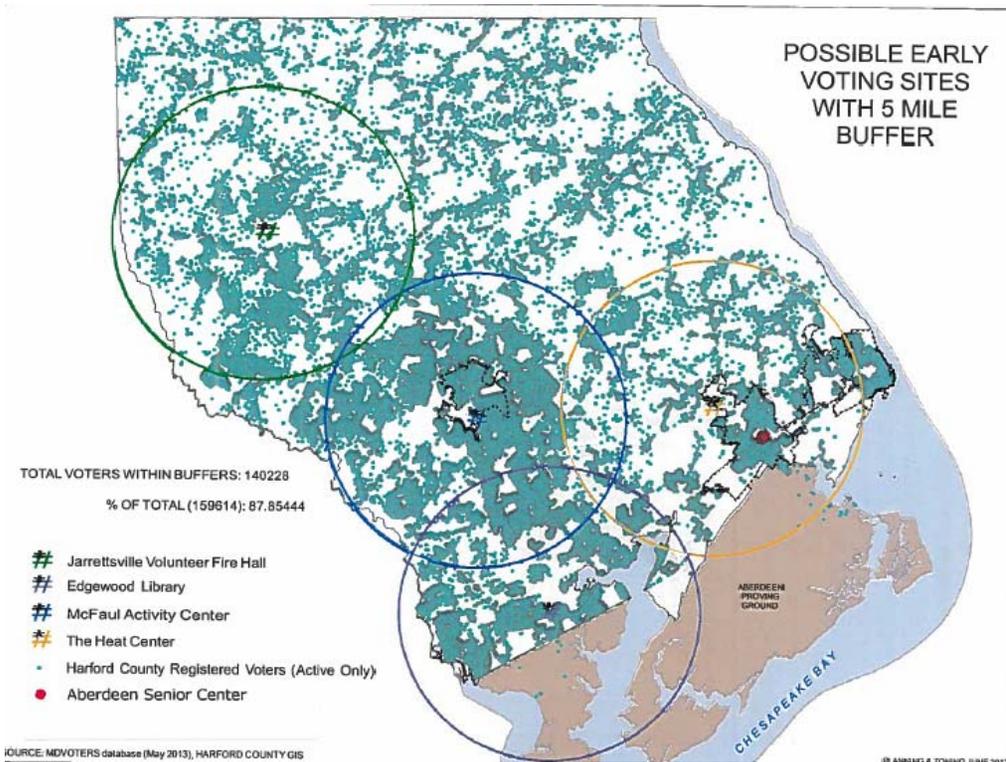


Newly Proposed Early Voting Center for the 2018 Elections Harford County

State Board of Elections
January 18, 2018 Meeting

Harford County - 4 early voting centers Aberdeen Senior Center

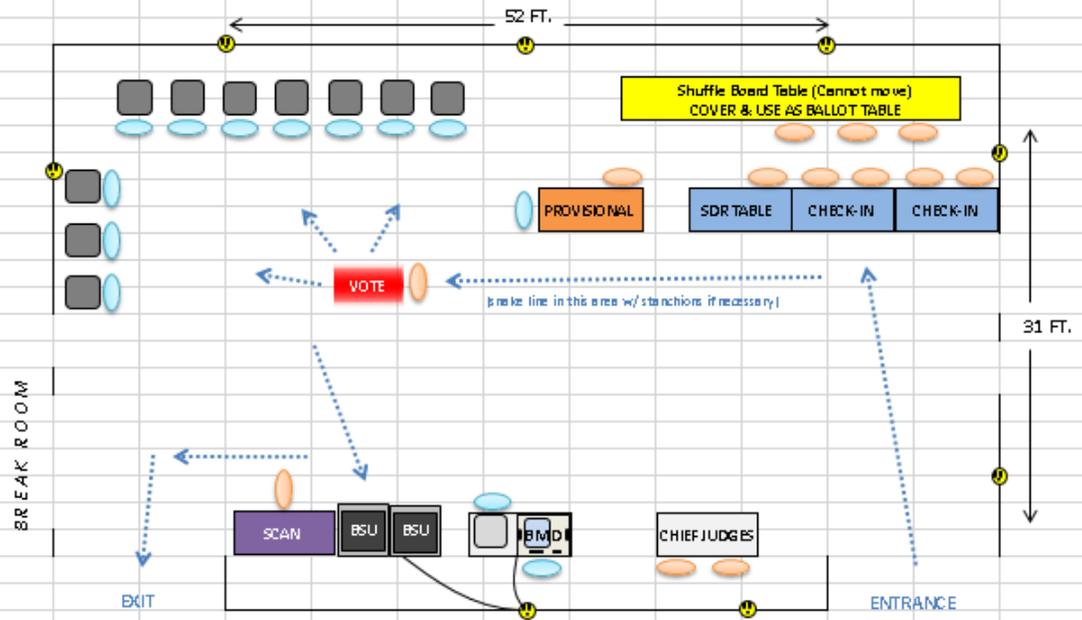
- ▶ Replaces The University Center (formerly HEAT Center)
- ▶ 80% of voters live within 5 miles of one of the proposed centers
- ▶ Accessible for 2018 early voting
- ▶ Allows for electioneering
- ▶ Adequate parking
- ▶ Adequate to handle estimated peak voting hour
- ▶ Accessible by public transportation



Harford County is replacing one of their early voting centers. Three of their sites were used in the 2016 elections. At least 80% of the registered voters in Harford County live within 5 miles of one of the early voting centers.



EV03: ABERDEEN SENIOR CENTER LAYOUT



- VOTING BOOTHS 10
- PRIVACY SCREENS 3
- E-POLLBOOKS 5
- BALLOT MARKING DEVICE 1
- BALLOT SCANNING UNITS 2
- EXTENSION CORDS 3

Harford County

McFaul Activity Center
Edgewood Library
Aberdeen Senior Center
Jarrettsville Library

Recommendation: Approve



Online Ballot Delivery (OBD)
January 18, 2018 Board Meeting

Tell us who you are.

English ▼

Change language

[Frequently Asked Questions](#)
[User Guide](#)

Provide all information as it appears on your voter registration record.

First Name: **required**

Middle Name:

Last Name: **required**

Date of Birth: **required**

Month: Day: Year:

Zip Code: **required**

2 + 1 = 5

Next

Suggested Changes: None

Welcome to Maryland's Online Ballot Delivery System.

For security purposes, you will be automatically logged out after 15 minutes of inactivity.

English ▼

Change language

[Frequently Asked Questions](#)

This tool allows you to print your ballot.

- You must PRINT and MAIL your ballot.
- You cannot submit your ballot online, by email, or fax. State law says that ballots must be mailed.
- The website will not store your votes. After you make your selections, you must print your ballot.
- You cannot save your votes and return later to finish.

The ballot must be:

1. **POSTMARKED** on or before November 8, 2016; and
2. **RECEIVED** by November 18, 2016.

Next: Check your computer

Suggested Changes:

- 1 - Update the postmarked and received dates to reflect the 2018 primary election.

Test Your Computer

English ▼

Change language

[Frequently Asked Questions](#)
[User Guide](#)

Browser Test

PASSED

Adobe Reader Test

PASSED

Print Test

You may print using any of the below methods.

Print document

Download document

Open document in new window

If you were able to print the test document using one of these methods then this test passed.

If you are unable to print the test document, you will not be able to use the ballot delivery system.

Next: [Download Options](#)

Suggested Changes: None

Read About Your Two Options

English ▼

Change language

[Frequently Asked Questions](#)
[User Guide](#)

You have two options for downloading your ballot.

- You can use your computer to MARK and print your ballot, OR
- You can print a BLANK ballot and mark by hand.

Both options require that you PRINT and MAIL your ballot.

If you choose to use your computer to mark your ballot:

- For security purposes, you will be automatically logged out after 15 minutes of inactivity.
- If you quit before finishing, you will need to start over the next time you login.
- The printed ballot will have a barcode on the top left. The barcode only includes information about your votes. It does not include any information about you.

You may prefer to print a blank ballot if:

- You need to do additional research before making your voting selections.
- You are worried about tracking software on your computer or risks with using the Internet.
- You are using a computer or web browser that doesn't have the latest updates.
- You are unable to find a time and place to mark your ballot in private while on the computer.

Next: tell us how you want to download your ballot

Suggested Changes: None

Decide how to make your voting selections.

English ▼

Change language

[Frequently Asked Questions](#)
[User Guide](#)

How would you like to mark your ballot?

- Mark online, then print and mail it in.
 - I understand that the State Board of Elections has taken steps to protect the secrecy of this process but cannot protect against all risks with using the Internet.
- Print blank ballot, then mark by hand and mail it in.

Both options require that you PRINT and MAIL your ballot.

Next

Suggested Changes:

- 1 - Remove the checkbox under the “Mark online, then print and mail it in” option.
- 2 - Add the verbiage below above the “How would you like to mark your ballot?”

We have taken steps to protect the secrecy of your ballot but cannot guarantee secrecy when you mark your ballot online using your own computer.

Ballot Stub Survey Results Summary
January 18, 2018 Board Meeting

Of the 24 local boards:

22 responded to the survey

2 did not respond to the survey

What is the first election that you would suggest eliminating ballot stubs?

Of the 22 responses received:

11- 2018 elections

4 - 2020 elections

3 - 2022 elections

1 - test in municipal elections before going statewide

2 - keep ballot stubs intact

1 - no answer

If the ballot stub is eliminated, how would your ballot management and accounting processes change?

Of the 22 responses received:

13 -no change

8 - affect proofing and accounting pre- and post-election

1 - no answer

| | If the ballot stub is eliminated, how would your ballot management and accounting processes change? | Election | Do your election judges use the ballot stub number to complete forms? | Do you use the ballot stub numbers during the post-election reconciliation and audit process prior to certification? | Do you use the ballot stubs for any function after certification? | Ballot Verification at LBE | Ballot Accounting at LBE | Timeframe | Early Voting Management | Election Judge Process | Early Voting Ballots Security (non-voting hours) | Describe how and where ballot stubs are stored after certification. | Other Comments |
|-------------------------|---|---|---|--|---|---|---|--|---|---|--|--|--|
| Allegany | We would still verify the count during the initial receipt as well as when packing ballots to go to the polling place but I fear that once the shrink wrap is opened you have a higher chance of losing a ballot. Each time a pack of ballots are handled the higher the risk of losing one. I also think it will take more time for the judges to complete their ballot certificates at the end of the night because they will have more loose ballots to count. I think we will see an increase in errors when counting more ballots by hand at the end of the night. | 2022 | No | Yes | No | Proof all ballot styles with the candidate listing and ballot definitions. Open all boxes, review stub numbers, and count each pack. | Allocate ballots for absentee, early voting, election day, and provisional. Record stub numbers assigned to each. Record stub numbers of the provisional ballots when returned and use the ballot certificates to account for the ballots. | 6-8 hours to proof and verify inventory counts | One pack of each ballot style is taken out and placed at the ballot issue table. All other ballots are kept in the black transfer card. | Voter gets a ballot when presenting a VAC to the ballot issue judge. Judges are instructed not to pull ballots off of stubs in advance. | All ballots are placed in the black carts which are sealed and locked. | In the ballot room at the warehouse. | I fear that every time the door opens in a polling place or some lady's purse hits the ballot issue table, the ballots will blow off the table and judges may never notice. The stub prevents this from happening. |
| Anne Arundel | No change. The ballot management and accounting process will remain the same because we do not use ballot stubs for ballot accounting. Post-election, we rely on the number of ballots issued on the EPB against the number of votes cast on the voting unit to perform ballot accounting audits. Additionally, the ballot activation cards used do not have ballot stubs. Current practices must already account for a certain percentage of ballots which do not have stubs. Eliminating the ballot stubs for all ballots will streamline the inventory and accounting process by making all ballots used at the polling places and early voting sites uniform. | 2018 Primary Election | No | No | No | We have teams of two that select one box from each ballot style to verify all information on the ballot against the proof that was sent to the printer. The team also verifies that each box has the correct quantity of ballots and correct ballot style according to the label on the outside of the box. | When the ballots are delivered on pallets from the printer, we separate and stage the ballots in our warehouse according to ballot style. The labels on the outside of the boxes contain information such as ballot style, specific range of serial numbers, and total quantity of ballots in the box. We then our compare our Ballot Order Form to verify the quantity of ballots delivered. | 3 days with 5 teams of 2 staff members for a quantity of 952,100 ballots from the 2016 general election. | Each day, ballots are counted in the morning and verified against the Opening Ballot Certificate. During the day, the on-site staff and ballot judges monitor the ballot usage and request additional ballots as needed. At mid-day, the election judges conduct a ballot count and the information is entered into a ballot tracking sheet based in smartsheets using an iPad. | Prior to issuing the ballot to a voter, the election judges remove the ballot stubs from a pack or two at a time. This expedites the process for issuing ballots to voters at the EV sites and mitigates lines. | During non-voting hours, the ballots are locked and sealed inside the Ballot Transfer Cart which is locked inside the polling room of the EV site. | They are packed with other precinct forms and certificates and archived at the Iron Mountain facility. | We concur with the Montgomery County Board of Elections and Harford County Board of Elections regarding the process for ballot accounting, management and the elimination of the ballot stubs on all ballots used at the EV sites and election day. |
| Baltimore City | Basically will not affect anything. | 2018 | No | No | No | Ballots are verified by the printers delivery ticket and original order. Compare each ballot style with proofs to make sure each ballot has the correct distrivts, party, and candidates. | Use the ballot control excel spreadsheet from SBE to account for ballots by stub number. | 4 people, 3 days, 96 hours | Have a large "Blue Ballot Cabinet" that contains 95 shelves. Each shelf is labeled | Issue ballot style based on the ballot style on the VAC. Stub is torn off when they issue the ballot to the voter. Some ballot styles are torn earlier. | They are all locked and sealed in the large Blue Ballot Cabinet and inside the blue ballot bins that are sealed inside the black precinct carts. | Stored in the warehouse for 36 months. | I would suggest some way to prevent judges from picking up more than one ballot. Perhaps sheets of paper in a different color in between the ballots. Also, not simply shrink wrapping the ballots but also including apaper bind of some sort, so as not to have a bunch of loose ballots sitting out. I would also suggest placing this label somewhere that does not obscure the ballot, so we can proofread the allots without having to open the shrink wrap. |
| Baltimore County | Loose ballots - concerned loss of ballots or missed 2nd pages | 2020, less ballot styles to manage/implimenting a new change to process | No | No | No | Make sure the correct County ballot is received. Count each box and packs within the box. Open to verify ballot style and name. Verify amounts per SBE order. | Count each box and packs within the box, open to verify ballot style and name. Verify amounts per SBE order. | Four staff members, 4 to 6 hours | Count ballot packs at opening and closing each day, and during the day if possible. Complete ballot certificate each day to keep accountable. Kept in ballot box in locked cage. | At issuance, unless busy then judge may detach a few for easy issuance. | In a locked cage | In empty ballot boxes then sent to Iron Mountain for storage. | |

