

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

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



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

State Board of Elections' Meeting
151 West Street, Suite 200, Annapolis, MD 21401
June 28, 2022 – 2:30 pm
By Video Conference Call

1. Declaration of Quorum Present
2. Additions to the Agenda
3. Approval of Minutes for Open Meetings on June 2, 2022
4. Administrator's Report
5. Assistant Attorney General's Report
6. Approval of Proposed Regulations – 33.11.05.04 and 33.16.06.04
7. Approval of Final Regulations – 33.01.07.01 - .06
8. Approval of Change to Polling Place for Baltimore City and Baltimore Co.
9. Closed Session – Legal Advice
10. Old Business
11. New Business
12. Disclosure of Campaign Contributions
13. Schedule Next Meeting
14. Adjournment

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

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

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

MARYLAND

STATE BOARD OF ELECTIONS

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**Deadline to Register, Change Party Affiliation, Update Address
to Vote before 2022 Primary Election is June 28**

ANNAPOLIS (June 27, 2022) – The Maryland State Board of Elections (SBE) reminds those who wish to register to vote, change party affiliation, and update their address before the 2022 Primary Election that the deadline to do so is Tuesday, June 28.

Those using the [online registration system](#) must submit their completed voter registration application to register, change party affiliation, or update their address by 11:59 p.m. on June 28. To ensure applications are completed and received by 11:59 p.m., SBE advises voters to access the online system no later than 11:50 p.m. on June 28. Those who prefer not to register to vote online may print the registration form ([English](#) version and [Spanish](#) version) and submit it at the office of their [local board of elections](#) by 5 p.m. on June 28 or return it by mail. Registration forms returned by mail must be postmarked by June 28.

Voters may also register to vote in-person during early voting and on Primary Election Day, July 19. Early voting runs from 7 a.m. to 8 p.m. beginning Thursday, July 7 and continuing through Thursday, July 14. Voters can register to vote and vote early at any early voting center in the county in which they reside. A complete list of early voting centers for the Primary Election is available [online](#).

Voters wishing to register to vote and vote in person on Primary Election Day – July 19 – can do so at their polling place.

Voters who wish to cast their ballots by mail or via one of Maryland's 288 ballot drop boxes must [request a mail-in ballot from the State Board of Elections](#) or their [local board](#) of elections. Requests for a mail-in ballot for the Primary Election must be received by July 12, 2022.

Each of Maryland's 288 ballot boxes are available for use until July 19 at 8 p.m. Voters can return their mail-in ballots using any official ballot box in their county of residence. A complete list of ballot box locations is available [online](#).

The local boards of elections continue to look for voters to serve as election judges. Interested voters can learn more and apply [here](#).

###

Announcements & Important Meetings

Election Directors' Meetings

We hosted Election Directors' meetings weekly in June. The topics of discussion cover the current election preparation tasks and any specific topics or questions requested by the Election Directors. As the minutes of the meetings are prepared, they will be distributed with the County Bulletin.

2022 Election Preparation Activities

Voter Registration & Updates Deadline

Today is the deadline to register to vote and update voter information. Individuals can register or update information [online](#) or submit a paper [application](#). The online system is available until 11:59 pm on June 28, and paper applications must be dropped off or postmarked on or before June 28. Although individuals can register to vote during early voting and on election day or update their address during early voting and vote the ballot for their new address, we encourage voters to submit their registration or updates on or before June 28. Registering or updating by June 28 will make the voting process quicker and easier.

On July 2, MDVOTERS will be locked down at 11:30 a.m. so the voter registration team can prepare for the precinct register pull. This task generates the data of eligible voters which is used to populate the electronic poll books.

Call Center

Since the 2010 elections, we have used a call center to assist us in responding to the voters of Maryland. These services began with assisting SBE and then several of the larger local boards. In 2020, the call center answered over 182,600 inquiries for SBE and about 18 local boards. For the 2022 elections, we are utilizing this service to help our voters get answers to their questions. Currently, the call center is handling calls for SBE and thirteen local boards. As of June 24, 2022, a total of 32,024 calls have been handled.

Logic and Accuracy Testing (L&A)

Logic and Accuracy testing of the voting equipment for the primary election has begun. The local boards test all equipment that will be used during early voting, on election day, or during the canvassing of mail-in and provisional ballots. L&A testing on voting equipment to be deployed for early voting must be completed by July 5, 2022. The L&A testing of voting equipment to be deployed for election day will be completed by July 9, 2022.

Mail-in Voting

The deadline to request a mail-in ballot is fast approaching. The specific deadline depends on how the voter wants to receive their ballot. If the voter wants to receive the ballot by mail, the deadline is July 12. If the voter wants to receive the ballot via a link in an email (aka web delivery), the deadline is July 15. Voters can request a mail-in ballot [online](#) or by submitting a [paper request](#). These deadlines are "receipt" deadlines, meaning that the local board must receive the application on or before July 12. A request postmarked on July 12 is not timely.

As of June 27, 363,533 ballot packets were mailed to voters. Over 44,000 emails were sent to voters who requested ballots via web delivery. We have been sending various texts and emails about ballot statuses. We updated inserts as needed, provided corrected oaths to a small number of voters who received the incorrect oath via web delivery, and are supporting the local boards with issuing new ballots for voters assigned to incorrect districts.

All ballot boxes are in place, and the local boards are emptying the boxes at least daily.

Election Judge Recruitment

Election judge recruitment continues by both SBE and the local boards. The Department of Budget and Management granted up to 8 hours of administrative leave to State employees who serve as election judges. We have also reached out to the Maryland Judiciary, Maryland Department of Transportation, and the University System of Maryland to request that leave be granted to State employees who serve as election judges. We are also working with the Governor's office to promote service as an election judge. Similarly, SBE has contacted several organizations, including Civic Alliance and Democracy Works, that partner with private employers to encourage employees to serve as election workers. Statewide, roughly 25% of the election judge positions are vacant, with Baltimore City and Baltimore County reporting the biggest need.

