attend at least 50% of the meetings of the board during any consecutive 12-month period shall be considered to have resigned.
- B. Not later than January 15<sup>th</sup> of the year following the end of the 12-month period, the chairman shall forward to the Governor:
1. The name of the member considered to have resigned; and
  2. A statement describing the member's history of attendance during the period.
- C. In the case where the chairman fails to attend meetings, the referral to the Governor shall be made by the vice-chairman.

### **Section 4.2 - Political Activity**

- A. Statutory requirements. The members shall abide by the restrictions to political activities provided under § 2-301 of the Election Law Article. See Appendix 1.
- B. Additional requirements.
1. Members shall place their public duties ahead of partisan, political considerations.

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<sup>2</sup> The guidelines are available on the SBE online library in the local board folder – [www.elections.state.md.us/online\\_library](http://www.elections.state.md.us/online_library).

2. A member may not take an active part in the campaign management of a candidate or any matter that is subject to an election under the Election Law Article.
  3. A member may attend political events held by candidates, political parties, or ballot issue committees provided that the member does not publicly indicate that he or she is a member of the board.
  4. A member may make campaign contributions to entities that file with the State Board of Elections provided the member discloses the contributions to the board<sup>3</sup>.
  5. A member may publicly display (including yard signs, bumper stickers, etc) support or opposition to candidates or issues on the ballot in any election for which the member will be serving on the board.
  6. Members may wear campaign paraphernalia that shows support or opposition for or against candidates or issues on the ballot in any election for which the member will be serving on the board provided the member does not wear the campaign paraphernalia while performing board functions or while wearing a board name badge.
  7. Party Activity  
Members may not serve on an executive committee of the party or assume a role within the party that has decision making authority.
  8. Petitions
    - a. A member may sign a petition.
    - b. A member may not circulate petitions.
- C. Members shall provide any required disclosure of an activity specified under subsection B at the board meeting immediately following the payment of the campaign contribution.

### Section 4.3 – Ethics

- A. Members shall follow the provisions of the Maryland Ethics laws<sup>4</sup>, including:
1. Within 30 days of receiving a commission from the Governor and by April 30<sup>th</sup> each year thereafter, file the Financial Disclosure Statement<sup>5</sup> required under § 15-601 *et seq.* of the State Government Article; and
  2. Adhering to the prohibition against the solicitation or acceptance of gifts or honoraria<sup>6</sup> as required under § 15-505 of the State Government Article.
- B. Disqualification due to Conflict of Interest
1. A member shall recuse himself or herself and may not participate as to a matter if the member:
    - i. Has a relative with an interest in the matter and the member knows of the interest;
    - ii. Is part of a business entity which has an interest in the matter;
    - iii. Is negotiating employment or has arranged prospective employment with a business entity which has an interest in the matter;
    - iv. Has a direct financial interest in the matter;
    - v. Has provided support through a contribution to or volunteering for or a candidate or petition that is the subject of the matter; or
    - vi. Otherwise believes that participation would create a conflict of interest.
  2. A member may seek the advice from the assistant attorney general as to the presence of a conflict of interest or other good cause for disqualification.

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<sup>3</sup> This notice will provide the other board members with information to determine whether a conflict exists that will require recusal.

<sup>4</sup> See the *Maryland Public Ethics Law Summary* provided by the State Ethics Commission to assist election officials and employees in meeting their obligations to voters, candidates, and political parties. Available on the SBE online library.

<sup>5</sup> Financial Disclosure Statements can now be easily filed online - <https://efds.ethics.state.md.us/>.

<sup>6</sup> See *Ethics and Standards for Election Officials and Employees* for detailed standards of conduct. Available on the SBE online library.

3. If a member does not voluntarily recuse himself or herself, the other board members may disqualify that member if a supermajority determines that the member has a conflict of interest that should disqualify that member from acting on a particular matter.
4. If a member recuses himself or is disqualified from participating in a matter before the board, the recusal or disqualification and the reason(s) for it shall be recorded in the meeting minutes.