| | If the ballot stub is eliminated, how would your ballot management and accounting processes change? | Election | Do your election judges use the ballot stub number to complete forms? | Do you use the ballot stub numbers during the post-election reconciliation and audit process prior to certification? | Do you use the ballot stubs for any function after certification? | Ballot Verification at LBE | Ballot Accounting at LBE | Timeframe | Early Voting Management | Election Judge Process | Early Voting Ballots Security (non-voting hours) | Describe how and where ballot stubs are stored after certification. | Other Comments |
|----------|--|---|---|--|---|--|---|--|---|---|---|--|----------------|
| Calvert | Do not currently use ballot stubs for ballot management or accounting. | 2018 | No | No | No | Match the number of boxes and ballot counts to packing slip as well as verify with the order spreadsheet originally provided by SBE. We also open randomly selected packs to verify the ballot is correct and has the correct number in the pack. | We sort the ballots by the estimated number needed by each precinct, early voting and absentees. Note the number of ballots on the ballot accounting paperwork. | Usually 1-2 days total; 1-3 staff for ballot accounting and 1-2 for proofing | Early voting ballots are stored in the locked blue bins and then transferred to the EV conference room. EV takes place in the office building. The number of ballots for each ballot style is noted on the ballot accounting form. | Verify the number of ballots when they open in the morning and reconcile all ballots in the evening. | Voting ballots are secured in the locked blue bin container. All doors to the EV room are tamper taped and the security system is engaged. | Stored in secured warehouse by precinct. | |
| Caroline | Not sure. Would still like some kind of numbering to track assignment | Not 2018perhaps test during municipals first before going statewide. | No | No | No | Sort the boxes by ballot style then open each box and verify the content. | Verify the amount of ballots using the ballot stub numbers. Spot check packs of ballots and county the quantities. | Two staff members - two days | keep only one pack of each ballot style on their table and replenish from cardboard ballot boxes kept in locked supply card when needed. | To avoid loose ballots, judges are instructed only to tear ballot from ballot packs when voter presents their VAC for ballot issuance. | Stored in the election office. | In the warehouse | |
| Carroll | If the ballot pack cannot be opened, election judges may find ballots or hand out ballots that are inaccurate or another county's. If we can open the shrink wrap, this adds time to the packing process to count them or review the contents. Shrink wrap also creates a need to send additional trash bags to the polling locations. What if the label catches on something and is pulled off or torn? | Gubernatorial is more ideal because turnout is lower than a Presidential. | No | No, The focus during this period of time is making sure the number of ballots that were scanned into the scanning unit equal the number of voter authority cards issued in the precinct. | No | Each box is opened and the number of packs of ballots are counted to ensure the stub numbers presented on the outside of the each box of ballots is represented inside. At least one random pack from each box is proofed for accuracy of candidate, office, etc. then all other packs are spot checked for the offices and candidates, etc. | Using the spreadsheet provided by SBE, the director counts the number of ballot packs by precinct and it is counted again by an IT staff person who places them in the ballot transfer bins. The ballot accounting form is completed by the director. | 1 full day with director and two additional staff members | Count the number of packs that are needed based off the ballot order sheet. Place in container sorted by ballot style and secure with a security seal and report that recorded the number of packs and seal number. Packed in minutes because the ballots were already reviewed prior to packing. | The election judges tear one pack of ballots at a time. The director/deputy collects all the stubs, counts the ballots into packs of 25 and paper clips them together. Collect all the torn ballots and places them in the "Spoiled Ballot" envelope, completes the Spoiled Ballot Tally Sheet. | All unvoted ballots are placed in the large containers and sealed with the seal number recorded on the report until the next morning. These containers are stored in a closet within the EV room. | They will be stored for 22 months with the voted ballots. | |
| Cecil | I do not see, as of now, how we would need to change our process. | | No. We only use the required opening and closing reports for overall ballot numbers used. | No | No | We open each box, take random packs and check the ballots printed against the approved proofed ballot (we do this by ballot style so that all ballot styles have been checked) | Ballots are separated for use in both the office and those sent to polling places. Use a spreadsheet to capture the ballot numbers per ballot style and pack them. | Use about 6-8 staff members for 1 1/2 days. | Since our EV site is in the same building as the office, the ballots are kept in the office and when they are running low, we walk them over to the ballot issuing table and the ballot is removed from the pack and handed to the voter. | The ballot is not removed from the ballot stub until the voter comes to the ballot issuing table. | The ballots are secured inside a closet in the early voting center (which is a locked room with security tape). | In our warehouse in boxes that are marked by each election and kept for 22 months. | |

| | If the ballot stub is eliminated, how would your ballot management and accounting processes change? | Election | Do your election judges use the ballot stub number to complete forms? | Do you use the ballot stub numbers during the post-election reconciliation and audit process prior to certification? | Do you use the ballot stubs for any function after certification? | Ballot Verification at LBE | Ballot Accounting at LBE | Timeframe | Early Voting Management | Election Judge Process | Early Voting Ballots Security (non-voting hours) | Describe how and where ballot stubs are stored after certification. | Other Comments |
|-------------------|--|---------------|---|--|--|---|--|--|---|---|--|---|---|
| Charles | My thought process is we would have to count each ballot prior to opening. Otherwise, I would not know if the packs were accurate. (In case ballot numbers do not reconcile.) | When I retire | No | We do not use the stub numbers, but we do count the stubs to account for any loose ballots prior to certification. | We use the ballot stubs for verification of appropriate ballots being sent. This also allows us to know if a ballot pack had more or less than 50 ballots in a pack. | ED and AA verifies the number of ballots received against number of ballots requested. We verify each set of ballot packs to ensure they belong to Charles County. | ED and AA account for ballots being sent to each precinct on the spreadsheet supplied by SBE. Verify the correct amount of ballots are sent to each precinct and EV site. | 2 days | Ballots are verified upon opening and closing each day. Ballots are counted and locked in ballot bins. Opening Ballot Certificates are pre-populated each morning for verification. | EJ gets the VAC and tears the correct ballot from the ballot pack. Stubs are removed when placing ballot in privacy sleeve. | Ballots are locked in ballot bins and then placed in black cart. Both early voting centers have alarms. | Packed and kept with the election material for 36 months. We do not get rid of election material until we can shred the VACs. | Leave the stubs |
| Dorchester | Nothing would change when accounting for ballots sent out. | 2018 | No | No | No | The invoice is verified against what is received and then what was ordered. | Sorted by election day, early voting and canvassing. Ballot pack sequences are packed and recorded on ballot accounting forms. | 3 days, 1 person (1 day to receive ballots, 1 day to sort ballots, 1 day to pack ballots) | Storing unvoted ballots in a locked storage area. The three ballot judges will have three bags with file folders that will have a pack of each ballot style. | EJ verifies the ballot style on the VAC and initials the VAC. Ballots are pre-teared before opening and throughout the day, as needed. | Sealed in labeled totes with tamper tape and stored in locked storage area. | Packed in boxes and stored at warehouse. | |
| Frederick | I think it would be difficult to account for any ballots post-election without a stub. | 2020 | No | As necessary | No | All ballots are proofed and packs after they arrive. We proof ballot styles. | Numbers are recorded on spreadsheets. | 1-2 hours | judges have ballots for each style on the table or nearby. They issue all styles. Stubs are removed at the time the ballot is issued to the voter. | Locked in the black carts. | They are destroyed. | | |
| Garrett | As long as the ballots are still in the shrink wrap, the accounting would remain the same. The left-over loose ballots would have to be placed in an envelope, by style, with the total recorded on the outside for quick accounting purposes. | 2022 | No | No | No | Every fifth pack of ballots of each ballot style, a random ballot is visually inspected against the approved ballot for timing marks, text alignment, stray marks and front & back arrangement. | Ballot packs from each ballot style is counted and compared with the order totals. Randomly, a pack is selected and a count of the actual ballots is performed. (If totals are off, a complete count is required.) | Once received, approximately 3 to 4 hours are required to confirm accountability of the ballots. | After voter is issued VAC, they go to the ballot issue judge. The judge selects the appropriate ballot from the ballot bin, tears it off from the stub and hands the ballot to the voter. The machine judge immediately escorts the voter to an open booth, all the while informing the voter about the ballot. Upon issue. | The unvoted ballots are secured in the blue ballot bins with tamper tape installed on the bin. | We basically put them in a box and store them with the other election related materials that needs to be retained. | | |
| Harford | Nothing would change | 2018 Primary | No | No | No | | | 4 staff members, 1 day | | We are not going to have stubs. Prior to this election the stubs were removed at the precincts & EV centers first thing in the morning. | Unopened packs are kept in the carts, loose ballots are secured in the ballot holders with outer seals. | Ballot stubs were stored until they could be destroyed. | Let the Directors decide what works best for their LBE. |