Voter Education

The voter education campaign is now promoting the voting timeline - early voting and election day - and the traditional media part of the campaign - TV, radio and print - is getting started. Here are some campaign highlights:

- The campaign has driven a total of 49,210 users to the SBE's landing page leading to 92,545 total pageviews across the site. This means that many users visit multiple pages when they visit the landing page.
- Over 90% of users are classified as "new," meaning we are reaching users who have not accessed the site's voter resources in the past 30 days.
- Users spent an average of over 02:00 on-page and views have increased 297.17% since June 1, 2022.
- Google Search traffic has seen the highest overall on-site engagement, and Google Search users are most likely to click-through ads.
- Facebook and Instagram ads have reached over 1.7 million users.

Our 2022 Primary Election toolkit is available [here](#). The toolkit includes sample social media posts, timelines for posting, and images for use. Our :30 ad is available [here in English](#) and [here in Spanish](#).

Election Operations Support

Our Project Management Office (PMO) continues its work on the logistics and planning for the primary election operations support that includes the use of an election helpdesk system and the setup of an election operations center on Election day.

Voter Registration

MDVOTERS Audits

Monthly audits of voter registration data continue to verify compliance with federal and State laws governing voter registration. The monthly audits include review of the local boards of elections' processing of Electronic Registration Information Center (ERIC) reports, Department of Health (DHMH) death records, Administrative Office of the Courts (AOC) felony records, and the processing of overall voter registration records. Follow up is conducted with the local boards to ensure all corrections are completed and to address any training issues. On a monthly basis, a minimum of 144 audits are conducted.

Electronic Registration Information Center (ERIC) - Membership

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

ERIC Files

We are now receiving ERIC data on a monthly basis. On even months (February, April, etc), we receive the In-State Updates, Cross-State, and NCOA (National Change of Address) reports for processing. Odd months

bring us the In-State Duplicate and Social Security Administration Death files for processing. Now that we are within 90 days prior to an election and prohibited from sending list maintenance mailings, we will receive the In-State Duplicate and SSA Death files on a monthly basis.

Candidacy and Campaign Finance (CCF) Division

Candidacy

The deadline for Petition and non-principal political party candidates to file a Declaration of Intent for candidacy is July 5, 2022 at 5 pm. Filings are still by appointment.

Campaign Finance

2022 Pre-Primary 1

The 2022 Pre-Primary 1 was due on June 14, 2022 by 11:59 pm. Almost 81% of the committee filed on time, and as of June 24, 90% of the required committees have filed their report. We sent to those committees that have not yet filed a late fee notice. The maximum late fee penalty for a failure to file is \$1,000.

The Pre-Primary 2 Campaign Finance Report is due on July 8, 2022.

State Public Financing Program

In order to qualify for a public contribution, the candidate must raise \$120,000 from 1,500 Maryland residents. The certified gubernatorial ticket has qualified for a total of \$879,418.76 in public funds and received \$76,121.08 in public funds in June. Another gubernatorial ticket filed a notice of intent but failed to qualify by the deadline.

County Public Financing Programs

Montgomery County: As of May 31, there are 19 certified candidates in the program. 8 additional candidates have filed a notice of intent to participate. The certificate deadline to qualify for a public contribution was June 4. The program has disbursed \$147,881 in May with a disbursement total of \$2,256,071.

Howard County: There are five certified candidates in the program. Two candidates filed a notice of intent to participate in the program but failed to meet the requirements. As of June 24, the program has disbursed a total of \$603,696.65.

Website Activity

In May, the MD Campaign Reporting Information System (MD CRIS) website was visited by 309,792 individuals for an average of nearly 10 individuals per day. Additionally, it had 2,114,443 hits. Each viewer looked at an average of approximately 5.5 page views per day. The Business Contribution Disclosure System (BCDS) website had 1,029,799 hits, with 108,346 visitors with an average of nearly 8.5 page views per day.

Enforcement

1. Johnson, George Committee to Elect paid \$500.00 on June 16, 2022, for failure to maintain account books.
2. Moore, Tom Friends of paid \$250.00 on June 22, 2022, for failure to maintain account books and records.

In the board package, there is a memo and information related to five denials for Title 14 waiver requests. The information on these denials is informational, as no board action is required on denials. There are no waiver requests to grant.

Voting Systems

New Electronic Pollbook

Work on implementing the new electronic pollbooks continues. We are simultaneously in the Project

Initiation and Planning and the Analysis and Design phases. The project initiation and planning phase is on schedule for completion in the second quarter of 2022, and the analysis and design phase is on schedule for completion in the third quarter of 2022.

Voting System Replacement Project

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

Project Management Office (PMO)

Inventory Management

SBE's FY22 inventory audit of equipment and supplies statewide started on February 1. Currently, between SBE and the local boards, 96.02% of the inventory has been audited. June 30, 2022 is the end date for all the inventory auditing.

Central Warehouse

The Central Warehouse team continues its work on numerous tasks related to the upcoming election with the receiving and shipping out of equipment and supplies.

Document Management

SBE continues its review of the seventeen responses received from the Request for Information (RFI) request for a document management system. The next step will be to generate the requirements for the document management system Request for Proposals (RFP) expected to go out in the next fiscal year.

Baltimore City Relocation

The PMO continued to work with the Baltimore City Board of Elections on their relocation plans.