#### **Section 4.4 – Resignation and Vacancies**

A member who chooses to resign shall provide written notice of the resignation to:

1. The Governor;
2. The state central committee of the party with which he or she is affiliated; and
3. The State Administrator.

#### **Section 4.5 – Level of Effort**

Members shall expend the time and effort necessary to ensure that they fully understand their duties and obligations as members of the State Board of Elections and generally understand important concepts in the administration of Maryland elections, such as: the process to register to vote; the purpose of provisional voting; general information about the voting systems; the absentee ballot process; campaign finance requirements; and important election deadlines.

#### **Section 4.6 – Fiduciary Duty to the Board**

Members have a fiduciary duty of care and loyalty to the board. Members shall put the interests of the board ahead of partisan interests, personal interests, or loyalties to other organizations in an effort to ensure the successful execution of the duties of the board. Members may not share confidential or sensitive information with outside entities, including matters discussed during closed sessions of the board.

### **Article 5 – Roles and Responsibilities**

#### **Section 5.1 – The Board**

- A. The board shall carry out all duties assigned to it under the Election Law Article and federal law. (See *Duties of the State Board and State Administrator*).
- B. The board shall attend exclusively to top-level policies and plans and shall ensure compliance with mandatory requirements. The board shall not be involved in day-to-day activities of the election office.

#### **Section 5.2 – The Administrator and Staff**

- A. The administrator shall carry out all duties assigned to him or her under the Election Law Article, regulations, policies and procedures established by the board, and duties assigned or delegated by the board. (See *Duties of the State Board and State Administrator*).
- B. The administrator, as the State’s Chief Election Official, is responsible for all aspects of managing elections in Maryland including the day-to-day operation of the State office, implementing State election laws and regulations, and serving as a subject matter expert for the Board, the General Assembly, and other stakeholders.

#### **Section 5.4 – Delegation of Duties to the Administrator**

The board delegates the duties designated in *Duties of the State Board and State Administrator* to the administrator.

### **Section 5.5 – Personnel Management**

- A. As required under § 2-202(b)(2) of the Election Law Article, the board shall hire the administrator. The board shall follow the requirements of § 2-103(b)(7) of the Election Law Article if the board determines that the administrator should be removed for incompetence, misconduct, or other good cause.
- B. The administrator shall hire and supervise the staff of the State Board.
  - 1. The administrator shall perform or ensure the performance of annual performance evaluations of staff.
  - 2. The administrator shall follow the requirements of the State Personnel and Pensions Article and any applicable regulations in all matters concerning leave, discipline, or termination.

### **Article 6 – Miscellaneous**

#### **Section 6.1 – Per Diem and Reimbursement for Travel and Expenses**

- A. When provided for in the State budget, the budget for the board shall include funds to pay each member per diem compensation for each day that the member is actually engaged in the discharge of official duties.
- B. The budget for the board shall include funds to reimburse members for expenses incurred while carrying out their duties as members.
- C. Reimbursement for an expense that was not budgeted for must be approved by the chairman prior to payment.

**Signatures**

\_\_\_\_\_  
Member, Chairman                      Date

\_\_\_\_\_  
Witness (Administrator)                      Date

\_\_\_\_\_  
Member, Vice Chairman                      Date

\_\_\_\_\_  
Witness (Assistant Attorney General)                      Date

\_\_\_\_\_  
Member                      Date

\_\_\_\_\_  
Member                      Date

\_\_\_\_\_  
Member                      Date

## Appendix 1

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

(a) This section applies to:

- (1) a member of the State Board;
- (2) a regular or substitute member of a local board;
- (3) the State Administrator;
- (4) an employee of the State Board or of a local board, including the election director of a board;
- (5) counsel appointed under § 2-205 of this title; and
- (6) an election judge.