| | If the ballot stub is eliminated, how would your ballot management and accounting processes change? | Election | Do your election judges use the ballot stub number to complete forms? | Do you use the ballot stub numbers during the post-election reconciliation and audit process prior to certification? | Do you use the ballot stubs for any function after certification? | Ballot Verification at LBE | Ballot Accounting at LBE | Timeframe | Early Voting Management | Election Judge Process | Early Voting Ballots Security (non-voting hours) | Describe how and where ballot stubs are stored after certification. | Other Comments |
|------------|--|----------|---|--|--|---|---|--------------------------------------|--|---|--|--|--|
| Howard | How would I know that there were actually 50 ballots in the shrink wrap? What if it fell off or was damaged? What if they didn't put a sticker on the shrink wrap? There are serious consequences to this that I am not willing to partake in. Packing would be much more complicated, and if the judges opened the shrink wrap and threw it away, your integrity went in the trash with it. | Never | No. The stubs are used when packing the ballots | Absolutely. It is pertinent that if there is any kind of discrepancy, that you are able to look at the stubs, voted ballot numbers on the scanner, spoiled ballots, and pulled unused ballots. How would you ever be able to audit a precinct correctly if you didn't have the stubs to verify how many ballots you actually started with? | No, but the voted ballots are not used after certification either. | Boxes are put in order by number. All packs are of ballots and make sure the exact number of of ballots were ordered. | Track ballots by precinct and early voting center by checking the starting and ending number of each style. A spreadsheet is created with all the numbers. | 12-16 hours, with 3-6 staff members. | | Voter gives the VAC to the ballot issuance judge. The judge gets the ballot, verifies the ballot style against the VAC, and puts in the privacy sleeve. Ballots are torn off the stubs first thing in the morning to handle the morning rush. During the day, a ballot is given to the voter when he or she presents the VAC. | All ballots are secured in containers, and containers are tamper taped and secured in the room. All tamper tape is recorded and the room is locked by staff. Tamper tape is placed on doors and windows. | The stubs have little to no impact on storage. They are stored with the voted ballots by precinct. | DON'T FIX WHAT IS NOT BROKEN. I HAVE HEARD SEVERAL COMMENTS ABOUT THE STUBS CAUSING LINES- THAT IS NOT TRUE. MY EARLY VOTING CENTERS NEVER HAD MORE THAN A 30 MINUTE WAIT WITH STUBS, AND WE HAD TWO EARLY VOTING CENTERS IN THE TOP FIVE TURNOUT EVERY SINGLE DAY. LINES AREN'T CAUSED BY STUBS, THEY ARE CAUSED BY MISMANAGEMENT. I HAVE HEARD COMMENTS THAT THE STUBS CREATE PAPER DUST THAT CAUSES JAMES EVERYWHERE. HOWARD COUNTY HAD 3 JAMS ACROSS EIGHT DAYS OF EARLY VOTING AND ELECTION DAY. TWO OF THE JAMS WERE DEFINITELY NOT CAUSED BY "DUST". IT WAS USER ERROR. THIS IS THE KIND OF UNFOUNDED STATEMENT THAT CASTS DOUBT ON A PROCESS THAT IS AS SIMPLISTIC AS IT GETS. IF THERE ARE PLACES THAT HAVE THIS DUST BUILDUP, MAYBE THEIR PRE AND POST-ELECTION MAINTENANCE PROGRAM SHOULD BE LOOKED AT CLOSELY. SPOILED BALLOTS WOULD NOT DRAMATICALLY BE DECREASED. TORN BALLOTS FROM JUDGES WERE THE LEAST OF OUR CONCERNS. IT REPRESENTED, DURING EARLY VOTING, ROUGHLY 2% OF ALL OF OUR SPOILED BALLOTS, AND THOSE WERE EARLY BEFORE WE SHOWED THEM HOW TO TEAR THEM CORRECTLY. ONCE AGAIN, AN UNFOUNDED STATEMENT. |
| Kent | No changes | 2018 | No | No | No | County Tech opens each box, verifying the ballot packing slip and counting each pack of ballots per box. The County Tech will review the ballot for spelling erros, tick marks, visual damage, and later perform ballot proofing. | County Tech perform these task, when the ballots arrive create an excel spreadsheet to keep account of all ballots going to each precinct and early voting site, also use the spreadsheet provide by SBE. | | Ballots are kept inside of the original box that the ballots were shipped in, inside of the black transportation carts. Ballots are issue by the County Tech as needed. Each ballot issue judge, receive 1 pack of each ballot style. The rest of the unused ballots are locked into the black transportation cart throughout the day. | After a voter is checked in at the epollbook, vac is signed, ballot issue judge verifies correct ballot style, then the ballot is removed from the stub. | Early voting ballots are stored in the original box secured inside of the black transportation cart. The black cart stays locked throughout the day. The county tech and chief judge are the only staff that have access to the keys to unlock the black cart. | Ballot stubs are stored in the warehouse with the voted ballots. | |
| Montgomery | It would not change. There is a need to confirm the nubmer of balltos and packages so numeric sequencing could be used; except that the LBE would use labels and affix the openend ballot packet to the back of the ballot certificate. | 2018 | No | No | No | Ballots are sorted by ballot style and numeric sequencing. Ballots are verified with the ballot printer's manifest. | Every ballot style is inspected for content and compared to the final proof submitted to SBE. | 18 to 24 days | Runners are assigned to routes and ballots are delivered to EV sites. | Tear ballot stubs off and place it into the prepped privacy sleeve with he balltos inserted into the stacks. Stubs are placed in a plastic bag. | Ballots are locked within the blue ballot carriers. The room is secured and locked as in accordance to the security plan. | Plastic bag | SPOILED BALLOTS WOULD NOT DRAMATICALLY BE DECREASED. TORN BALLOTS FROM JUDGES WERE THE LEAST OF OUR CONCERNS. IT REPRESENTED, DURING EARLY VOTING, ROUGHLY 2% OF ALL OF OUR SPOILED BALLOTS, AND THOSE WERE EARLY BEFORE WE SHOWED THEM HOW TO TEAR THEM CORRECTLY. ONCE AGAIN, AN UNFOUNDED STATEMENT. |

| | If the ballot stub is eliminated, how would your ballot management and accounting processes change? | Election | Do your election judges use the ballot stub number to complete forms? | Do you use the ballot stub numbers during the post-election reconciliation and audit process prior to certification? | Do you use the ballot stubs for any function after certification? | Ballot Verification at LBE | Ballot Accounting at LBE | Timeframe | Early Voting Management | Election Judge Process | Early Voting Ballots Security (non-voting hours) | Describe how and where ballot stubs are stored after certification. | Other Comments |
|-----------------|---|----------|---|--|---|---|--|---------------------------------|--|--|---|---|----------------|
| Prince George's | Process would remain exactly the same. | 2018 | No | No | No | Randomly proofs one pack of ballots from each box of ballots. Reviews the offices, dates, candidates, questions and other items. Counts the number of ballots in randomly selected packs. Errors have been found in the sequencing. | Verifies the number of requested ballots were received by verifying the sequence numbers on the packing slips. | 8-10 employees, about two weeks | Chief Judges are required to count the full packs, loose and spoiled ballots for each ballot style. | Ballot stubs of the most frequently used ballots get removed at the beginning of each day. | Ballots are locked with a key in the ballot carts, tamper tape is placed on the doors of the cart. | Placed in boxes and stored in the warehouse. | |
| Queen Anne's | There would e no change. | 18GP | No | No | No | Verify the packing slip matches what is received and compare that number to what was ordered. | Ballots for canvassing, polling places, and EV are pulled and notate the sequence pulled on the spreadsheet. | 2 days, 3 straff members | Ballots are counted every morning and night and the numbers are recorded on the ballot certificates. | Ballot judges verify the ballot style from the VAC and issue that ballot style. Initial the VAC. The ballot is removed from the stub when issued to the voter. | Ballots are secured in the blue ballot bin and then locked inside the black cart. | Ballot stubs are packed in boxes and stored in the warehouse. | |
| Saint Mary's | | | | | | | | | | | | | |
| Somerset | | 2022 | Yes | Yes | No | Uses the form from state showing amount ordered per precinct per ballot style received from the printer and compare totals of each. Check official ballot headings. | Record total received on ballot accounting chart. | 2 staff, 2 hours | EV site is across the hall from the office. Use a ballot bag with a seal that only has 100 to 200 of each ballot style. Ballots are secured in a double locked closet during non-voting hours. | The voter presents the VAC to the ballot table where VAC is matched with correct ballot style. | Ballots are placed in white poly envelopes and sealed and placed in transport bag. Sealed and returned to the office. Ballot bags are secured in locked office. | Stored with voted ballots. | |

| | If the ballot stub is eliminated, how would your ballot management and accounting processes change? | Election | Do your election judges use the ballot stub number to complete forms? | Do you use the ballot stub numbers during the post-election reconciliation and audit process prior to certification? | Do you use the ballot stubs for any function after certification? | Ballot Verification at LBE | Ballot Accounting at LBE | Timeframe | Early Voting Management | Election Judge Process | Early Voting Ballots Security (non-voting hours) | Describe how and where ballot stubs are stored after certification. | Other Comments |
|-------------------|---|---------------------------|--|--|---|---|---|---|--|---|---|---|--|
| Talbot | The office would rely solely on the information that is gathered on the label that I assume would be generated by the printer. We would not break the shrink wrap to verify the correct number of ballots in each pack. | 2020 Presidential primary | No – the numbers are more for verification than actual accounting, at this time. | No, they would only be used if there is an issue that arises. | No | Check the actual ballot amount received against the order that was placed. | Use the spreadsheet created in-house for each ballot style amount for each polling place. This will also include at least 10% for spoilage. | 2-3 days with at least two staff members. | When staff working on the process, I anticipate at the beginning of each day, the ballots will be verified with the previous day (first day will be verified with what the staff placed on the ballot accounting form). Ballots will stay in a secure place until they are needed. There will be a ballot container with a daily amount of ballots for each style kept close to the ballot issue area and will have a least one election judge to secure the ballots all | Election judges will follow the election judge manual. They will be responsible for checking the voter authority card of each voter to ensure the correct ballot style has been given to the voter. They will be responsible for assisting a voter in spoiling a ballot and reissuing a new ballot. They election judges will be responsible for the security of the ballots. Election judges will be trained to remove the ballot from the stubs as the voter authority card is checked and verified and placed in a privacy sleeve. | The ballots in the container will be placed in the transfer carts each evening. Carts will be locked and tamper taped. | Ballot stubs will be stored with the voted ballots for each polling place for the 22 month period that is required. | I think the ballot stubs do add a certain level of accountability for the public perception, if there is a question in any of the local races, especially. |
| Washington | | | | | | | | | | | | | |
| Wicomico | It wouldn't. | 2020 | No | Yes, if they are trying to reconcile any issues. | No | Compare the ballot styles, candidates, contests, and number of ballots to our Ballot Ordering and proofing documents. | Use an excel spreadsheet to account for ballots to EV sites and polling places. | 3 days to prepare and proof, 3 days to pack | Use 2 delivery carts at the EV site. | To save time and avoid tearing ballots due to the heavy turnout, judges removed ballots from the stubs ahead of time and put them in secrecy sleeves. | Use 2 delivery carts behind the Ballot Issue table. Keep a supply of extra ballots in a locked closet nearby during voting hours. | They are boxed up, labelled and stored with the rest of the election records for that election. | |
| Worcester | Nothing would change as we count ballots singly and not by ballot stub number. | 2018 | No | No | No | Count the ballots to make sure numbers are accurate on shipping invoice. Proof the ballot styles for accuracy. Use a ballot accounting chart for each ballot style. | Count, put numbers on ballot style chart, put ballots in locked room. | 2-3 staff, 4-6 hours | Pack ballots in blue ballot boxes. They are kept undre lock and key and when the judges need more, they notify the director/deputy . | The ballot judges sit next to check-in judges and issue correct ballot style from VAC. Ballots are torn from stubs when given to the voter. | Locked in filing cabinet and director/deputy has keys. | Stored in boxes with the supplies from the polling place. | |

1. **Announcements & Important Meetings**

Election Directors' Meeting

On December 21st, we hosted an Election Directors' meeting via conference call, and all local boards participated. Topics included the revised contingency policy for the 2018 elections, general observations on the local boards' disaster recovery plans, electronic pollbook software and printer updates, training on and usage of the new inventory system, and various election supply and material updates. Summaries of the November and December meetings are included in the meeting folder.

Other Upcoming Meetings

On January 26th, the House Ways and Means Committee has scheduled a briefing on election administration and preparations for the 2018 Primary Election. Several SBE staff members and I will provide an update on State and local preparation activities.

The annual meeting of the Maryland Association of Election Officials will be held March 13 – 15, 2018, in Ocean City. The most current agenda and conference registration form are included in the meeting folder.

2. **Election Reform and Management**

Online Voter Registration (OLVR) - Absentee Ballot Request Page

At the September 29, 2017, meeting, the State Board approved language to request an absentee ballot for the 2018 elections. The "Absentee Ballot Request" page of the OLVR system was updated to reflect those changes. A copy of the screenshot is included in the meeting folder.

Printing, Inserting & Mailing of Absentee Ballots

The kickoff meeting with the new vendor will be held this month to discuss the schedule of future tasks, ballot definitions, and training for an online portal for SBE and local board of elections' users to track absentee ballot packets. Various staff from SBE and the vendor will attend the meeting.

Election Judges' Manual

The local boards have begun customizing and submitting chapters of the *Election Judges' Manual* to reflect local board-specific processes and supplies. Since some of the local boards begin training election judges in March, it is imperative that chapters are reviewed timely so local boards can begin printing copies of the manual.

3. **Voter Registration**

MDVOTERS

Software release 6.7 moved into production the weekend of December 16th. This release focused on candidacy enhancements for the February 27, 2018, candidate filing deadline.

Electronic Registration Information Center (ERIC)

ERIC's newest members are Arizona and Missouri, which brings the total membership to 23.

On October 30, 2017, SBE distributed to the local boards the latest ERIC report for processing. The deadline to process this report was December 12th. The counts for these reports are:

- Cross State Report (another member state has newer information than MD): 14,051

- Potential Duplicates: 176
- In-State Updates (more recent information at MVA): 19,283
- Deceased (according to the Social Security Administration): 587
- NCOA (USPS National Change of Address program): 126,030

On January 2nd, SBE distributed to the local boards the next ERIC report for processing. The deadline to process this report is January 31st. We will report on those numbers at the next board meeting.

MVA Transactions

During the month of December 2017, MVA collected information on the following voter registration transactions:

| | |
|--------------------------|-------------------------------------|
| New Registration: 8,616 | Residential Address Changes: 13,080 |
| Last name changes: 2,007 | Political Party Changes: 2,788 |

Non-Citizens

Removal of non-citizens: 7

Removal of non-citizens who voted: 1

Removal of non-citizens who voted multiple times: 0

Non-citizens forwarded to the Office of the State Prosecutor: 7

4. Candidacy and Campaign Finance (CCF) Division

Candidacy

As of January 12th, 374 candidates have filed at SBE for the 2018 Gubernatorial Election. The deadline to file for office is 9 pm on February 27, 2018.

The CCF Division sent to all candidates for State office who filed a certificate of candidacy in 2017 emails and letters stating the need to file a financial disclosure statement by March 1, 2018. Failure to file a financial disclosure statement in the year of the election may result in the candidate's name not appearing on the ballot. The State Ethics Commission also sent out a reminder email.

Campaign Finance

On January 17th, the 2018 Annual Report was due. Currently, the CCF Division has over 2,000 active political committees. Failure to file timely will result in a fine of \$10 per day up to \$500. The late fee must be paid with campaign funds.

The fundraising prohibition began on January 10th at 12 noon. The prohibition on raising or depositing funds covers the Governor, Lieutenant Governor, Attorney General, Comptroller, and members of the General Assembly. Office holders who are candidates for federal or local office are exempt from the prohibition. Additionally, a candidate that accepts public financing for Governor can fundraise in a limited fashion during session. A memo was sent to all the members of the General Assembly. A copy is in the board folder.

The CCF Division, with assistance of Courtnee Bryant, produced a "how to" use MD CRIS video and posted it on YouTube. The video has over 1,000 views so far. This should be a great resource for filers at all hours of the day.