State of Maryland 
State Board of Elections – June 2, 2022 Meeting

Attendees (via conference call):

William G. Voelp, Chair
Malcolm L. Funn, Vice Chair
Severn Miller, Member
Justin Williams, Member
T. Sky Woodward, Member
Linda Lamone, Administrator
Nikki Charlson, Deputy Administrator
Jim Lewis, Assistant Attorney General
Donna Duncan, Assistant Deputy, Constituent Relations
Tracey Hartman, Director of Special Projects
Fred Brechbiel, Chief Information Officer
Art Treichel, Chief Information Security Officer
Jared DeMarinis, Director, Candidacy and Campaign Finance
Melissia Dorsey, Assistant Deputy, Election Policy
Keith Ross, Assistant Deputy, Project Management
Jennifer McLaughlin, Senior Policy Advisor
Shafiq Satterfield, Director of Technical Operations

DECLARATION OF QUORUM PRESENT

Mr. Voelp called the meeting to order at 2:07 pm and declared that a quorum was present.

ADDITIONS TO THE AGENDA

There were no additions to the agenda.

Ms. Charlson stated that there was old business to discuss at that time in the agenda.

APPROVAL OF MEETING MINUTES: APRIL 27, 2022, and MAY 20, 2022

Mr. Williams made a motion to approve the minutes from the April 27, 2022, regular monthly open meeting and the May 20, 2022 emergency meeting. Ms. Woodward seconded the motion. The motion passed unanimously.

ADMINISTRATOR'S REPORT

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

Announcements & Important Meetings

Important Notice Regarding Dominion Voting Systems

Ms. Charlson reported that SBE is aware of the Cybersecurity and Infrastructure Security Agency's (CISA) upcoming advisory identifying certain risks associated with the Dominion Voting System. Maryland does not use the Dominion system. Once the formal advisory is issued, SBE will review the findings with its voting system vendor, Elections Systems and Software (ES&S), as part of an ongoing comprehensive program designed to safeguard the integrity of Maryland's elections. The ES&S voting system was certified by the U.S. Election Assistance Commission (EAC) in 2015 and is used by jurisdictions throughout the country. Each voting unit is tested prior to each election, and election officials perform manual and automated ballot audits after each election designed to verify the accuracy of the voting system's results. The results of these audits are posted on our website.

SBE Employees in New Positions

Ms. Charlson welcomed Mr. Lewis who is our interim Assistant Attorney General after the departure of Andrea Trento. Mr. Lewis was not available for the April 27 meeting but has been busy already in his new role.

Ms. Duncan has moved to a new position at SBE. She is now the Assistant Deputy for Constituent Relations and is responsible for outreach and communications to all of our stakeholders. This change is mostly in name only since Ms. Duncan has been performing these duties for many years, but since it has evolved into a full-time effort, we decided to make it a dedicated position.

Ms. Dorsey is now the Assistant Deputy for Election Policy, the position Donna formerly held. She will continue to oversee the Election Reform and Management Division (where she was previously the Director) and the Voter Registration and Petition Division. The Director of the Election Reform and Management Division is now vacant and we are recruiting to fill that position.

Election Directors' Meetings

We hosted an Election Director's meeting on May 12, 2022, and on June 2, 2022, we will begin a series of weekly meetings leading up to the election. The topics of discussion cover the current election preparation tasks and any specific topics or questions requested by the Election Directors. As the minutes of the meetings are prepared, they will be included with the County Bulletin.

Election Reform and Management

Ballots

Ms. Charlson reported that over 5,000 by-precinct ballots were recently created by Natasha Walker and reviewed and proofed by the local boards of elections. Before going to the by-precinct ballot, the usual number of ballot styles was approximately 700 to 800. This is a significant change that was managed within shortened deadlines due to redistricting litigation. The 5,000 ballots are multiplied about four or five times to provide different sources with the exact format needed for different tasks.

Call Center

Since the 2010 elections, we have used a call center to assist us in responding to the voters of Maryland. These services began with assisting SBE and then several of the larger local boards. In 2020, the call center answered over 182,600 inquiries for SBE and about 18 local boards. For the 2022 elections, we are utilizing this service to help our voters get answers to their questions. Currently, the call center is handling calls for SBE and twelve local boards, and another local board is scheduled to join the call center when the ballots are mailed. As of May 27, 2022, a total of 17,292 calls have been handled.

Mail-in Voting

Ms. McLaughlin reported that another round of mail-in ballot request forms will be mailed next week. This mailing will be sent to three groups of voters (about 600,000 voters) - (1) Democrats and Republicans who registered to vote after our initial data pull in December; (2) Democrats and Republicans who provided a new address after the initial data pull; and (3) unaffiliated voters and voters affiliated with other political parties who have a ballot for the primary election. We post a [report](#) showing the number of processed ballot requests and expect that the number of requests will increase as a result of this mailing.

Under federal law, ballots must be transmitted to requesting military and overseas voters no later than 45 days before an election. June 4 is 45 days before the July 19 election. This week, our mailhouse vendor will mail over 750 ballot packets to requesting military and overseas voters and we will email over 1,650 voters a link to access their ballot via our online ballot delivery system. This schedule means that we will meet the 45-day requirement.

Ballots to all other requesting ballots will be sent next week. Our mailhouse vendor will mail about 350,000 ballot packets on June 9, and we will email about 35,000 voters a link to access their ballot via our online ballot delivery system. After this initial transmission, ballots will be transmitted several times a week until the week before the election.

Each ballot packet will include a list of the ballot drop boxes in that voter's jurisdiction. A statewide list of ballot boxes is available [here](#).

USPS

Ms. McLaughlin stated that the United States Postal Service (USPS) filed notice with the Postal Regulatory Commission (PRC) of price changes to take effect July 10, 2022. If approved by the PRC, this would include raising First-Class Mail prices approximately 6.5 percent. Beginning January 2023, USPS price adjustments will occur twice a year (January and July) each year.