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

- (i) hold or be a candidate for any elective public or political party office or any other office created under the Constitution or laws of this State;
- (ii) use the individual's official authority for the purpose of influencing or affecting the result of an election; or
- (iii) except as provided in paragraph (2) of this subsection, as to any candidate or any matter that is subject to an election under this article:
  1. be a campaign manager;
  2. be a treasurer or subtreasurer for a campaign finance entity; or
  3. take any other active part in political management or a political campaign.

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

- (i) while performing official duties on election day; and
- (ii) by serving as a campaign manager for a candidate or as the treasurer for a campaign finance entity.

(c) If the State Administrator determines that an individual is in violation of this section, the State Administrator:

- (1) shall suspend the individual from duty until the completion of the next election; and
- (2) notwithstanding any other provision of law, may make an interim appointment to ensure the orderly administration of this article.

# State of Maryland

## Duties of the State Board and State Administrator

	<b>Citation</b>	<b>Duty of the State Board</b>	<b>Date Delegated</b>
	EL §2-102(a)	Manage and supervise elections in the State and ensure compliance with the requirements of the Election Law Article and any applicable federal law	
	EL §2-102(b)(1)	Supervise the conduct of elections in the State	
	EL §2-102(b)(2)	Direct, support, monitor, and evaluate LBEs	
	EL §2-102(b)(3)	Have a staff sufficient to perform functions	
	EL §2-102(b)(4)	Adopt regulations	
✓	EL §2-102(b)(5)	Receive and audit campaign finance reports, account books and records, independent expenditure reports and records, electioneering communication reports and records, and statements and records of persons doing public business	
	EL §2-102(b)(6)	Appoint a State Administrator	
	EL §2-102(b)(7)	Maximize the use of technology	
	EL §2-102(b)(8)	Canvass and certify election results	
✓	EL §2-102(b)(9)	Provide public information on the election process, including publication of Election Law Article	
✓	EL §2-102(b)(10)	Receive and maintain election documents, materials, etc.	
	EL §2-102(b)(11)	Prescribe forms	
	EL §2-102(b)(12)	Serve as the official UOCAVA office	
✓	EL §2-104	Conduct a biennial pre-election meeting in the year	
✓	EL §2-106(a)	Maintain and dispose of its public records in accordance with State law	
	EL §2-202(b)(4)	Approve LBE regulations	
	EL §2-202(b)(11)	Approve Nursing Home Registration and Absentee Voting Procedures established by State Administrator	
✓	EL §2-302(a)&(b)	Be open for business during regular business hours and until 9:00pm on certain deadlines.	
	EL §2-303(f)	Establish criteria for polling place for precinct serving institute of higher education	
	EL §2-303(f)	Approve emergency precinct or polling place changes	
	EL §3-202(a)(4)	Approve an alternative VRA produced by an LBE	
✓	EL §3-203	With MVA, produce a VRA for use at MVA, specify the manner in which declination information is maintained, and specify the format MVA voter registration information is transferred	
	EL §3-204(a)	Designate public agencies and nongovernmental agencies as voter registration agencies where qualified individuals may apply to register to vote	
✓	EL §3-204.1(a)	May operate an online voter registration system	3/24/2016
✓	EL §3-504(a)	Prescribe format and times for reporting by DHMH and Clerks of Court to State Administrator	
✓	EL §3-602(c)	Make required corrections to voter registration record in accordance with court order	
✓	EL §4-102(a)(1)	Accept New Party petition filings	
✓	EL §4-102(d)	Review Constitution and By-laws and notify New Party State Chairman of petition verification and qualification status	
✓	EL §4-103	Notify the State chairman of a group that loses its status as a political party	
✓	EL §4-204(d)	Accept political party constitution, bylaw or rule adoptions or amendments	
✓	EL §4-204(e)	Accept notification from new political party of formation and size of newly formed local central committees	

✓ - Indicates duties that are ministerial functions carried out by staff or duties specifically delegated to the State Administrator.