County Public Financing Programs

On December 19, 2017, the following committees filed documents under Montgomery County's

public finance program.

1. George Leventhal for Montgomery County filed a request for additional public matching funds. The committee submitted qualifying contributions totaling \$4,321.00 and is eligible to receive \$20,372.00 in public matching funds.
2. Friends of Sidney Katz filed a request for additional public matching funds. The committee submitted 23 qualifying contributions totaling \$2,030.00 and is eligible to receive \$6,410.00 in public matching funds.
3. Friends of Reggie Oldak filed a request for additional public matching funds. The committee submitted 85 qualifying contributions with a monetary aggregate of \$8,100.00 and is eligible to receive \$26,000.00 in public matching.
4. Hoan Dang for County Council filed a request for additional request for public matching funds. The committee submitted 130 qualifying contributions with a monetary aggregate of \$9,185.00 and is eligible to receive \$30,695.00 in public matching funds.
5. Chris Wilhelm for County Council qualified for public matching funds under the program. The initial request to receive a public contribution was based upon 415 qualifying contributions with an aggregate monetary total of \$26,809.00. On January 2, 2018, the committee submitted a request for additional public matching funds based upon 17 qualifying contributions with an aggregate monetary total of \$1,365.00. The total authorized amount to be distributed for the two reports was \$95,202.00.
6. Neighbors of Evan Glass qualified for public matching funds under the program. The initial request to receive a public contribution was based upon 421 qualifying contributions with an aggregate monetary total of \$29,588.00. The committee is eligible to receive \$100,882.00 in public matching funds.
7. Mohammad Siddique for MoCo filed a request for certification. However, the committee incorrectly entered on the report numerous qualifying contributions. The committee has until January 17th to amend the report for certification.

On January 2, 2018, the following committees filed documents under Montgomery County's public finance program.

8. Ed Amatetti 4 County Council filed a request for additional public matching funds. The committee submitted 7 qualifying contributions totaling \$385.00 and is eligible to receive \$1,630.00 in public matching funds.
9. Gabe Alborno for Council file a request for certification. However, the committee incorrectly entered on the report numerous qualifying contributions. The committee has until January 17th to amend the report for certification.
10. Shruti Bhatnager for Montgomery County filed a request for certification. The committee must amend its certification report. The committee failed to report all contributions received for its initial report. Once the amendment is filed, the report will be reviewed for sufficiency.

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

Enforcement

The following committees paid civil penalties:

1. Friends of Richard Impallaria paid \$100 civil penalty on December 11, 2017, for failing to include an authority line on its website.
2. Friends of David Ellin paid \$100 civil penalty on December 11, 2017, for failing to include an authority line on its website.
3. Larry Hogan for Governor paid \$250 civil penalty on December 28, 2017, for a

violation of Election Law Article, § 13-235.

4. Friends of David Sloan paid a \$500 civil penalty on December 15, 2017, for making disbursements of funds with a vacant responsible officer position.

Jared DeMarinis contacted the Republican Governors Association regarding the need for further information on the firewall. The Association's attorney is gathering the information and will forward it shortly.

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

Inventory: Excess Equipment Disposal

SBE continued to work with the Department of General Services (DGS) and the State's contract recycler to dispose of the TS-R6 voting system. To date, 7,623 TS-R6 units have been picked up by the recycler.

Inventory System Updates

On December 4th, the local boards received training on and access to making updates and transferring equipment in the inventory test system. Over the next month, the local boards were provided the opportunity to become familiar with the system's functionality to prepare for production go-live date on January 8th. At that time, production update access was provided to those individuals that demonstrated an understanding of how to use the system.

Staffing

The PMO continues to work on the planning for the statewide staffing of temporary election support resources for the 2018 Primary Election as the result of the many issues that have arisen with the staffing procurement process.

Other

SBE continued to work with the Worcester County Board of Elections and the Worcester County administration to resolve the issues with the mold issues in the Worcester County Board of Elections' warehouse.

All the equipment and supplies were either cleaned or not cleaned and wrapped. Both the cleaned and not cleaned items were delivered to SBE's Central Warehouse on December 8th. The cleaned equipment and supplies will be transported back to Worcester County when a new warehouse facility is secured. The uncleaned equipment will be disposed of as per DGS' disposal requirements.

On January 16th, the Worcester County Board of Commissioners approved a 3-year lease of a facility for both the local board of elections' office and warehouse. The space approved is less than the combined space that has been in use. A meeting is scheduled this Friday with the Worcester County Administrator and the Election Director for the Worcester County Board of Elections to discuss the logistics and timeline for the move to the new facility. Also scheduled for that day is a tour of the Anne Arundel County Board of Elections' warehouse and SBE's Central Warehouse.

6. **Voting Systems**

Pre Primary Testing

Pre-Primary testing is taking place this week and is scheduled to conclude on January 19th. This testing includes updated pollbook software for all the local boards, as well as new hardware for Charles and Caroline Counties. This testing also includes refresher training on

the rest of the voting system, including updated procedures for the DS850 high-speed central scanner.

This testing has involved a lot of planning and preparation by the voting system team, including the regional managers and the local boards. The test involved selecting of different types of data sets and election scenarios, development of ballots and election databases, data transfers between systems, pollbook databases, updated documentation and processes.

Electronic Pollbooks

The latest software version is being used in the pre-primary testing effort. If the software performs as expected, it will be installed on the pollbooks in the State's inventory and used in the 2018 Primary Election. The first batch of new tablet pollbooks have been acceptance tested. The remainder of the tablet shipment is expected at SBE's central warehouse in February.

7. **Legislation - 2018**

SB 129 - Baltimore County - Polling Place on Campuses - Senator Zirkin.

Requiring the Baltimore County Board of Elections to establish at least one polling place at each public or private institution of higher education in the county that has residential student housing on its campus. Requires implementation by October 1, 2018.

SB 130 - Election of Circuit Court Judges - Nonpartisan Elections - Senator Zirkin.

Establishing a method of electing judges to the circuit court on a nonpartisan basis, without regard to political party affiliation; establishing a primary election for candidates for nomination for a circuit court judgeship to be administered in a certain manner under certain circumstances. Requires implementation by January 1, 2019.

HB 53 - Private Loan to Campaign Finance Entity of Candidate - Prohibited - Delegate Cluster.

Prohibiting a person other than a candidate or the candidate's spouse from making a loan to the campaign finance entity of a candidate. Requires implementation by July 1, 2019.

HB 63 - Ballots - Random Ordering of Names - Delegate Carr.

Repealing the requirement that the names of certain candidates for election be listed in alphabetical order by surname; requiring a local board of elections to conduct a random drawing of the names of the candidates for election to determine the order of names on the ballot; requiring the drawing to be conducted in the manner required by the State Board of Elections; defining "candidate" to include Governor and Lieutenant Governor unit. Requires implementation by July 1, 2019.

HB 152 - Secure and Accessible Registration Act - Delegate Luedtke, *et al.*

Provides that electronic voter registration agencies will automatically register the customer or update the customer's voter registration record unless the customer declines or is determined not to be eligible to register to vote. Requires implementation by July 1, 2019.

ASSISTANT ATTORNEY GENERAL'S REPORT

January 18, 2018

1. *Benisek v. Lamone*, No. 17-333, October 2017 Term (Supreme Court). On December 8, 2017, the Supreme Court granted certiorari to review the denial of the Plaintiffs' Motion for Preliminary Injunction by the three-judge court. The case involves claims that the State's congressional districting map is an unconstitutional political gerrymander. Briefing before the Supreme Court is ongoing and it is expected that oral argument will be scheduled for a date sometime in March. Assistant Attorneys General Sarah Wright and Jen Katz have been representing the State Board in this litigation.

2. *In the Appeal of Kennedy Services, LLC*, MSBCA 3064 (Md. State Bd. of Contract Appeals). On December 28, 2017, the Board of Contract Appeals upheld the bid protest of Kennedy Services challenging the State Administrator's award of a staffing contract to another vendor. A Second Amended Order was issued January 5, 2018, remanding the case to the Procurement Officer "for award of the contract, after obtaining any approval required by law, to the remaining responsible offeror whose proposal is determined to be the most advantageous to the State considering the evaluation factors set forth in the [Request for Proposals] . . ." Order, p. 5. Assistant Attorney General Douglas Carrey-Beaver, Principal Counsel for the Contract Litigation Unit, is representing the State Board in this matter.

3. *In re Petition of the Maryland State Board of Elections*, No. 24-C-17-005677 (Cir. Ct., Baltimore City, January 12, 2018). The State Board on January 18 filed a petition for judicial review of a decision of the Board of Contract Appeals holding that SBE had breached its contract with Star Computer Supply ("Star") when it sought to recover money it had paid Star through an offset against other amounts payable to Star by the State of Maryland under unrelated contracts. Assistant Attorney General Jonathan Pomerance is representing the State Board.

4. *Fusaro v. Davitt et al.* (U.S. District Court, D. Md.). Plaintiff Dennis Fusaro has 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. The State defendants are preparing a motion to dismiss the complaint, due January 26, arguing that the statute governing access to Maryland's voter registration list is constitutional. Assistant Attorney General John Grimm is representing the State Board in this litigation.

5. *Claudia Barber v. Maryland Board of Elections*, No. C-02-CV-17-001691 (Cir. Ct. Anne Arundel Cnty.) The Circuit Court on January 11, 2018, granted the State defendants' motion to dismiss the complaint. Ms. Barber sought damages and judicial review of, among other things, the State Board's decision not to issue a declaratory ruling permitting her to use campaign funds to pay for litigation costs she incurred in her unsuccessful attempt to retain her position as an administrative law judge in the District of Columbia. Ms. Barber was ruled ineligible for that position due to her candidacy in 2016 for Judge of the Circuit Court for Prince George's County, Maryland. Assistant Attorney General Jen Katz represented the State Board in this litigation.

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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 18, 2018

SUBJECT: Waiver of late filing fees – Persons Doing Public Business, Title 14 of the Election Law Article

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

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

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

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

§ 14-107(c) Late Filing Fees

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

Pursuant to COMAR 33.20.07.01C, the State Administrator has denied 1 late fee waiver request. No Board action is required on the denials.

For the months of October, November and December, SBE has collected \$6, 060 in late fees under this provision of law.

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

**Business Contribution Disclosure System
Waiver Request– Late Fees**

Grant/Reduced

1. American Fed. of State, County and Municipal Emp.

Denials

- 1.

**Business Contribution Disclosure System
Waiver Request Information Page – Late Fees**

General

| | |
|------------------------------|---|
| Account Name | American Fed. of State, County and Municipal Emp. |
| BID ID: | 14000078 |
| 01/01/2015 | 01/01/2015 |
| Date Waiver Requested | 12/13/2017 |
| Account Type | Title 14 – Employing a Lobbyist |

Officers

| | | |
|--------------------------|----------------|------------------------------|
| Current Filer | Elissa McBride | Start Date: 1/01/2015 |
| Principal Officer | Elissa McBride | Start Date: 1/01/2015 |

Waiver Request Dates

| Late Report | Date Received | Fees | Total Fees |
|--------------------|----------------------|--------------|-------------------|
| 11/30/2017 | | \$10 | \$10 |
| | | \$ | \$ |
| | | | |
| | | | |
| | | Total | \$10 |

Prior Waiver and Fees

n/a

Reason for Waiver

They thought if there were no contributions given that they did not have to file a report.

Agency Comments

They filed no contributions on the 8/31/15, 11/30/15, 5/31/16 and 5/31/17 with no problems
Grant



Vicki Molina -SBE- <vicki.molina@maryland.gov>

Request of Fine Waiver

Virginia Whorley <VWhorley@afscme.org>

Wed, Dec 13, 2017 at 11:49 AM

To: "jared.demarinis@maryland.gov" <jared.demarinis@maryland.gov>

Cc: "vicki.molina@maryland.gov" <vicki.molina@maryland.gov>, Chung Hui <CHui@afscme.org>

Good morning Jared,

I work with Chung Hui at AFSCME and I am writing to request a waiver for the \$10 fine imposed on our account due to the late filing of the November 30th lobby report. For many years we have operated under the guidelines that when there is no activity in contributions over \$500, the report is not required. We have followed these as it is what is stated on the informational power point that I have attached to this email. Also attached is a copy of our account where you can see the \$10 fine imposed for filing a day late.

Additionally, the information below indicates that there is no need to file if there has been no contribution in excess of \$500 to a candidate. We have since learned that there has been a change in the law that requires us to file regardless of activity and filed the report as soon as we were informed of this change. Due to this misunderstanding, would it be possible to get the \$10 late filing fee removed from our account?

Thank you so much for your help and I look forward to your response.

Best wishes and Happy Holidays,

Virginia Whorley

Political Finance and Compliance Coordinator

AFSCME International

202-429-1190

Under Disclosure of Contributions on the Maryland website it says:

Maryland Law requires persons doing business with Maryland Government and person employing lobbyists to file a Disclosure of Contributions. Reports are due every six months on November 30 and May 31 with the transaction period ending the last day of the month prior to the due date. There is also an initial report that a person doing business with the State is required to file at the time the government contract is entered into.