The Biden administration is looking to give the USPS \$5 billion to support its mail-in voting operations over the next decade. The administration, as part of its fiscal 2023 budget request, expects the money would support vote-by-mail, including making ballots postage-free and reducing the cost of other election-related mail for jurisdictions and voters.

Voter Education

Ms. Duncan reported that our voter education campaign kicked off on May 23. The initial messages are registering to vote for individuals who are not registered to vote and checking and updating existing information for voters who are already registered. These messages will be delivered via digital channels (e.g., Google, Facebook, etc). Future phases of the campaign will focus on general messaging about the three ways to vote and voting deadlines. We will use traditional media – TV, radio, and print - as the campaign continues. A few images from the campaign are here. We will soon provide a toolkit for use.



Voter Registration

Statewide Referendum Petition Effort

The deadline to file a referendum petition effort with the Secretary of State's Office was Tuesday, May 31. This effort is to put a question to the voters on the recently passed legislation, [HB 937/Chapter 56](#) - The Abortion Care Access Act. A total of 69,135 valid signatures is required to

have the question placed on the ballot at the November general election. A minimum one-third of the total signatures is required for the first filing. The sponsor of this petition effort failed to meet the initial threshold of 23,045 signatures.

Voter Registration Application Verbiage Change

At the request of the State Board members, SBE staff developed a timeline for the ability to change the verbiage regarding the qualifications of individuals convicted of a felony. These qualifications are found in Election Law Article, §3-102.

The current language is:

Not have been convicted of a felony, or if you have, you have completed serving a court-ordered sentence of imprisonment.

The proposed language is:

Not be currently serving a sentence of imprisonment for a felony conviction.

The timeline for the proposed change is:

1. Mock-up of the English version of the voter registration application: Complete
2. Notify “automatic registration” agencies about proposed text change: Complete
3. Approval of proposed language by the State Board: June 2 meeting
4. Obtain Spanish translation of the SBE-approved language: Request by June 6
5. Update SBE website and request updates to Attorney General’s website: June 6 (estimate)
6. Update SBE’s online voter registration system (OLVR): June 6, 2022 (estimate)
7. Procure printed voter registration applications: Request for proposals issued on May 26, and bids are due on June 3.
8. “Automatic registration” agencies complete text changes: July 1 (estimate)
9. Receive printed voter registration applications: Minimum 6 weeks for production and delivery. The estimated shipping date is July 18.

MDVOTERS

The 8.5 release was implemented on May 20. This release included enhancements to the ballot export file and various helpdesk tickets. During the MDVOTERS downtime for the release server, enhancements were completed to assist with the local boards with processing voter notification cards triggered by the redistricting process. The next release is scheduled for June 10, and the release will address the election judge module and high-speed mail sorter enhancements.

MDVOTERS Audits

Monthly audits of voter registration data continue to verify compliance with federal and State laws governing voter registration. The monthly audits include review of the local boards of elections’ processing of Electronic Registration Information Center (ERIC) reports, Department of Health (DHMH) death records, Administrative Office of the Courts (AOC) felony records, and the processing of overall voter registration records. Follow up is conducted with the local boards to ensure all corrections are completed and to address any training issues. On a monthly basis, a minimum of 144 audits are conducted.

Electronic Registration Information Center (ERIC) - Membership

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

ERIC Files

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

Motor Vehicle Administration (MVA) Transactions

During April, MVA collected the following voter registration transactions:

New Registration - 10,522	Residential Address Changes - 15,611
Last Name Changes - 2,254	Political Party Changes - 2,970

During May, MVA collected the following voter registration transactions:

New Registration - 11,349	Residential Address Changes - 18,510
Last Name Changes - 2,810	Political Party - 3,646

Non-Citizen Registration and Voting

From April 20, 2022 to May 30, 2022, 15 voter records were canceled due to these voters not being U.S. citizens. 5 voters have voting history. SBE will review these records prior to submitting them to the Office of the State Prosecutor.

Candidacy and Campaign Finance (CCF) Division

Candidacy

The deadline for Petition and non-principal political party candidates to file a Declaration of Intent for candidacy is July 5, 2022 at 5 pm. Filings are still by appointment.

Campaign Finance

State Public Financing Program

In order to qualify for a public contribution, the candidate must raise \$120,000 from 1,500 Maryland residents. The certified gubernatorial ticket has qualified for a total of \$798,527.68 in public funds and received \$78,672 in public funds in May. One gubernatorial ticket filed a notice of intent but failed to qualify by the deadline.

County Public Financing Programs

Montgomery County: There are 19 certified candidates in the program. Eight additional candidates have filed a notice of intent to participate. The certificate deadline to qualify for a public contribution is June 4. The program has disbursed \$175,475 in April and \$147,881 in May with an aggregate disbursement total of \$2,256,071.

Howard County: There are three certified candidates in the program. Three more candidates filed a notice of intent to participate in the program. The deadline to qualify for a public contribution is June 4. As of May 17, the program has disbursed a total of \$561,553.49.

Website Activity

In April, the MD Campaign Reporting Information System (MD CRIS) website was visited by 339,042 individuals for an average of 11,301 per day. Additionally, it had 2,247,288 hits. Each viewer looked at an average of approximately 5.17 page views per day. The Business Contribution Disclosure System (BCDS) website had 830,584 hits, with 58,420 visitors with an average of nearly 13.6 page views per day.