	Citation	Duty of the State Board	Date Delegated
✓	EL §5-301	(b) Determine whether an individual filing a certificate of candidacy meets the legal filing requirements (f) Accept written notice from the Clerk of the Court of Appeals and Special Appeals of the names of Judges scheduled to stand for continuance in office in the upcoming election (h) Accept written notice from the Anne Arundel County Board of Education of what members are scheduled to stand for continuance in office in the upcoming election (new law HB 1114, Chpt 454) (g) Require a State Party Chairman to provide written reaffirmation of the party's presidential nominees if multiple nominees are submitted	
✓	EL §5-304	Accept the certificate of candidacy if it determines that all requirements are satisfied	
	EL §5-402	Authority to approve the return of a candidate filing fee upon a determination of good cause	
✓	EL §5-503	Accept candidate withdrawal forms	
✓	EL §5-703	Accept petition candidate's declaration of intent, certificate of candidacy and petition signature pages	
✓	EL §5-703.1	Accept new party candidate declaration of intent, certificate of candidacy and party certificate of nomination	
✓	EL §5-704	Accept write-in candidate certificate of candidacy	
✓	EL §5-705(b)	Issue a certificate of nomination to each candidate who files a certificate of candidacy with the State Board and who qualifies for nomination	
✓	EL §5-705(c)	Issue certificate of election to each successful candidate for delegate to a national party convention and each candidate to a party central committee	
✓	EL §5-801	Accept declination of nominations	
✓	EL §5-1001	Upon receipt of a change in nomination to fill a vacancy the State Board shall certify the nomination and substitute the name of the individual who has been designated and determined to be qualified. The State Board shall certify the information to the LBEs.	
✓	EL §5-1101	Issue a certificate of nomination by petition to a candidate for governor or lieutenant governor selected to fill a vacancy in nomination by petition.	
✓	EL §5-1203	Certify to each LBE the name of each nominee who has qualified for the general election ballot	
✓	EL §5-901 et seq.	Accept certificate of designation and certificate of candidacy for candidate designated to fill a vacancy	
✓	EL §5-1002 et seq.	Receive certificate of designation from central committee after filling vacancy due to death, declination or disqualification	
✓	EL §7-103	Prepare and certify to the appropriate LBE required information for a ballot question	
✓	EL §7-103	Furnish LBEs with copies of the complete text of all statewide questions	
✓	EL §7-104(d)	Prepare document including the complete text of each statewide ballot question, the non-technical summary and question as it will appear on the ballot. Supply a copy to be posted in each polling place in the State and distributed upon request to any voter.	
✓	EL §8-203(a)	Certify to the LBEs the names of candidates on the primary election ballot	
✓	EL § 8-502(f)	Certify to the LBEs the names of the candidates for President qualified for ballot placement	
✓	EL §8-710(d)(4)	In a special election to fill a congressional vacancy, accept a declination of nomination	
✓	EL §8-711	Certify to the appropriate LBEs the name, residence, and party affiliation of each candidate who qualifies to appear on the special primary or general election ballot to fill a Congressional vacancy	
	EL §9-101(a)	In consultation with the LBEs, select and certify a voting system	
	EL §9-101(c)	Acquire the voting system selected and certified	