Who is required to file:

1. Any person with a single contract with a single governmental entity of \$200,000 or more.
2. A person who provides lobbyist compensation and makes campaign contributions or donation of \$500 or more to a candidate or an independent expenditure entity supporting a candidate.
 - A. A person provides lobbyist compensation if the person spent at least \$500 to provide compensation to one or more regulated lobbyists during the six month reporting period.
 - B. A person has made an applicable contribution if, during the reporting period, the person has given one or a series of contributions or donations of \$500 or more to a candidate or an independent expenditure entity supporting a candidate. If the person is a business entity, a contribution by the following are attributable to the business entity:
 - i) A subsidiary of the business entity;
 - ii) An officer, director, or partner of the business entity;
 - iii) An officer, director, or partner of the subsidiary;
 - iv) A Political Action Committee sponsored by the business entity; or
 - v) An employee or agent of the business entity or of its subsidiary, if the employee or agent makes a contribution at the direction of the business entity or the subsidiary.
 - C. Candidate includes a candidate for, or an official holding, the office Governor; Lieutenant Governor, Attorney General, Comptroller, or member of the General Assembly.

Then on the Contribution Disclosure Form it reads:

"A person providing lobbyist compensation must file this report if the person:

1. Spent at least \$500 during the reporting period to provide compensation to one or more regulated lobbyists; **and**
2. Has made a contribution or cumulative contributions in excess of \$500 to a candidate or an official holding the office of Governor, Lt. Governor, Attorney General, Comptroller, or member of the General Assembly"

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176K

2018 Gubernatorial Public Financing Act

Fair Campaign Financing Fund

Total Dollars in the Fund (as of January 5, 2017): \$2,964,571.09

Total Dollars Eligible for 2018 Election: \$2,964,571.09

Total Eligible Funds for the Primary Election: (EL 15-106(a)(1)(i)): \$1,482,285.55

Expenditure Limit: \$2,798,369.83

- Formula: Expenditure per Maryland resident times the population of the State (EL 15-105(a)(1))
- $\$0.46512 \times 6,016,447 = \$2,798,369.83$

The population of the State: 6,016,447

- Population is determined by the State Board as of January 1, 2018 based on the most recent population estimate prepared by the Department of Health and Mental Hygiene (2016) (EL 15-105(c)).

Expenditure per Maryland Resident: \$ 0.46512

- Statutory established base: \$0.30 as January 1, 1997 indexed for inflation (EL 15-105(a)(1))
- Formula: Inflation Rate (246.669/159.1) times .30= \$0.46512
- Inflation rate formula is the most recent CPI divided by the CPI of 1/1/1997
- Consumer Price Index as of January 1, 1997: 159.1
- The most recent Consumer Price Index as of January 1, 2018: 246.669 (Nov. 2017)
- Verified by the inflation calculator of the U.S. Bureau of Labor

Seed Money: \$279,836.98

- Seed Money equals 10% of the expenditure limit
- Comprised of eligible private contributions

Primary Election Public Fund Match:

- Participating Candidate with opposition:
 - Formula: \$1 in public funds for every \$1 in eligible private contributions
 - The maximum a candidate is eligible to receive: \$1,399,184.91
- Participating Candidate without opposition
 - Formula: \$1 in public funds for every \$3 in eligible private contributions
 - The maximum a candidate is eligible to receive: \$699,592.46

General Election Grant:

- Participating Candidate with opposition is eligible for a grant of public funds up to the expenditure limit (\$2,798,369.83)
- Participating Candidate without opposition may not receive public funds

Request for Public Fund Contribution Deadlines- Primary Election:

- The first and third Tuesday of the month- January to June

Request for Public Fund Contribution Deadline- General Election

- 5 days after the ballot certification (COMAR 33.14.02.08)

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Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

To: State Board Members
From: Jared DeMarinis
Date: January 11, 2018
Re: Final Adoption of Regulations

At the upcoming board meeting, I will present for final adoption proposed changes to:

- 33.12.02 - Initiation of Recounts
 - .07 (Personnel- Special Teams)
- 33.13 -Campaign Financing
 - .02 (Campaign Finance Report)
 - .02 (Required Contents)
 - .08 (Independent Expenditure Requirements)
 - .02 (Registration)
 - .08 (*Public Communication*)
 - .09 (Electioneering Communication Requirements)
 - .02 (Registration)
 - .06 (*Failure to File*)
 - .07 (*Waiver Request- Late Filing Fees*)
 - .08 (*Public Communication*)
 - 14 (Public Financing)
 - .04 (Agency Responsibilities)
 - .05 (*County Responsibilities*)
 - .06 (*Chief Financial Officer Responsibilities*)
 - .15 (Political Action Committees)
 - .08 (*Establishment of the Compliance Account*)
 - .09 (*Management of the Compliance Account*)
 - .10 (*Required Reporting of the Compliance Account*)
 - .11 (*Permissible Uses*)
 - .12 (*Prohibitions*)
 - .16 (Contributions by Business Entities)
 - .03 (*Non-Contribution Disbursements*)
- 33.14 (Administration of Public Financing Act)

- .02 (Eligibility Requirements and Procedures)
 - .10 (Post-Election Returns)
- 33.20 (Disclosure by Persons Doing Public Business)
 - .08 (*Sanctions*)
 - .01 (*Penalties*)

The proposed changes to the regulations were adopted at the September 29, 2017 meeting. They were published in the November 13, 2017 edition of the *Maryland Register* (Vol. 44, Issue 23), and the public comment period closed on December 13, 2017. No public comments were received on the proposed changes.

I have attached the memo dated September 22, 2017 to the Board detailing the changes in regulations once adopted as final.

If you have any questions before the next meeting, please contact me. I will, of course, be available at the board meeting to answer any questions.

Attachment.

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Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

To: State Board Members
From: Jared DeMarinis
Date: September 22, 2017
Re: Proposed Changes to Regulations

At the next board meeting, I will propose changes to the following COMAR provision¹ (see enclosure):

- 33.12.02 - Initiation of Recounts
 - .07 (Personnel- Special Teams)
- 33.13 -Campaign Financing
 - .02 (Campaign Finance Report)
 - .02 (Required Contents)
 - .08 (Independent Expenditure Requirements)
 - .02 (Registration)
 - .08 (*Public Communication*)
 - .09 (Electioneering Communication Requirements)
 - .02 (Registration)
 - .06 (*Failure to File*)
 - .07 (*Waiver Request- Late Filing Fees*)
 - .08 (*Public Communication*)
 - 14 (Public Financing)
 - .04 (Agency Responsibilities)
 - .05 (*County Responsibilities*)
 - .06 (*Chief Financial Officer Responsibilities*)
 - .15 (Political Action Committees)
 - .08 (*Establishment of the Compliance Account*)
 - .09 (*Management of the Compliance Account*)
 - .10 (*Required Reporting of the Compliance Account*)
 - .11 (*Permissible Uses*)
 - .12 (*Prohibitions*)
 - .16 (Contributions by Business Entities)

¹ Italicized text is new section or language.

- .03 *Non-Contribution Disbursements*)
- 33.14 (Administration of Public Financing Act)
 - .02 (Eligibility Requirements and Procedures)
 - .10 (Post-Election Returns)
- 33.20 (Disclosure by Persons Doing Public Business)
 - .08 (*Sanctions*)
 - .01 (*Penalties*)

Recounts (Subtitle 12)

The proposed regulation would expand the qualifications for personnel to be appointed to a recount team to include the State Board, another local board, and its staff.

Campaign Financing (Subtitle 13)

The proposed regulations amend the current regulation to conform to the statute regarding when employer and occupation information needs to be disclosed on a campaign finance report.

In 2017, the General Assembly added new requirements for independent expenditure entities and participating organizations. After making disbursements of \$50,000 or more, the entity, if out-of-State, must have a registered agent within Maryland to accept service of notices for any potential fines. Additionally, the proposed regulations detail the procedures for an electioneering communication entity to request a waiver of late fees and the issuance of a civil citation by the State Board for failure to file an electioneering communication report. The procedures mirror those for making independent expenditures.

The proposed regulation clarify the attributable costs for social media use regarding independent expenditures and electioneering communications.

The proposed regulations detail the responsibilities for a county and the county's chief financial officer for implementing a public financing program.

In 2017, the General Assembly permitted the use of a compliance account by political action committees. The proposed regulations establish the requirements for opening a compliance account, its maintenance and reporting. Additionally, the proposed regulations state the permissible and prohibited uses for compliance funds. Finally, House Bill 1498 of the 2017 General Assembly Legislative Session changed the definition of a contribution to exclude certain activities. The proposed regulation under COMAR 33.13.16.03 define the parameters of those disbursement not considered contributions by a business entity

Administration of Public Financing Act (Subtitle 14)

The proposed regulation clarifies the requirements on a post-election report for a gubernatorial ticket committee participating in the public financing program.

Disclosure by Persons Doing Public Business (Subtitle 20)

The proposed regulations come at the suggestion of the Office of the State Prosecutor requesting the codification of procedures for a failure to file. The procedures are in the same manner and methods as a campaign finance report failure to file.

If you have any questions about this proposed text before the board meeting, please do not hesitate to contact me. I will, of course, be available at the board meeting to answer any questions.

Attachment: Proposed Regulations

15 January 2017

The Honorable Linda Lamone
Maryland State Elections Administrator

The Honorable David McManus
Chair, Maryland State Board of Elections

Dear Ms. Lamone, Mr. McManus and Members of the State Board of Elections,

Maryland is among only three states that allow all voters to receive blank ballots online. However, in spite of a best practice requirement that signatures be used as the primary authentication mechanism for voted absentee ballots (see [NIST IR 7711](#)¹), the State does not check voter signatures on returned voted ballots. This makes it easy for a bad actor to illegitimately obtain and cast electronic ballots in bulk. The bad actor may be a nation state, or any domestic or international group or individual. **The state of Maryland is hence among the most vulnerable in the US to major election tampering. Because the bad actor need not hack into any part of the State's technology to carry out election fraud (we describe some fraud scenarios below) Maryland's vulnerability cannot be addressed by focusing only on securing its technology.**

There is, however, a simple measure that will greatly reduce Maryland's vulnerability. We urge you to restrict the use of online ballot delivery to voters with disabilities and military and overseas voters, for whom such delivery is required by federal law. All other voters could still request their ballots using the online ballot request tool. The ballots would be delivered as paper ballots to their physical addresses, and not as internet links sent to their email accounts. The comparative difficulty of using fake physical addresses in bulk over using fake email addresses will substantially reduce both the incentive for bad actors and the probability of significant election fraud through fake absentee ballots.

Computer scientists, and, in particular, some of the signatories to this letter, have been writing to the Maryland State Board of Elections regarding this and related issues since 2012. Suspected Russian interference in 2016 has added a great deal of urgency to our concerns. The possibility of online ballot delivery being exploited to cast fraudulent votes can no longer be dismissed as abstract or theoretical.

Consider the following scenario. For more detail, please see the Appendix.

1. A bad actor obtains access to voter registration lists, voting records and the personal information required to register voters and request online absentee ballots. All the information is easily available on the "dark" market. Additionally, the recent hacks of credit agency Equifax and the

¹"In most cases, any mechanism used to remotely authenticate voters will serve as a secondary method to authenticate returned ballots, with voter signatures generally providing the primary mechanism to authenticate returned ballots." [NIST IR 7711](#), Sept 2011, "Security Best Practices for the Electronic Transmission of Election Materials for UOCAVA Voters".

federal Office of Personnel Management (OPM) revealed considerably more “secure” information on a huge number of US voters and are believed to have been carried out by a state actor. Because this information is not yet on the “dark” market for personal gain, it is suspected to have been obtained for some other purpose appropriate for a state actor.

2. The bad actor then creates many thousands of fake email addresses, makes thousands of fake online absentee ballot requests to be sent to fake email addresses, downloads the online ballots, completes them through computerized ballot marking and prints them. All of this can be easily automated by software written for the purpose.
 - a. “Tests” to differentiate humans from software are not very effective—consider that the Russians are believed to have created many thousands of fake social media accounts that are operated by software, behave like human participants, and exist solely for the purpose of interfering in the US election.
 - b. It is also easy to make fake ballot requests appear to come from different IP addresses, spaced out over time, with an extremely large number being made close to deadlines, making it harder to detect them or respond effectively.
3. Alternately, the bad actor can write malware for voters’ computers that would access the ballot when the voter downloads it, complete the ballot, and secretly transmit the now voted ballot over the internet to the bad actor’s server. The voter, who is unaware of the attack, might also complete and mail the ballot.
4. The completed fake ballots are finally mailed by humans. These ballots would be accepted and counted as legitimate because Maryland’s counties have no way of distinguishing legitimate absentee ballots from fake ones, because *Maryland does not check signatures on absentee ballots!*
5. Impact on the voters who are impersonated by the software:
 - a. Real voters showing up at the polls on Election Day will be furious that their ballots must be provisional.
 - b. Voters who did not request absentee ballots and did not vote won’t know that a vote was cast on their behalf.
 - c. Voters who did request and cast absentee ballots could have their vote replaced if the fake ballot is received after theirs. They too would not know their vote was replaced.
6. If fraud is suspected because of the chaos on election day:
 - a. How will the state distinguish between legitimate returned absentee ballots and fake ones?
 - b. How will the state reassure real voters who voted with an absentee ballot obtained online that a fake ballot was not received after their legitimate ballot and counted instead? If two ballots were received, ostensibly from the same voter, how would anyone tell which one was genuine?
 - c. How will the state reassure those voters who did not vote that a vote was not cast on their behalf? What happens if it was?
7. The bad actor can choose which voters to target, based on the desired outcome.