Enforcement

1. Friends of David Ellin paid \$600.00 on April 26, 2022, for failure to record all contributions and expenditures.
2. Kullen, (Sue) For Calvert paid \$500.00 on April 27, 2022, for failure to record all contributions and expenditures.
3. Montgomery County Republican Central Committee paid \$1,000.00 on May 12, 2022, for failure to record all contributions and expenditures.
4. Citizens to Elect Stephanie A. Boston paid \$600.00 on May 18, 2022, for failure to record all contributions and expenditures.
5. Melanie Harris for MD 12 paid \$100.00 on May 19, 2022, for cash disbursement greater than \$25.00.

Voting Systems

New Electronic Pollbook

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

Voting System Replacement Project

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

Ballot Drop Box Delivery

The delivery of 280 state-owned ballot drop boxes for the upcoming 2022 Gubernatorial Primary election have been scheduled to begin on Monday, June 6, 2022. Six days have been allotted to complete the delivery of the ballot drop boxes and all units are expected to be in place by Monday, June 13, 2022.

Logic and Accuracy Testing (L&A)

Logic and Accuracy testing of the voting equipment for the upcoming Gubernatorial Primary election has begun. All equipment to be deployed for Early Voting, Election Day or for the Canvassing of mail-in ballots will be tested by the local boards of elections. L&A testing on voting equipment to be deployed for Early Voting must be completed by July 5, 2022. The L&A testing of voting equipment to be deployed for Election Day will be completed statewide by July 9, 2022.

Project Management Office (PMO)

Inventory Management

The SBE FY22 Inventory Auditing of equipment and supplies statewide started on February

1. Currently, between SBE and the local boards, 94.92% of the inventory has been audited, with an end date for all the inventory auditing on June 31, 2022.

Central Warehouse

The Central Warehouse team is busy working on a number of tasks related to the upcoming election with the receiving and shipping out of equipment and supplies.

Document Management

We issued a Request for Information (RFI) for responses from document management system vendors. The closing date for the responses was April 29. We received 17 responses to the RFI and are completing the review process. One of the next steps will be to generate the requirements for the document management system Request for Proposals (RFP).

Working on the agency's records retention requirements with a focus on the submission of documents to the State Archives for permanent storage.

Baltimore City Relocation

Continued to work with the Baltimore City Board of Elections on their relocation plans.

Election Operations Support

The PMO continues its work on the logistics and planning for the primary election operations support that includes the use of an election helpdesk system and the setup of an election operations center on election day.

ASSISTANT ATTORNEY GENERAL'S REPORT

Mr. Lewis gave the following updates:

1. *WinRed, Inc. v. Ellison, et al.*, No. 21-cv-1575 (D. Minn.). On July 7, 2021, WinRed, Inc. – a federal PAC created to assist Republican Party candidates – filed a lawsuit against the Attorneys General of Connecticut, New York, Maryland, and Minnesota (the “State AGs”), seeking a declaration that State consumer protection statutes and regulations are preempted by federal law, to the extent that these State laws are being enforced to regulate the use of pre-checked recurring contribution boxes for solicitations for federal offices. WinRed had received letters from the defendants requesting information and documents regarding its use of pre-checked boxes in that context. (It is now public that ActBlue – the PAC formed to assist Democratic Party candidates – has received a similar request from the same State AGs but has not joined this lawsuit.) On July 27, 2021, WinRed filed a motion for preliminary injunction against enforcement of subpoenas served by the State AGs. On July 29, 2021, the State AGs moved to dismiss the complaint. Oral argument on both motions took place on November 2, 2021. On January 26, 2022, the Court issued an order denying Plaintiff’s motion for preliminary injunction and granting the defendants’ motion to dismiss and dismissed the Complaint. WinRed has appealed the dismissal to the U.S. Court of Appeals for the Eighth Circuit. On March 25, 2022, WinRed filed its opening brief. The Appellees’ response was filed in late April. WinRed filed its reply brief on May 23, 2022. The Court is in the process of being scheduled for oral argument.
2. *Connors v. State of Maryland, et al.*, No. C-02-CV-21-001282 (Cir. Ct. A.A. Cnty.). On September 23, 2021, the Plaintiff filed a lawsuit challenging the SBE’s disclosure of personalized voter information on lists of registered voters without obtaining voters’ consent. She alleges that SBE’s practices of (i) disclosing information beyond just the names of voters on the voter list, (ii) disclosing the voter list to non-Maryland registered voters, (iii) transmitting the voter list

to individuals or organizations who do not swear the oath that the list will only be used for electoral purposes, (iv) failing to ensure that the purpose for which the list is intended to be used by the applicant comports with that requirement, and (v) allowing only some voters to participate in the voter confidentiality program, violates various State and federal laws and constitutional provisions. The plaintiff is seeking, among other things, damages in the amount of \$400,000 for each instance her voter information was disclosed on a voter list transmitted to an applicant and seeks injunctive relief in the form of an order forbidding SBE from disclosing voter information without the affirmative consent of the voter and requiring SBE to issue new voter ID numbers to every Maryland registered voter. The State of Maryland, the State Administrator, and the Governor are named as defendants in the case.

On November 8, 2021, the Defendants filed a motion to dismiss the Complaint. On November 23, 2021, Plaintiff filed an opposition to the motion to dismiss. The motion to dismiss was heard on February 14, 2022. On March 10, 2022, the Circuit Court issued an opinion and order dismissing the Complaint. Ms. Connors did not appeal.