	<b>Citation</b>	<b>Duty of the State Board</b>	<b>Date Delegated</b>
	EL §9-102(c)	Periodically review and evaluate alternative voting systems	
	EL §9-102(d) – (f)	Determine and consider certain factors during the voting system certification process	
	EL §9-103	Decertify a voting system if the voting system no longer meets one or more of the required standards	
✓	EL §9-202	Certify the content and arrangement of each ballot to be used in an election	
✓	EL §9-207(a) & (c)	Certify and deliver ballot content and arrangement to LBEs	
✓	EL §9-207(e)	Begin printing ballots after 2 days of public display and correct any noted errors	3/24/2016
✓	EL §9-308.1(b)	Online ballot marking tool	3/24/2016
✓	EL §9-208	Approve post-certification changes to the ballot	
✓	EL §9-216	Monitor and periodically review the performance of the LBEs in their compliance with ballot accountability requirements	
✓	EL §9-303(c)	In consultation with LBEs, assess the absentee voting guidelines before each primary election	
✓	EL §9-401	Include in the annual budget the funding necessary for provisional voting judges	
✓	EL §9-403(c)	In consultation with the LBEs, assess the provisional voting guidelines before each primary election	
	EL §9-503(d)	Approve change in voting centers for special election	
✓	EL §10-206(a)	In consultation with the LBEs, develop a program of instruction for election judges and oversee the implementation of the program	
✓	EL §10-206(c)	Develop a process for the evaluation of the training program and the performance of the polling place staff in each county	
✓	EL §10-206(e)	Provide election judges with uniform statewide training on the voting system	
	EL §10-301.1(b)(6)	Collaborate with LBE and county governing body to establish an additional early voting center	
	EL §10-301.1(c)	In collaboration with LBE, designate each early voting center	
✓	EL §10-301.1(f)	Inform the public about early voting and the locations of early voting centers	3/24/2016
✓	EL §10-306	In consultation with the election directors of the LBEs, develop and produce the specified informational materials to be posted in each polling place	
	EL §10-308	Accredit individuals to have access to voting rooms	
✓	EL §10-311	Designate challengers and watchers subject to: (1) the approval of the U.S. Department of State, any governmental agency to which the State Administrator is referred by the U.S. Department of State, and any other appropriate U.S. governmental entity; and (2) providing to the members of the State Board of Elections notice by email of the designation.	10/28/2016
✓	EL §11-303(f)	Ensure the establishment of a system that any individual who casts a provisional ballot may access without cost to discover whether the ballot was counted, and if not counted, the reason it was not	
✓	EL §11-308(c)(2)	Maintain a file of any written statements of dissent submitted by a Board member to a determination of an election result	
✓	EL §11-402	Make available in an electronic format a report of election results	
✓	EL §11-501(a)	Convene to prepare and certify statewide election results following each gubernatorial primary or special primary election	
✓	EL §11-501(b)	If a SBE member dissents from a determination of an election result, the Board shall maintain a file of the written dissent statement	
✓	EL §11-503(b)	If a State Board of Canvassers member dissents from a determination of an election result, SBE shall maintain a file of the written dissent statement	
	EL §11-603(a)	Certify election results	
✓	EL §11-603(b)	Deliver the certified results, under its seal, to each individual who is declared elected, each individual who is continued in office and other specified individuals	