- a. If the bad actor wishes to **create chaos**, it would target those who vote often. In addition to being **terrible publicity** for the state, this would also **call into question a legitimate outcome**.
 - b. If the bad actor wishes to **change the election outcome without detection**, it would target unregistered voters and those who vote infrequently. Registering voters online is also easy, and the phony new registrations would be useful for subsequent election fraud.
8. Other mischief is possible: voter addresses can be changed online, and voters – who may not pay sufficient attention to postcards informing them of the change – would arrive at the “wrong” location on Election Day. Voters can be sent incorrect links by the bad actor, spoofing the local election board, and might follow instructions on what they believe to be a state website, giving up valuable information in the process. They would believe they mailed in a ballot to the state when they did not. There have been reports that Russian actors explored such a possibility in 2016, by setting up fake email accounts intended to spoof state election email accounts, though any such accounts were probably not used in 2016.

In the event that any of the above takes place, how will the Legislature and the SBE explain why they ignored repeated warnings from computer scientists?

Despite several warnings, the State continues to offer no-excuse online ballot delivery. Why would the Maryland General Assembly allow its continued use? We understand and applaud the desire to improve voter services, but all voters suffer when elections are interfered with. We urge you to restrict the use of online ballot delivery to only those voters for whom it is required by federal law (voters with disabilities and military and overseas voters).

Respectfully,

Dr. David R. Jefferson
Visiting Scientist, Lawrence Livermore National Laboratory

Prof. Micah Sherr
Provost’s Distinguished Associate Professor, Department of Computer Science,
Georgetown University, DC

Dr. Barbara Simons
IBM Research (retired); Former President, ACM (Association for Computing Machinery)

Prof. Poorvi L. Vora
Professor, Department of Computer Science, The George Washington University, DC

Note: affiliations are included for identification only

David Jefferson is an internationally recognized expert on voting systems and election technology, and an advisor to five successive California Secretaries of State. In 2004 he was coauthor of the SERVE Security Report detailing the security vulnerabilities in the Defense Department's proposed Internet voting system, leading to the cancellation of the program. In 2003 he was a member of the California Task Force on Touchscreen Voting, whose recommendations led to voter-verified paper audit trails for electronic voting machines. He has led half a dozen technical studies on reliability and security of voting systems, including the California Post-Election Audit Standards Working Group that produced the first government study of post-election auditing. He serves on the boards of directors of both the California Voter Foundation and Verified Voting. Jefferson received a Ph.D. in computer science from Carnegie-Mellon University. From 1980 to 1994 he was a computer science professor at USC and then at UCLA, and now works at Lawrence Livermore National Laboratory where he is involved with research in supercomputing and cyber security.

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Micah Sherr is Provost's Distinguished Associate Professor in the Computer Science Department at Georgetown University and director of the Georgetown Institute for Information Assurance. His academic interests include privacy-preserving technologies, electronic voting, wiretap systems, and network security. He participated in two large-scale studies of electronic voting machine systems, and helped to disclose numerous architectural vulnerabilities in U.S. election systems. His current research examines the security properties of legally authorized wiretap (interception) systems and investigates methods for achieving scalable, high-performance anonymous routing. Micah received his B.S.E., M.S.E., and Ph.D. degrees from the University of Pennsylvania. He is a recipient of the NSF CAREER award.

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Barbara Simons published *Broken Ballots: Will Your Vote Count?*, a book on voting machines coauthored with Douglas Jones. She has served on the Board of Advisors of the U.S. Election Assistance Commission since her appointment in 2008, and she co-authored the report that led to the cancellation of Department of Defense's Internet voting project (SERVE) in 2004 because of security concerns. She was a member of the National Workshop on Internet Voting that conducted one of the first studies of Internet Voting and produced a report in 2001. She coauthored the July 2015 report of the U.S. Vote Foundation entitled *The Future of Voting: End-to-End Verifiable Internet Voting*. Simons co-chaired the ACM (Association for Computing Machinery) study of statewide databases of registered voters, and co-authored the League of Women Voters report on election auditing. Simons is a Fellow of ACM and of the American Association for the Advancement of Science. She has received several awards, including the Distinguished Engineering Alumni Award from the College of Engineering of U.C. Berkeley, where she obtained her Ph.D. in computer science. She chairs the Board of Directors of Verified Voting and is retired from IBM Research.

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Poorvi L. Vora is Professor of Computer Science at The George Washington University. Her research focus has been on end-to-end independently verifiable (E2E) voting systems which enable voters and observers

to audit election outcomes without requiring them to rely on the trustworthiness of election technology or unobserved election processes. Prof. Vora was a member of the team that deployed polling-place, paper-ballot-based, E2E voting system Scantegrity II in the Takoma Park elections of 2009 and 2011, and of the team that developed remote voting E2E system Remotegrity and accessible voting variant Audiotegrity, used in 2011. She has worked with the National Institute of Standards and Technology (NIST) on definitions of desired properties of E2E systems, and on information-theoretic models and measures of voting system security properties. She obtained her Ph.D. from North Carolina State University.

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APPENDIX

The Context

As mentioned in the main body of this letter, computer scientists have been writing to the State Board of Elections regarding this issue since 2012. Most recently, in 2016, one of us also presented these concerns in person at an SBE meeting. Since then, it has been reported that US intelligence agencies believe Russia attempted to interfere in the 2016 elections, and its efforts are expected to increase in intensity and capability in future elections.

Foreign actors, thought to be Russians, attempted to breach online voter registration databases throughout the US in 2016, and the FBI found that they were successful in doing so in at least one state. Additionally, thousands of fake social media accounts were created and successfully created and operated. While the state of Maryland detected attempts to breach its online voter registration database, officials have testified that they believe the attempts were not successful. But it is not possible to categorically state that a security breach did not occur, because it is relatively easy for competent attackers to hide their trail. Large organizations with considerable resources have been subject to data breaches. (Examples include Equifax, the US Government's Office of Personnel Management, Yahoo, the University of Maryland, Anthem Health Insurance). It typically takes many months for an organization that does not immediately detect a breach to become aware of it. There are likely many organizations that are successfully breached but never detect the breach.

Any online voter registration database, including Maryland's, can be breached, and it is likely to be a while before the breach is discovered, if ever. Additionally, some attacks do not require the hacking of Maryland's election technology. For example, as with social media accounts, the creation of fake email accounts in bulk is very easy.

The Ease of Casting Illegitimate Ballots in Bulk with Online Ballot Delivery

The personal information required to request and download an absentee ballot in Maryland (such as driver's license number or birth date) is no longer sufficiently confidential for voter authentication. The information is widely and cheaply available on the black market and through "dark" Internet sites. It is also shared legitimately and widely among law enforcement agencies, universities, doctors' offices and hospitals, and hence could be leaked (or may already have been) through data breaches of these entities. Fraudulent requests for absentee ballots can be made in bulk by using this information. Following the recent data breach at credit reporting agency Equifax, no personal data can be assumed to function as a secure credential. In fact, reliance on personal data alone to authenticate a voter is never sufficient for any high security activity like voting, and changing the type of data required will not solve this problem.

The fact that bulk impersonation attacks have not been detected in Maryland in the past does not mean they did not happen or that they will not happen in the future. As described in the main body of the letter, a determined actor could easily obtain bulk access to virtual ballots delivered online. Information on who votes regularly and who does not is also easily available and can be used to focus attention on

those who do not vote often and hence would not know an online ballot was obtained on their behalf. To prevent fraudulently-obtained ballots from being cast, and in order to ensure that a voted ballot received by the election authority was indeed sent by the voter, the State should check signatures, which it does not. So there is no way of determining whether a received, voted absentee ballot was indeed cast by the voter.

Maryland's well-intentioned efforts to secure its software and server can, at best, protect the information and votes it holds. The state cannot address the entry of fraudulent votes made easy by the use of intermediating computers, weak authentication, emailed ballot links and insecure computers used by voters. As more voters use the online ballot delivery system, the State becomes a more attractive target.

Potential Impact

In the worst case, such fraud would change the outcome of the election but would not be detected. On the other hand, if fraud is suspected on Election Day, because many voters show up to vote but have absentee ballots cast in their names, it will take a while to determine that fraud did occur, and to determine what the correct election outcome is. Voters not paying much attention to their mail might find out on Election Day that the State received a change of address on their behalf and believes they live elsewhere; hence they are not eligible to vote in the jurisdiction they live in. If provisional ballots are cast, these will not be tallied toward the outcome announced on the evening of Election Day. Additionally, election officials will be hard pressed to explain why they ignored several letters from computer scientists urging them to address the core problem.

The use of online ballots poses many other problems as well: online ballot marking reveals the vote to any malware on the voter's computer; mailed ballots have to be reproduced by hand on ballot stock requiring a large number of expended person hours and uncertainty regarding whether the vote was reproduced correctly; the return rate of ballots delivered online is smaller than that for ballots delivered by the postal system.

I. Welcome

Linda welcomed all the participants and wished happy holidays to all. All local boards participated by conference call.

II. Administrative

- A. *SBE Policy 2017-1 – Contingency Plans for the 2018 Elections* – Nikki stated that *SBE Policy 2017-1 – Contingency Plans for the 2018 Elections* was presented and approved by the State Board at the December meeting. The only change in the contingency plan was that supplies for extended hours voting must be deployed to early voting centers in case a judge extends voting hours during early voting.
- B. *Disaster Recovery Plans – General Observations* – Nikki thanked the local boards who have submitted their disaster recovery plans. During the review of the plans, six topics have been identified that must be included in each local board's plan. If the current plan does not include the following information, please add it. In early 2018, we will contact each local board and provide specific comments on the submitted plan. If you want to get started on that process, please consider adding these 5 topics if they are not already included.
- 1) Order of succession – define who is authorized to make decisions in the absence of the election director and who is authorized to make decision in the absence of the election director and his or her backup.
Example: Director → Deputy Director → Election Administrator → Office Support
 - 2) Back up locations – Consider the following questions: (a) Where will you go if your office is not available? (b) Where will you go if your warehouse is not available? (c) Does the answer depend on where we are in the election calendar? Keep in mind that during candidate filing periods or when absentee ballots are issued, each local board will need an in-county location to accept filings and in-person absentee ballot requests. (d) What services will be available at the back up locations? MDVOTERS can only be accessed from another LBE.
 - 3) Setting up your back-up location - What supplies, software, etc. will you need to set up a remote office? What is in your grab bag? What can you store in your Google drive so you can access it anywhere you have Internet?
 - 4) What should you do if ... there's a fire, medical emergency, bomb threat, etc. at the office? What should election judges do if ... there's a fire, medical emergency, etc. at a voting location?
 - a. Include where all employees meet if the office has to evacuate (e.g. by the tree in the far right corner of the parking lot)
 - b. Chief judges should determine where election judges should meet if the voting location has to evacuate or where to meet inside the voting location if there is a "shelter-in-place" event
 - 5) Identify alternate early voting centers and polling places if one or more locations cannot be used. Specify the alternate polling place for each polling place.

III. Voter Registration

- A. *List Maintenance Activities* – Mary reminded everyone that the list maintenance activities must be completed one final time on Friday, December 29th. She also stated that MDVOTERS Release 6.7 would be in production the weekend of December 22nd.

IV. Voting System and Pollbook

- A. *Pollbook Update* – Paul thanked the local boards who participated in the pollbook software testing. There was quite a lot of work that took place to test the software. The new alpha version for the PPTP will be released in January.
- B. *Training Update* – Paul reported that Sheldon Walter, ES&S trainer, is meeting with the Regional Managers to develop a questionnaire to determine the training needs for the local boards. The questionnaire will be distributed after the PPTP. A training plan will be developed when responses to the questionnaire are received. Sheldon thanked everyone for their patience and cooperation.
- C. *Pollbook Printers* - In response to several questions, Paul stated that the old printers will work with the new tablets. He also stated that he will look into getting new printers for other local boards, however the old printers from Saint Mary's County will be distributed to other local boards. Because the pollbook database requires a different resource file for the new printer, the local board must use the same type of pollbook printer across the jurisdiction.

V. Project Management Office

- A. *Inventory Status Update* – The update access in the test eEquip system continues. Keith encouraged everyone to watch the training videos if more information is needed. Quick reference guides are being developed. There is a Q&A Webinar scheduled for Thursday, January 4th. Those who have demonstrated knowledge of the system will be granted access to the production system on Monday, January 8th. All local boards should have at least one person who has the ability to update the inventory by Monday, January 8th.
- B. *Cart Deliveries and Shipping Slips* - Keith reminded everyone to send a copy of the signed packing slip to him and copy Whitney when local boards receive the new carts. MCE will contact the local board one or two days before delivering the carts.
- C. *Cart Shelves* - Keith stated that transporting the cart shelves from the local boards and delivering them to SBE's central warehouse continues to be an outstanding issue. If the local boards are able to transport the cart shelves to SBE's central warehouse, let Keith know so he can get the warehouse staff ready to accept the shelves. In response to a couple questions, Keith stated that the central warehouse staff have the capability to remove pallets off a truck. Also, Keith clarified that the new carts will have two shelves, not four shelves.