3. *Baltimore Cnty. Branch of the NAACP, et al. v. Baltimore Cnty., Md., et al.*, No. 1:21-cv-03232 (D. Md.). On December 21, 2021, the Baltimore County Branch of the NAACP, the League of Women Voters, Common Cause of Maryland, and several individual plaintiffs filed a lawsuit challenging the Baltimore County redistricting map for county council districts, on the ground that it violated section 2 of the Voting Rights Act. Baltimore County, the individual members of the Baltimore County Council, and the Baltimore County Board of Elections were named as defendants. (The individual County Council members have since been dismissed from the case.) On January 19, 2022, the plaintiffs filed a motion for preliminary injunction, and the court entered an order setting a hearing for February 15, 2022 on the plaintiffs' motion. On February 22, 2022, the court ruled in favor of the plaintiffs, and ordered Baltimore County to produce a compliant map by March 9, 2022. On March 9, 2022, Baltimore County filed its proposed remedial map. The Court has asked the plaintiffs to respond to the filing by 5 pm today and will hold a conference with the parties on March 11, 2022 to discuss further proceedings. On March 25, 2022, the Court approved the remedial map proposed by Baltimore County. On May 9, 2022, after reviewing status reports from the parties, the Court dismissed the matter without prejudice, to allow the plaintiffs to bring a challenge to the county map after the July 19, 2022 election if they determine that a challenge is warranted, and to file a motion to attorneys' fees by June 6, 2022.
4. *In the Matter of Seth Wilson*, No. C-02-CV-22-000078 (Cir. Ct. A.A. Cnty.). On January 14, 2022, Seth Wilson, the Chairman of the Washington County Republican Party Central Committee, filed a petition for judicial review of the determination and approval, respectively, by the Washington County Board of Elections and SBE, of the locations for early voting centers in Washington County for the 2022 elections. On January 19, 2022, the agencies were provided notice of the petition for judicial review by the Clerk of the court. On March 22, 2022, the agencies filed administrative records. Mr. Wilson has filed his memorandum of law in support of his petition. The State and Local Boards have filed answering memoranda. Mr. Wilson will likely be filing a reply memorandum within the next two weeks. A hearing on the petition has been scheduled for August 15, 2022.
5. *Brian Marron v. Linda Lamone*, No. C-02-CV-22-000795 (Cir. Ct. A.A. Cnty.). On May 9, 2020, Brian Marron, a registered voter, filed a lawsuit against Linda Lamone and Daniel Cox. Mr. Marron claimed that Mr. Cox was ineligible to run for Governor because of his alleged

involvement in the events at the Capitol on January 6, 2021. Ms. Lamone filed a motion to dismiss or for summary judgment and requested an expedited hearing. After briefing the motion and argument on May 20, 2022, the Court granted the motion to dismiss because it was untimely and barred by laches. Mr. Marron did not appeal.

6. *Paul Corderman v. Shawn Perry*, No. C-21-CV-22-000226 (Cir. Ct. Wash. Cnty.). On March 16, 2022, Senator Paul Corderman sued Shawn Perry, the Maryland State Board of Elections, and the Washington County Board of Elections. Senator Corderman was challenging Mr. Perry's residency and alleged that his name should not appear on the ballot. After a hearing on May 26, 2022, the Court concluded that Mr. Perry established his residency before the deadline to run for office and his name did not need to be removed from the ballot.

APPROVAL OF PROPOSED REGULATIONS TO COMAR 33.15.03.03, 33.15.03.04, and 33.15.03.07 (ABSENTEE BALLOTS- POLLING PLACES)

Ms. Charlson stated that she had previously included proposed amendments to COMAR 33.11.03.06 in the meeting materials to the Board. However, in light of the Governor's veto of SB 163, there is no longer a requirement for the proposed amendments, and therefore Ms. Charlson withdrew the proposed amendments to COMAR 33.11.03.06.

Ms. Charlson presented proposed amendments to COMAR 33.15.03.03 and 33.15.03.04. The proposed new regulations are:

1. 33.15.03.03 (Polling Places – Reassignments — Spouse or Helper of Elderly Voter or Voter with a Disability): The proposed amendment to Section B of this regulation allows a voter's spouse to be reassigned to the voter's polling place if the spouse or helper is registered to vote in the same county. The amendment adds the requirement that the polling place have a ballot with the same content as the spouse's or helper's ballot. The proposed amendment to Section D changes the requirement of the issuance of the ballot to be a ballot that has the same content as the ballot used in the polling place originally assigned to the spouse or helper.
2. 33.15.03.04 (Polling Places – Reassignments — Religious Objections): The proposed amendments to Section C of this regulation require that when making this accommodation, the new polling place must have the same ballot content as the ballot for the polling place originally assigned to the voter. The proposed amendment to Section D requires that any ballot issued to a voter under this regulation have the same content as the ballot for the polling place originally assigned to the voter.

Mr. DeMarinis proposed the deletion of Regulation .07 under COMAR 33.15.03 and proposed a new Regulation .07- Polling Place – Alcoholic Beverage License. He explained that the current text in Regulation .07 is a duplicate of Regulation .04 and can therefore be repealed. The new Regulation .07 is required by Chapters 191 and 192 (2022) (SB 907 & HB 328). He stated that the proposed deletion and new amendments would both simultaneously be filed as emergency regulations, and normal regulations. The proposed new regulations are:

3. 33.15.03.07 (*Polling Place – Alcoholic Beverage License*): This regulation allows a local board to use a building or part of a building that is owned, occupied, or partially occupied by an establishment that holds an alcoholic beverages license as a polling place. The regulation also sets forth the selection factors and requirement for using a polling place eligible under Section .07 of this regulation,

In response to a question from Mr. Williams, Ms. Charlson explained the differences in the normal versus emergency promulgation of the regulations.

Mr. Funn made a motion to approve the proposed amendments to COMAR 33.15.03.03, 33.15.03.04, and 33.15.03.07 in the normal promulgation process. Mr. Miller seconded the motion. It passed unanimously.

Mr. Miller made a motion to adopt the proposed deletion of the current COMAR 33.15.03.07, and the proposed new amendments to COMAR 33.15.03.07 in the ~~normal~~-emergency promulgation process. Ms. Woodward seconded the motion. It passed unanimously.