	Citation	Duty of the State Board	Date Delegated
✓	EL §12-101 – 12-104	Notify each appropriate LBE of a recount petition or counterpetition that is filed with the State Board	
✓	EL §12-106(b)	Monitor and support the work of any LBE conducting a recount	
	EL §12-106(d)	When appropriate following the completion of a recount, correct primary and general election returns and certificates	
✓	EL §13-103(a)	Prepare a summary of the election law that relates to campaign finance activity and provide for distribution of the summary	
✓	EL §13-103(b)	Provide LBEs with forms required to administer campaign finance laws	
✓	EL §13-235	May institute a civil action on fundraising during the legislative session	5/19/2016
	EL §13-313	Authority to terminate a campaign finance entity upon good cause	
✓	EL §13-324(a)(2)	Exempt a campaign finance entity with de minimis financial activity from the requirement to submit campaign finance reports electronically	
✓	EL §13-324(b)	Supply electronic filing software to a person who is required to file campaign finance reports	
✓	EL §13-324(d)	Make campaign finance report data widely and easily accessible to the public	
✓	EL §13-324(f)	Develop specifications for submitting campaign finance reports	
✓	EL §13-327	Notify responsible officers in writing of campaign finance deficiencies	
✓	EL §13-328	Compile a list of campaign finance entities that failed to file	
✓	EL §13-331	Assess a late filing fee for a failure to file a campaign finance report	
✓	EL §13-333(b)	Certify that all campaign finance reports due on behalf of an individual have been filed	3/24/2016
✓	EL §13-334	May investigate and hold a hearing for withholding a salary of an elected official who has failed to file a campaign finance report and failed to pay any late fee <i>Note: Authority to investigate was delegated. Authority to hold hearing not delegated.</i>	3/24/2016
✓	EL §13-335	Issue show cause notice for failure to file and make referral to the state prosecutor	
	EL §13-337	Approve the State Administrator's determination to waive a late fee	
✓	EL §13-340	Collect late fees.	
✓	EL §13-341	Receive and preserve all campaign finance reports	
✓	EL §13-505(b)(7)	County system of public campaign financing shall be subject to regulation and oversight by the State Board <i>Note: Oversight authority delegated. Authority to regular not delegated.</i>	3/24/2016
✓	EL §13-601.1	May impose a civil penalty for enumerated violations	3/24/2016
	EL §14-104(c)(2)	May waive the contract information for persons doing business with the State	
✓	EL §14-104(d)	Retain each statement filed under Title 14 as a public record for at least 2 years after its receipt and make the statement available for public examination and copying	
✓	EL §14-107(c)	May impose late filing fees for failure to file by persons doing public business	3/24/2016
	EL §15-105(b)	Certify the expenditure limit for each election for candidate receiving public funding	
✓	EL §15-105(c)	Determine the population of the State	3/24/2016
✓	EL §15-106(a)	Authorize the distribution of public campaign funds	3/24/2016
✓	EL §15-106(b)	Allocation of money if State Board determines there is not sufficient money in the Fund	3/24/2016
✓	EL §15-106(c)	Authorize distribution of funds for primary election	3/24/2016
✓	EL §15-106(d)	Authorize distribution of funds for general election	3/24/2016
	EL §15-109	Administer Title 15	

	<b>Citation</b>	<b>Duty of the State Board</b>	<b>Date Delegated</b>
✓	Governor's Proclamation (3/17/20) <sup>1</sup>	Designate employees of State Board of Elections or State employees of any of the local boards of elections as "emergency" and "essential" to conduct the special general election for the 7 <sup>th</sup> Congressional District (4/28/2020) or the presidential primary election scheduled for 6/2/2020	3/25/2020

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<sup>1</sup> See Governor's Proclamation "Renewal of Declaration of State of Emergency and Existence of Catastrophic Health Emergency – COVID" dated March 17, 2020.

## Duties of the State Administrator

Citation	Duty of the State Administrator
EL §2-103	General powers and duties of the State Administrator
EL §2-104	Excuse required participants from the biennial meeting
EL §2-202(b)(11)	Establish procedures for administering voter registration and absentee voting at nursing homes and assisted living facilities.
EL §2-303(d)	Receive written description of new or changed precinct boundary from LBE.
EL §2-303(e) (f)	Approve precinct changes from January 1 two years before census until effective date of redistricting. Provide documents to Secretary of Department of Planning and Executive Director of Department of Legislative Services
EL §3-101(c)	Define, maintain, and administer the statewide voter registration list
EL §3-504(a)(2)	Make arrangements with the clerk of the US District Court for the District of Columbia to receive reports of individuals convicted of infamous crimes
EL §3-504(b)	Transmit information about deceased or ineligible voters gathered from other agencies to LBEs
EL §3-506	Provide a copy of the statewide voter registration list to the jury commissioner on request.
EL §3-601.1	Can determine if clerical error was made in voter registration record and authorize corrective action to be taken including authorization for voter to vote on election day.
EL §5-1204	Determine, in consultation with local election director, whether there is time to revise a ballot due to a vacancy in candidacy
EL §6-202	Receive written application for removal of name from petition
EL §6-206	Review petitions and determine the sufficiency or deficiency of the petition.
EL §6-208	Determine whether the validated signatures contained in a petition are sufficient to satisfy all requirements and certify that the petition process has been completed
EL §6-210	Make an advance determination on a petition.
EL §8-505	Provide official election documents for Meeting of Presidential Electors.
EL §8-5A-01	Determine the number of votes each presidential slate received and shall designate the "national popular vote winner." Shall certify this information to other participating states and the public.
EL §8-710	Notify the State Board and the LBEs of the Governor's proclamation of a special election to fill a Congressional vacancy
EL §11-502	Serve as Secretary to the Board of State Canvassers
EL §13-340	Direct late fee collected to appropriate budget category.
EL §13-337	Consider a request for a waiver of a late filing fee