VI. Election Reform

- A. *Election Judge Manual* – Erin stated that all chapters of the Election Judge Manual have been posted to the Online Library and are ready for local boards to begin their customization. She reminded everyone that every chapter and appendix must be submitted to her for approval. Any areas of the manual that are highlighted in yellow are permitted to be changed. If the local board inserts additional information, be sure to highlight the additional information in green for review. Also, be sure to keep the areas highlighted when submitting the chapters for approval. Once they are approved by Erin, she will remove the highlighted sections and rename the file to show it has been approved. In response to a couple questions, Erin stated that local boards may use a different cover for the Election Judge Manual if desired.
- B. *Early Voting Manual* – Erin reported that changes to the early voting manual have begun. It will be a supplemental guide instead of a whole manual. The supplemental guide will resemble the guide from the 2010 and 2012 elections.
- C. *Step-by-Step Guides* – Erin stated that the step-by-step guides have been revised and are posted to the online library.
- D. *Absentee Printing & Mailing* – Erin reported that ES&S has been awarded the contract for the statewide absentee printing and mailing. Preparations are underway to begin the project with ES&S.

- E. Provisional Ballot Applications - The provisional ballot application has been revised since the 2016 elections. The instructions to the voter page was changed to reflect that proof of residency is not required for a voter changing his or her address during early voting. The election judge section on the back of the application was changed to match the provisional issue codes in the electronic pollbook. The list of rejection codes on the back of the application now matches MDVOTERS.

VII. LBE Questions

Nikki stated that the transportation contract was approved at the Board of Public Works meeting on December 20th. The base year includes the 2018 elections, with option period 1 covering the 2020 elections, and the option period 2 covering the 2022 elections. The contract was awarded to Interstate. Ron Granville and Signature Space will be working on this project.

Nikki stated that the staffing contract is supposed to be approved at the BPW meeting on January 3rd. However, one of the vendors that was not chosen to fulfill the staffing contract has protested the award. The protest is scheduled to be heard before the Board of Contract Appeals and the award is on hold.

Shelly stated that the electronic pollbooks for FY19 will be financed over a period of three years but spanning four fiscal years.

VIII. Future Election Directors' Meetings

The next Election Directors' Meeting has not been scheduled yet because of the PPTP and other upcoming events. Stay tuned for information regarding the next meeting.

Nikki stated that a legislative briefing for the House of Delegate's Ways & Means Committee is scheduled for Friday, January 26th at 1 pm.

1. Welcome

- a. *Roll Call* - All local boards participated in-person or by conference call except for Kent and Worcester Counties.

- b. *New SBE Employees – Ray Reyes and Sarah Thornton* – Vincent introduced Ray as the IT Systems Technical Specialist who is assisting SBE with the technical support of our IT structure. Ray came to SBE in October. Nikki introduced Sarah as the Technical Writer who is assisting SBE with writing documentation. Sarah came to SBE in November.

2. Administrative

- a. *Rules of Security Behavior* – Nikki stated that last week's issue of the *County Bulletin* included an updated version of the *Rules of Security Behavior for Board of Elections' Officials and Employees*. The form must be completed by each local board member, election director and staff. The form will be included in SBE's onboarding process when hiring new State employees, and the form must be completed in the local boards whose employees are not State employees. Once the forms are complete, send the originals to Joanne and keep a copy for the local board files.

- b. *Department of Homeland Security*
 - *Risk & Vulnerability Assessment* – Nikki informed everyone that the Department of Homeland Security (DHS) conducted testing on SBEs' systems, including MDVOTERS, OLVR, MDCRIS, and other internal networks. A team of five people spent a total of two weeks trying to "attack" the systems. DHS also began a phishing campaign to see if SBE staff "fell" for the email. A formal report should be issued in the coming weeks, but the biggest vulnerability was the phishing email. Nikki encouraged everyone to continue reviewing emails when they are received to ensure they are not phishing emails. Overall, the election systems performed very well and some verbal recommendations from DHS were suggested. A different team will be coming to SBE again early next year to perform a different type of assessment on systems.

 - *Physical Review* – Nikki stated that DHS will assess office and warehouse security. Guy Mickley sent an email to all the directors asking whether the local board would be interested in participating in DHS's security assessment. Nikki informed everyone that a representative from DHS was at the Carroll County Board of Elections and asked Katie Berry to talk about the assessment. Katie stated that the assessment was long (it took about six hours), but a lot of learning occurred for both parties. The DHS representative took pictures inside and outside the office and assessed the ballot room, warehouse, loading dock, administrative offices and the where ElectionWare is stored. The physical assessment was followed by a lengthy survey (about two hours). Guy stated that many questions on the survey will apply to all local boards and those questions will not have to be asked again. However, there were specific questions about the local board's heating system, waste water, etc. Katie stated that it will take about thirty days to receive the report from DHS and reminded everyone that DHS is not a regulatory agency so the recommendations are only suggestions and cannot be enforced by DHS. However, the report may assist the local boards and their county offices. Katie recommended that all local boards participate in the assessment because the exercise was very informative.

In response to a question, Katie stated that she had to sign a release form stating that the local board may share the report, but DHS may not share the report. Guy also stated that the report will include a link in which other reports can be compared. The link will also allow local boards to update answers to questions and the report will automatically update.

In response to a question, Nikki stated that the service is no cost to the local board. She also stated that DHS is learning elections, but more importantly, is learning Maryland elections.

Nikki reminded the local boards to email Guy if interested in DHS's assessment. Guy informed everyone that the DHS representative wants to finish Carroll County's assessment first and then proceed with other local boards.

- c. *Disaster Recovery/Incident Response Plans – Reviews* – Nikki stated that SBE received almost all of the local board's disaster recovery plans. The next step is to begin reviewing them and send them back to the local board for edit review in February. If any changes are made before February, submit a revised copy of the plan to Janey.

Donna stated that a sheet listing phone numbers for each director, deputy director, and IT staff is being circulated.

Linda informed everyone that five staff members are flying to Boston to participate in tabletop exercises. She hopes to bring back experiences and lessons learned to help everyone execute tabletop exercises of their own. In response to a question, Linda stated that the tabletop exercises are being sponsored by the Belfer Center for Science and International Affairs at Harvard Kennedy School.

Nikki stated that a contract was awarded to Glenn Newkirk to hold a full day of tabletop exercises prior to the primary and general elections next year at SBE. She is happy to work with MAEO and local boards to share the information if anyone else is interested.

Voter Registration

- a. *Change of Address: Mailing to Prior Address – coming in December* – Mary stated that a new policy change will be effective in December. A new mailing has been strongly recommended by the Office of Legislative Auditors in regards to voters who change their address. A voter notification card will still be sent to the voter at the new address, however a postcard will also be sent to the voter at the old address. The MDVOTERS release in December will include the capability to print a label to be adhered to a preprinted postcard.

In response to a question, Nikki stated that the new policy is not required by election law, but best practices and the Office of Legislative Auditors recommended the policy. Mary stated that procedures will be forthcoming to determine what to do if the postcard is returned to the local board. Nikki stated that Mary will email a breakdown of how many address changes occurred last year, which will help determine how much the postcard mailing will cost.

In response to a question, Mary stated that future releases of MDVOTERS may include printing directly on the postcard, but the December release will include printing on a label. Mary also stated that this process will not be implemented until after the release date in

December. If there are any suggestions for the wording on the postcard, local boards are encouraged to email Mary.

Nikki stated that this new policy is the outcome of looking at our election infrastructure. It will provide verification for voters whose information may have been changed without their permission. This is a way to validate the address change.

- b. *Registered but Not Qualified Letter – MVA – coming in December* – Mary stated that the MVA has changed their verbiage when people go to the MVA to conduct business. MVA staff now ask, “Are you qualified to register to vote?” If someone responds no, the question then becomes is that person a citizen? This past week, SBE mailed letters to 100 voters to determine whether the voters are not qualified to register to vote or if this was a usability/readability issue at the MVA. Mary will send a copy of the letter that was sent.

Mary reminded everyone that the latest ERIC reports are due Tuesday, December 12th.

Mary reminded everyone that if a filed candidate changes their voter registration information, the candidate becomes “unproofed” in MDVOTERS. The candidate may be a statewide or local candidate. Be mindful when changing a candidate’s voter registration information and check whether the candidate is a local or statewide candidate.

Voting System and Pollbook

- a. *Pollbook software update* – Paul stated the updated electronic pollbook software will be released on December 8th. Brandon will do testing with the local boards. For the Pre-Primary Testing Program, some electronic pollbooks will be required to have the updated software. Brandon reiterated that he remains committed to the December 8th software release date. *(Note: Since this meeting, this date has been changed by ES&S to December 15th).* There are no changes to the software for election day, however there are changes to the residency requirements for same day registration during early voting.
- b. *Pollbook hardware update* – Paul stated the final version of the pollbook hardware will be used in Caroline and Charles Counties. Brandon stated that the new hardware is available in Andrew’s office if anyone would like to see it.
- c. *Pollbook printers update* – Paul reiterated that all the local boards currently have the blue Seiko printer for the electronic pollbooks. Those printers are no longer produced and SBE cannot order additional printers. However, the Seiko A40 printer is very similar to the current printer model. It has been determined that Saint Mary’s County will receive the Seiko A40 printers for the entire county because a different resource file is needed to use those printers. Saint Mary’s County’s old printers will be distributed among other local boards.

In response to a question, Paul stated that the Seiko A40 printer can be used with the new pollbook hardware. Nikki reminded everyone that if you haven’t made a request to receive additional printers, email your needs to Paul as soon as possible.

In response to a question, Paul stated that he will meet with Shelly to determine the cost for the new electronic pollbook hardware for FY19.

In response to a question, Paul stated that the price of the Seiko A40 printers is “\$600-ish.” Electronic pollbooks, printers and hubs are 100% cost to the local board.

Brandon reminded everyone to be sure to complete the CMOS replacement. Also, always have the Regional Manager look at an electronic pollbook before sending it to ES&S for repair.

- d. *Additional equipment* – Paul stated that additional equipment is due to arrive in February. Acceptance testing of the new equipment will take place at SBE's warehouse. Delivery of the new equipment to the local boards will occur in early March. The additional equipment includes additional scanners for the new early voting centers. The new modems have arrived at SBE, but the SIM cards from Verizon have not been received yet. Once the SIM cards are received, the modems will be configured and sent to the local boards. Local boards can expect to receive the configured modems within two to three weeks.
- e. *ES&S training updates* – Paul stated that ES&S has hired a new trainer, Sheldon. Sheldon has been working with the Regional Managers to assess the training needs of the local boards.
- f. *Conducting the Election Guide update* – Paul stated that there are no major changes to the CTE Guide. Lessons learned from the DS850, cleaning the DS200, and changes to EXP have been added to the guide. Sarah has been assisting with the changes to the CTE Guide.

In response to a question, Nikki stated that SBE has some coverage regarding ordering additional blue bins. If additional blue bins are needed and SBE does not have the quantity needed in the contract, then a contract modification has to be completed. A contract modification requires approval from the Department of Public Works.

In response to a question, Paul stated that all the local boards should expect to receive the new electronic pollbook hardware for the 2020 primary election.

- g. *EXP updates* – EXP is being updated to include the auto generation of the Election Summary Report with group detail in HTML. This file will be transmitted to SBE along with the other files that are sent to SBE via the Z drive on election night. SBE will upload these HTML files to the main webserver and the 3 election night result web servers every ten minutes on election night. The zero result HTML will be posted in early June and links will be provided to the local boards. Those local boards who choose to use this method for posting election night results will be instructed to post the link on their websites by 6pm on election day. After election day, the local boards will have to manually create the result reports for posting on their websites.

Pre-Primary Testing Program

- a. *Database* – Natasha stated that the databases for the pre-primary testing program are complete. The 2018 contests were used with real candidate information from the 2014 elections. Any new contests (Board of Education) have been added and the precincts are the same as the precincts in the 2016 elections. The English/Spanish ballot will have the same Spanish translation as the 2016 ballots, however the real ballots for the 2018 elections will include the updated Spanish translation as a result of the Spanish Translation Committee. Test decks should be delivered around December 15th. Two printed copies of the test deck for early voting and two printed copies of the election day test deck will be provided. Polling locations have been selected by Brandon but if a specific location is preferred, let Brandon know. Natasha also stated that contests with nomination vacant lines still include the full vote for string in ElectionWare. For the General, that number will be reduced to the number of candidates that have filed for that contest although the ballot text will still reflect the actual vote for number. ERM uses the vote for string so the ERM reports will not match the vote for

number that is on the ballot but instead reflect the number of candidates in the contest. This change ensures that the number of undervotes for that contest will be accurate.

- b. *Update* – John Clark distributed the timeline of the pre-primary testing program and is attached to this summary. The documentation will be distributed in the coming week after all local board peer reviews are received.

In response to a question, John stated that everyone will start the pre-primary testing program at the same time each day.