APPROVAL OF FINAL REGULATIONS- COMAR 33.13.07.02 (CAMPAIGN FINANCING – AUTHORITY LINE REQUIREMENTS, ELECTRONIC MEDIA); 33.13.14.07- 33.13.14.09 (CAMPAIGN FINANCING– PUBLIC FINANCING); 33.18.02.01- 33.18.02.02 (VIOLATIONS – PROHIBITED ACTS); 33.20.08.01 (DISCLOSRE OF PERSON DOING PUBLIC BUSINESS – SANCTIONS)

Mr. DeMarinis presented proposed amendments to COMAR 33.13.07.02, 33.13.14.07, 33.13.14.08, 33.13.14.09, 33.18.02.01, 33.18.02.02, and 33.20.08.01 for final adoption. These proposed regulations were approved by the Board at the December 16, 2021 meeting. The proposed changes and new amendments were published in the March 25, 2022, edition of the *Maryland Register* (Vol. 49, Issue 7). The public comment period closed on April 25, 2022. No comments were received.

The proposed changes and new regulations presented for final adoption were:

1. 33.13.07.02 (Campaign Financing - Authority Line Requirements – Electronic Media): The proposed amendment to the regulation modifies the authority line requirements for the use of deep fake videos and audio recordings and the sending of text messages by a political committee. The proposed regulations define what constitutes a deep fake audio and video recording. Moreover, it modifies the authority line requirements to include an additional disclaimer at the beginning and end of the recording that the audio or video recording did not occur in reality. Additionally, the proposed regulation requires a political committee that disseminates text messages to individuals, but the text message service limits the number of characters in the text to immediately follow the text message with a text message including the authority line.
2. 33.13.14.07 (Campaign Financing – Public Financing – Coordinated In-Kind Contributions): The proposed new regulations allow for central committees to make coordinated in-kind contributions to county publicly financed candidates. The proposed regulations set limits and resists the source of the funding consistent with the enabling legislation and county programs.
3. 33.13.14.08 (Campaign Financing – Public Financing – Electronic Signatures): The proposed new regulation defines, sets the process, and places restrictions on the use of electronic signatures in relation to use on a contribution card.
4. 33.14.14.09 (Campaign Financing – Public Financing – Electronic Signatures): The proposed new regulation prohibits transfers from a publicly financed candidate

committee to any other political committee and allows for the transfer of the voter access file from the State Central Committee.

5. 33.18.02.01 and 33.18.02.02 (Violations – Prohibited Acts): The proposed amendments and new regulations require a person to place the same disclaimer requirements on a deep fake recording attempting to influence a voter’s decision going to the polls or casting a vote within 90 days of the election.
6. 33.20.08.01 (Disclosure of Person Doing Public Business – Sanctions): The proposed amendments update the late fee penalties to match the late fee fine structure for political committees. In 2019, the General Assembly changed the penalties for political committee to a maximum penalty of \$1,000. The law governing the contribution disclosure statement for persons doing public business requires that penalties for late filings are identical to political committees.

Mr. Funn made a motion to adopt the proposed amendments and new regulations to COMAR 33.13.07.02, 33.13.14.07, 33.13.14.08, 33.13.14.09, 33.18.02.01, 33.18.02.02, and 33.20.08.01 as presented by Mr. DeMarinis. Mr. Williams seconded the motion. It passed unanimously.

APPROVAL OF EMERGENCY CHANGE TO POLLING PLACES FOR BALTIMORE AND PRINCE GEORGE’S COUNTIES

Ms. Duncan presented one request each from the Baltimore and Prince George’s County Boards of Elections for an emergency change in polling place. Those changes are:

1. Baltimore County- Ms. Duncan presented a request from the Baltimore County Board of Elections to replace the Gunpowder VFD to the Vincent Farm Elementary School cafeteria, for precinct 15-25. This relocation is necessary because the facility is no longer available for use as a polling place. SBE recommended approving this request.

Mr. Williams made a motion to approve the emergency polling place change to Vincent Farm Elementary School. Mr. Funn seconded the motion. It passed unanimously.

2. Prince George’s County- Ms. Duncan presented a request from the Prince George’s County Board of Elections to replace the Adelphi Elementary School to Mary Harris Jones Elementary School, for the consolidated precinct 17-012 and 17-018. This relocation is necessary because the Adelphi Elementary School is under construction and therefore is no longer available for use as a polling place for the primary election. SBE recommended approving this request.

Mr. Williams made a motion to approve the emergency polling place change to Vincent Farm Elementary School. Ms. Woodward seconded the motion. It passed unanimously.

APPROVAL OF TITLE 13 LATE FEE WAIVER REQUESTS

Mr. DeMarinis presented requests from 28 campaigns to waive or reduce late fees incurred by the committee. Three campaigns were denied waivers of late fees and was presented to the board for informational purposes.

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

1. Addis, Richard The People for
2. Bickford, Pieter Citizens for

3. Bostick, Christina J. Committee to Elect
4. Buhrt, Jeffrey C. for Sheriff
5. Burley, Katina Citizens for
6. Committee to Elect Robert A. Silkworth
7. Crum, Gary Friends for
8. Harris, Neil Friends of
9. Hutchins, Thomas E. "Tim" Friends of
10. Jennifer, Sheila Vote
11. Johnson, Sue Friends of
12. Lee, Kenneth Citizens for
13. Lowery, Eric, Friends of
14. Maryland Neurosurgical Society
Political Action Committee
15. Mcleod, Junior for the People
16. Mirabile, Russ NO TAX Friends of
17. Nolet, Michael Citizens to Elect for
Baltimore
18. Opportunity Maryland PAC
19. Peroutka, Michael Anthony Patriots for
20. Puca, Anthony for County Council
21. Remondini, Rayna Citizens for
22. Rice, Craig Citizens For
23. Savoy, Brenda Hatcher Citizens for
24. Shakur, Malik Friends of for Judge
25. Sims, Brian Friends of
26. Stafford, (Theresa) for Board of
Education
27. Thomas, Bob Committee To Elect
28. Tichy, Christa Friends of

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

APPROVAL OF TITLE 14 LATE FEE WAIVER REQUESTS

Mr. DeMarinis presented requests from one business, Maryland Works, to waive late fees incurred by the entity. One business was denied a waiver of late fees.