Prescribed, guidelines regulations procedures – forms guidelines and procedures

## Forms, Guidelines, Procedures, and Regulations

Citation	The Board is required to prescribe, develop, or adopt:
EL §2-202(b)(11)	Procedures for administering voter registration and absentee voting at nursing homes and assisted living facilities
EL §2-303(g)	Regulations governing new or changed precincts or polling places
EL §3-101(c)(4)	Regulations for voter list maintenance
EL §3-101(d)	Regulations governing the conduct of voter registration
EL §3-202(a)(4)	A statewide voter registration form
EL §3-204(h)	In cooperation with various agencies, regulations for training employees and dissemination and collection of voter registration information and forms
EL §3-301(c)	Voter acknowledgement notice (VNC)
EL §3-302(c)(1)	Regulations establishing timeliness guidelines for a VRA
EL §3-302(b)(2)	Regulations establishing timeliness guidelines for change of party affiliation
EL §3-304(a)(2)	Regulations governing voter change of name and address during periods when registration is closed
EL §3-305(e)	Regulations and procedures for early voting
EL §3-502(a)	The voter registration confirmation notice

<b>Citation</b>	<b>The Board is required to prescribe, develop, or adopt:</b>
EL §3-503(b)(5)	Inactive Voter Affirmation Notice
EL §3-504(c)	Letter for use by an LBE to confirm a report of a death
EL §3-505	Regulations for retention, storage and access to voter registration records and for voter list maintenance.
EL §3-602	Administrative complaint procedures
EL §5-302(c)(2)	Regulations on LBE supplied information on local candidates
EL §5-304(b)	The certificate of candidacy
EL §5-401(c)	A form for a candidate to set forth grounds for the candidate's inability to pay the required candidacy filing fee.
EL §5-703.1(e)	The certificate of nomination
EL §5-801	Declination of nomination form
EL §6-103	Regulations to carry out the Title 6 – Petitions. A form for and the content of petitions. Guidelines and instructions relating to the petition process.
EL §6-205(b)	Regulations establishing petition filing location
EL §6-207	Regulations to establish the process to be followed for verifying and counting signatures.
EL §7-105	Regulations governing notice of questions to appear on the ballot.
EL §8-103	Guidelines concerning methods for addressing possible emergency situations.
EL §8-502(e)	Procedures for votes to be cast as uncommitted to any presidential candidate in the Democratic presidential primary.
EL §8-503	A form for political parties to use to certify to the State Board the names of individuals nominated as candidates for presidential election by a candidate for President of the United States who was nominated by petition.
EL §9-102(b)	Regulations for the review, certification, and decertification of voting systems.
EL §9-102(i)	Regulations relating to the requirements for each voting system selected and certified.
EL §9-208(b)(3)	Regulations notifying the public of a late ballot change if there is insufficient time for reprinting the ballot.
EL §9-215(c)	Regulations providing standards for printing of ballots.
EL §9-216	Regulations for LBE ballot accounting, control, storage and disposition
EL §9-301	Forms necessary to implement absentee voting.
EL §9-303	Guidelines for the administration of absentee voting.
EL §9-309	Instructions for marking and returning an absentee ballot
EL §9-310	The form and content of absentee ballot envelopes and oath.
EL §§9-401, 9-405, 9-406	Forms necessary to implement provisional voting.
EL §9-403	Guidelines for the administration of provisional voting.
EL §9-407	Instructions for marking and returning a provisional ballot.
EL §9-501, 9-501	Regulations for voting by mail
EL §10-102(b)(2)	A form for a voter to request a polling place reassignment.
EL §10-204(b)	A form for the election judge oath and commission
EL §10-301.1(h)	Regulations for early voting
EL §10-310	A form for voter requiring assistance
EL §10-311(c)	A form for designating a challenger and watcher.
EL §10-315	A form for an employee to submit proof of voting to an employer that has given the employee time off for voting
EL §11-201	Regulations for conducting canvassing.
EL §11-301(a)(3)	Regulations providing for observation and understanding of the canvass by those individuals in attendance.
EL §11-302(d)	Regulations that reflect the policy that the clarity of the intent of the voter is the overriding consideration in determining the validity of an absentee ballot or the vote in a particular contest.
EL §11-303	Regulations to implement the canvassing of provisional ballots.