Ballots

- a. *Absentee ballot mailing* – Erin stated that a third Request for Proposal (RFP) was issued for the absentee printing and mailing. One bid was received and the bid proposed providing the service statewide. No local board will be required to mail their own absentee ballots. The RFP is in the final stages of being awarded.
- b. *Absentee ballot duplication* – Erin reiterated that the absentee ballot duplication software is not to be confused with the software associated with the ballot on demand printer used to duplicate absentee ballots completed using the wizard on the online ballot delivery. This absentee ballot duplication software is the software that Runbeck Elections Services proposed to be used by Anne Arundel, Baltimore, Montgomery, and Prince George's Counties and Baltimore City. On Wednesday, December 20th, representatives from Runbeck will have a demonstration of the ballot duplication software with a question and answer period to follow. The demonstration will be held at 10 am at the Anne Arundel County Board of Elections. If you haven't done so yet, respond to Erin's Google invite to let her know who will be attending the demonstration.
- c. *Ballot stubs* – Donna stated that after hearing the presentation for removing the ballot stubs for the 2018 elections, it has been determined that SBE staff is not pursuing the elimination of ballot stubs for the 2018 elections. The timeframe to change the regulation is extremely tight and it will not be able to be changed prior to the 2018 Primary Election. It is also a best practice to not change regulations between a primary and general election. However, SBE staff is committed to having more discussions with the local boards and understanding the processes of the local boards to determine the proper way of ballot accounting.
- d. *Canvassing absentee & provisional ballots from same voter* – Nikki stated that at last month's meeting of the State Board, the members voted to propose a change to the way an absentee ballot and a provisional ballot from the same voter should be canvassed. The proposed regulation was to count the provisional ballot and reject the absentee ballot. However, Jeff Darsie, Assistant Attorney General, did not approve the proposed change because Election Law § 11-303 states that a local board shall reject a provisional ballot if the individual cast more than one ballot for the same election. No further action has been requested at this time.

Project Management Office

- a. *Inventory GoTo Webinar Training* – The Inventory GoTo Webinar training for the directors, deputy directors, and accountable officers will take place on Monday, December 4th at 10 am. As of 7 pm Wednesday, there are nine local board that have not registered anyone for the GoTo Webinar.
- b. *Insurance Certificates* – There are local boards that have not yet provided their 2017-2018 insurance certificates to SBE. The local boards should ensure that the certificates are sent to Keith in December.

- c. *ADA Tables and Precinct ADA Leg Kits* – SBE will be sending out a quick survey to the local boards asking whether there are any ADA tables or precinct ADA leg kits that are surplus and can be provided to other local boards.
- d. *Cart Shelves* –SBE is still in the process of identifying and securing the transportation for the cart shelves from those local boards that requested to have them removed. In the meantime, if any local board has the ability to transport the shelves to the SBE Central Warehouse, contact Keith to make the arrangements.

Election Judges

- a. *Manual and Forms Update* – Erin stated that a good portion of the Election Judge forms have been posted to the Online Library, and there are more to come. The additions to the Online Library were printed with the last issue of the *County Bulletin*. All the chapters of the Election Judge Manual, except Chapter 10 (Electronic Pollbooks), have been submitted to the Assistant Attorney General's office for approval. The chapters should be approved no later than Monday, December 4th.
- b. *Training Classes* – Erin reminded everyone to send her a copy of each local board's training schedule.

Future Election Directors' Meetings

The next meeting will be held on Thursday, December 21st at 10 am. This meeting will be held via Webinar, but local boards are welcome to attend in-person.

STATE BOARD OF ELECTIONS

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

David J. McManus, Chairman
Patrick J. Hogan, Vice Chairman
Michael R. Cogan
Kelley Howells
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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 8, 2018

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 10, 2018 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:

There are a few exceptions to the overall prohibition on 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 does not apply to ongoing recurring 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 own election and does not allow a member to fundraise for other candidates seeking federal, State or local office.
 - In order to be considered a filed candidate for federal office, the member must have a *Statement of Candidacy* on record with the Federal Election Commission prior to the commencement of fundraising activities. The member should provide a courtesy copy of the *Statement of Candidacy* 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 with the appropriate local board of elections.
- A member running for Governor or Lieutenant Governor who participates in public financing program may accept eligible private contributions, which are contributions from individuals of \$250 or less, during session only if the member has filed a *Certificate of Candidacy* and a *Notice of Intent to Qualify for Public Contribution* with the State Board. Additionally, any disbursements of funds from the Fair Campaign Financing Funds may be deposited and used during legislative session.

Legislative Caucus Dues

Recently, I have received calls on whether campaign funds may be used to pay membership dues for legislative caucuses. 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 are 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.



RECEIVED
DEC 28 7
STATE BOARD OF ELECTIONS

December 20, 2017

BY HAND DELIVERY

Maryland State Board of Elections
Candidacy and Campaign Finance Division
Mr. Jared DeMarinis, Director
151 West Street, Suite 200
Annapolis, Maryland 21401

Re: Redmer Matter

Dear Mr. DeMarinis:

I write to register Larry Hogan for Governor's strongest objections to your office's recent determination that we violated Section 13-235(b) of the Election Law Article when Al Redmer sent an email message during a legislative session recruiting hosts for a fundraising event to occur after the legislative session. Despite acknowledging that Mr. Redmer acted contrary to our express instructions, your office nevertheless has imposed vicarious liability on us for his unauthorized acts. This decision is deeply flawed as a matter of fact, law, public policy and basic fairness.

On the facts, it is undisputed that Mr. Redmer acted outside the scope of his authority as a volunteer fundraiser when he recruited hosts during a legislative session for an event to be held for us after it. Your office's decision acknowledges—and no one disputes—that we instructed him not to do this and thus he did not have actual authority to do it.

Notwithstanding this undisputed fact, the Office of the Attorney General attempts to argue that this case is not a matter of agency law—incongruously maintaining that even though Mr. Redmer was not Larry Hogan for Governor's agent, he still was acting "on behalf of" us when he sent the email message at issue. (Memorandum from Jeffrey L. Darsie, Assistant Attorney General (Oct. 25, 2017)). This is total nonsense. If, as everyone agrees, we did not authorize Mr. Redmer to do what he did—and in fact directed him not to do it—then how could he be acting on our behalf when he did it?¹

¹ By this logic, anyone who does anything to support a candidate for office in Maryland is acting "on behalf of" that candidate—even if the candidate was unaware of the act, or was aware of it but instructed the supporter not to do it. As noted further below, this sets up a new standard

This is not, as the Assistant Attorney General's written submission attempts to argue, a case in which an employee performed an otherwise authorized act in violation of a corporate policy requiring him to do the act in a certain way. Here, we did not authorize Mr. Redmer to do the act at issue—fundraising during the legislative session—at all. To the contrary, we forbade it. The Assistant Attorney General just ignores that Mr. Redmer could have been acting for someone else—namely, himself—when he attempted in violation of our instructions to recruit other host committee members for a future event.

At bottom, despite the Assistant Attorney General's protestations to the contrary, your office has made us vicariously liable for Mr. Redmer's unauthorized act based upon what amounts to an ill-founded application of the legal theory of apparent authority. As we advised in a prior submission in this matter, a finding that an agent has apparent authority must be based on words or conduct of the principal that would cause a third party to believe that the principal has authorized or consents to the putative agent's act. Your office's decision does not identify any such words or conduct by Larry Hogan for Governor—nor could it, as there are none whatsoever in the record in this matter. Larry Hogan for Governor never communicated with any of the third parties who received Mr. Redmer's email message, and did not provide Mr. Redmer with any materials to distribute to them, such as an approved draft of an invitation. There is also no evidence that Larry Hogan for Governor acquiesced in Mr. Redmer's act—to the contrary, as you know, we were completely unaware of it, and thus could not have acquiesced in it.

Moreover, even if there was a shred of evidence to support your office's conclusion that Mr. Redmer was "acting on behalf of" Larry Hogan for Governor—and there is not—the application of the legal theory of apparent authority to impose vicarious liability on a political campaign has no basis in law. We are aware of no precedent in Maryland law that supports imposing liability on a political committee based upon the unauthorized act of a purported agent. As a matter of public policy, your office's determination sets up a new standard of strict liability for violations of the Election Law Article, under which *anything* someone does in the name of a candidate subjects that candidate's campaign entity to liability, whether or not the campaign actually authorized the act, and whether or not the person actually supports the candidate or maybe even opposes him or her. Neither the text of the Article nor the state interests underlying it supports this standard.²

Third, not only is your office's determination wrong as a matter of fact, law and policy, it is fundamentally unfair. Your office has used the enforcement process to make new law in Maryland—something that, if not done by the legislature itself, should at least be done with bipartisan agreement. Here, a majority of the State Board very clearly was opposed to enforcement. Perhaps not surprisingly, only the two Democrats on the Board favored it. Moreover, as to the amount of the fine, three Board members opposed a fine in any amount, with

of strict liability for violations of the Election Law Article by supporters—and perhaps even by opponents who wish to harm another candidate's campaign.

² We are very eager to see if your office will enforce this new standard uniformly in all enforcement matters, or only selectively, perhaps in those in which it is pressured to do so.

one of them finally suggesting that if a fine *had* to issue, it should be a single dollar. Of course, the Assistant Attorney General advised, in writing and on the public record, that you did *not* have to issue any fine at all in this matter.

Instead, your office has taken advantage of the Board's supermajority requirement—which is supposed to protect the regulated community by requiring bipartisan consensus in the regulation of campaign finance—to force a fine on us that a majority of the Board opposed, and that only a partisan minority supported. On the facts and under the circumstances, your office could have declined to pursue this matter, issued interpretive guidance or cautionary warnings, or sought legislative changes to address unauthorized acts by campaign supporters. Instead, your office opted to fine us, which is the fullest exercise of its power under the law. This is arbitrary, capricious and abusive of the discretion that the Board has vested in you.³

Larry Hogan for Governor has done nothing wrong in this matter. In fact, as we think you know, we did everything right and do not deserve this finding or this fine. We are paying it, but do not admit any liability in this matter and in fact deny it. Your office already having taken \$250 from us, it is simply not worth a penny more of our donors' hard-earned funds to continue fighting this matter in court. We reserve all objections and arguments, however, and if your office continues to press unwarranted enforcement matters and levy unjustified fines—supported only by a thin partisan minority of two Board members—we will have no option but to seek judicial relief.

Sincerely,



R. Christopher Rosenthal,
Treasurer

³ We find it hard to believe that when the legislature authorized the Board to delegate certain enforcement authority to your office, and when the Board itself actually did so, they could have intended to permit your office to maintain enforcement actions and issue fines that only a bare partisan minority of the Board supports—and, by operation of the Board's supermajority requirement, require near unanimity of the Board (i.e., a supermajority of four out of five votes) to stop them.

Part of the Administrator's Report

Online Voter Registration System (OLVR) – Absentee Ballot Request Page

January 18, 2018 Board Meeting

THE MARYLAND STATE BOARD OF ELECTIONS

FIND YOUR POLLING PLACE LOOKUP YOUR VOTER INFO REGISTER TO VOTE REQUEST A BALLOT

Voter Registration and Absentee Ballot Request

English Change language

For security purposes, the system will no longer work after 30 minutes of inactivity.

Step 1 - Name, Birthdate, and SSN
Step 2 - MVA Information
Step 3 - Current Residential Address
Step 4 - Mailing Address
Step 5 - Political Party
Step 6 - Additional Contact Information
Step 7 - Previous Registration Information
Step 8 - Voter Support

Step 9 - Absentee Request

Step 10 - Oath and Signature
Step 11 - Preview and Submit Application
Confirmation

Would you like an absentee ballot for the 2018 elections? (Required)
[More information about absentee voting and contests on the 2018 ballots.](#)

I intend to vote in person and do not want an absentee ballot.

I would like to receive an absentee ballot.

If you would like to receive an absentee ballot for the 2018 Elections, please mark the elections. You can choose multiple elections.

I would like an absentee ballot for the 2018 Primary Election.

Please tell us how you would like to receive your primary election absentee ballot:

If you choose internet delivery, we will send you an email with a link to your ballot about three weeks before the election. You must print your ballot and return it to your local elections board. If you don't see an email from the State Board of Elections, check your spam folder.

Note: A fax or internet ballot you have printed yourself cannot be read by our scanners. Board of elections workers will use the information on your ballot to mark an official ballot for you. The official ballot will be machine counted with other ballots.

Delivery Method: (Required)

I would like an absentee ballot for the 2018 General Election.

Please tell us how you would like to receive your general election absentee ballot:

If you choose internet delivery, we will send you an email with a link to your ballot about three weeks before the election. You must print your ballot and return it to your local elections board. If you don't see an email from the State Board of Elections, check your spam folder.

Note: A fax or internet ballot you have printed yourself cannot be read by our scanners. Board of elections workers will use the information on your ballot to mark an official ballot for you. The official ballot will be machine counted with other ballots.

Delivery Method: (Required)

Next **Cancel Application**

Maryland Voter Registration List Maintenance

| Agency | Type of Report | Frequency | Delivery Method | Legal Authority |
|--|--|--|-----------------|--------------------------------------|
| Electronic Information Registration Center (ERIC) | *SSA Death Records Cross state moves In-state moves In-state duplicates **NCOA | Every two months January, March, May, July, September, November | Electronic | EL § 3-504(3) |
| Department of Health and Mental Hygiene | Maryland State Death Records | Monthly Around the 10 th of the month | Electronic | EL § 3-504(a)(ii) |
| Judicial Information Systems (JIS) - Jury Commission | Death Records Moved out of state Non-citizens | Quarterly January, April, July, October | Paper | EL §3-504(b)(3) COMAR 33.05.06.06 |
| Office of the Administrative Courts | Felony Convictions | Monthly Around the 5 th of the month | Electronic | EL § 3-504(a)(iii) |
| ***Notification of registration in another state | Voters who have moved out of Maryland | Daily | Paper Email | EL § 3-504(b)(3) |

*Social Security Administration Death Records

**National Change of Address Program through the U.S. Postal Service

***If voter completes "Prior Registration" portion of a new voter registration application