Citation	The Board is required to prescribe, develop, or adopt:
EL §11-303(d)(4)	Regulation establishing the identification requirements for a voter who cast a provisional ballot because the voter failed to provide required identification at the polling place.
EL §11-305	Procedures for filing an administrative complaint.
EL §11-306	Regulations specifying standards for maintaining and securing canvassing records.
EL §11-307	Regulations specifying how a board of canvassers may correct a document or record.
EL §11-308	Regulations specifying how a board of canvassers shall verify the vote count.
EL §11-403	Regulations on voting equipment and documentation security
EL §12-106	Regulations on conducting a recount.
EL §13-207	A form for establishing a campaign finance entity and a form for campaign committee officer resignation.
EL §13-211	A form for appointing a subtreasurer.
EL §13-212	A form for appointing a campaign manager.
EL §13-219	A form for a subtreasurer to submit a campaign finance report to the treasurer.
EL §13-222	A form for campaign contribution receipts
EL §13-240	Regulations implementing the provisions dealing with money received from gaming activity.
EL §13-304 EL §13-320	All forms for campaign finance reporting.
EL §14-104(e)	A form for persons doing business with the State to disclose applicable contributions.
EL §15-104(d)	A form for gubernatorial ticket to certify seed money
EL §15-109	Regulations to administer the Public Finance Act.

Linda

LAW OFFICES  
**ALTMAN & ASSOCIATES, LLC**

RAYMOND F. ALTMAN  
Direct E-Mail:  
rayaltman@altmanllc.com

17 Shaded Glen Court  
Owings Mills, MD 21117

TEL: (410) 504-1185

LYNN WEINBERG  
Direct E-Mail:  
lynnweinberg@altmanllc.com

December 29, 2020

The Honorable Larry Hogan  
Office of the Governor  
State House  
100 State Circle  
Annapolis, Maryland 21401-1925

Dear Governor Hogan:

I am writing to praise the State and Local Boards of Elections for a successful election, particularly under this tumultuous time. While our right to vote is the core of our democracy and well established in law, the staff of the State and Local Boards of Elections make it possible for each of us to cast our votes.

I have had the opportunity to know Linda Lamone for approximately 40 years, first as an Assistant Attorney General to the General Assembly. Linda is and has always been dedicated to public service and the law, hardworking, smart, witty, and well respected by elected officials, Attorneys General and people who have had the opportunity to work her throughout her long and distinguished career.

Over many years, I have had the rare opportunity to work (as a volunteer on election days) with Katie Brown (and Doris and Jackie before her) the Director of the Baltimore County Board of Elections and their amazing staff. Katie and her staff are dedicated and work tirelessly as a team to ensure that elections days are fair and safe.

It is unfortunate that the general public has no idea of the tireless efforts, hard work and dedication necessary to make voting possible. Too often "public service" and "government employees" are given a bad name. Linda, Katie and their staff and the Boards are the best examples of public and government service. I, along with all Marylanders, are fortunate to benefit from the honorable professionals.

Respectfully,

  
Lynn Weinberg

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STATE BOARD OF ELECTIONS