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

APPROVAL OF SBE BYLAWS AND DELEGATION OF DUTIES

Ms. Charlson presented the current bylaws with proposed edits, a summary of proposed changes, and proposed changes to *Duties of the State Board and State Administrator* table. Per conversation with Mr. Voelp and Mr. Funn, Ms. Charlson explained that today she will only present for approval the administrative changes to the *Duties of the State Board and State Administrator*. Using the summary as a guide, Ms. Charlson presented all changes labeled as either "corrective," "correction," "repeal," or "correct citation." The summary with the administrative edits proposed at the meeting can be viewed in the [meeting materials](#). Ms. Charlson explained that if the Board approved the proposed administrative changes, then she will present the new duties at the next meeting.

Mr. Funn made a motion to approve the administrative changes to the Bylaws, and Mr. Miller seconded the motion. The motion passed unanimously.

OLD BUSINESS

Voter Registration Application Verbiage Change

Ms. Dorsey presented the Board with proposed changes to the verbiage regarding the qualifications of individuals convicted of a felony on the Voter Registration Application.

The current language is:

Not have been convicted of a felony, or if you have, you have completed serving a court-ordered sentence of imprisonment.

The proposed language is:

Not be currently serving a sentence of imprisonment for a felony conviction.

Ms. Woodward made a motion to approve the administrative changes to the Bylaws, and Mr. Funn seconded the motion. The motion passed unanimously.

Legislation Update

Mr. DeMarinis stated that Senate Bills 15 and 101 both passed and went into effect without the Governor's signature.

NEW BUSINESS

Governor's Veto of HB 862

Mr. Williams requested to discuss the implications of Governor Hogan's veto of HB 862, and any actions that the Board should take in response. Mr. Voelp explained that the three areas of the election with possible implication from the veto are curing a return envelope sent without the voter's signature, which ballot to accept when a voter returns a mail-in ballot and votes provisionally, and the start date of the canvass. A discussion followed among the members. No actions were taken by the Board. but they agreed to set a tentative board meeting for approximately two weeks from now if the Board decides to present emergency regulations.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

There were no contributions to report.

SCHEDULE NEXT MEETING

At 3:20 pm, while the Board was discussing the date of the next meeting, the livestream feed stopped due to a power outage at the SBE office. Ms. Duncan informed the Board, who paused any discussions of Board matters while the meeting was not being livestreamed. The livestream feed was resumed at 3:41 pm, and the Board continued the meeting.

The next meeting is scheduled for Tuesday, June 28, 2022 at 2 p.m. A tentative meeting is scheduled for Thursday, June 16, 2022.

CLOSED SESSION – PERSONNEL & LEGAL ADVICE

Mr. Voelp requested a motion to close the board meeting under several provisions of §3-305(b) of the General Provisions Article. The stated provisions were: (b)(1) which permits closing a meeting to discuss compensation of officials over whom the State Board has discussion; (b)(7) and (8), which permit closing a meeting to receive advice from counsel and consult with staff about pending or potential litigation, respectively; and (b)(10) and (15), which permit closing a meeting to share and discuss physical and information security of IT systems.

Ms. Woodward made a motion to convene in closed session under General Provisions Article, §3-305(b)(1), (7), (8), (10), and (15), and Mr. Miller seconded the motion. The motion passed unanimously.

The motion having passed, the Board met in closed session in accordance with exemptions defined in (b)(1), (7), (8), (10), and (15) of Section 3-305 of the Open Meetings Act to discuss compensation of officials over whom the State Board has jurisdiction, receive advice from

counsel, consult with staff about pending or potential litigation, and physical and information security measures.

The closed session began at 4:00 pm. Mr. Voelp, Mr. Funn, Mr. Miller, Ms. Woodward, and Mr. Williams attended the closed meeting. In addition to the board members, Ms. Lamone, Ms. Charlson, and Ms. Duncan attended the meeting. Ms. Malcolm attended part of the closed meeting.

During the closed session, Ms. Malcolm presented a salary request for a candidate for a vacant position at a local board of elections and Ms. Lamone's recommendation on the local board's request. Mr. Williams made a motion to approve requested salary for a vacant position, and Ms. Woodward seconded the motion. The motion passed unanimously. Ms. Malcolm left the meeting.

Ms. Charlson shared information about physical and information security of an information system. Mr. Lewis provided legal advice and staff provided information about potential or pending litigation. No actions were taken.

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

The closed meeting adjourned at 4:45 pm.

ADJOURNMENT

The open meeting adjourned at 3:45 pm.

ASSISTANT ATTORNEY GENERAL'S REPORT

June 28, 2022

1. *WinRed, Inc. v. Ellison, et al.*, No. 21-cv-1575 (D. Minn.). On July 7, 2021, WinRed, Inc. – a federal PAC created to assist Republican Party candidates – filed a lawsuit against the Attorneys General of Connecticut, New York, Maryland, and Minnesota (the “State AGs”), seeking a declaration that State consumer protection statutes and regulations are preempted by federal law, to the extent that these State laws are being enforced to regulate the use of pre-checked recurring contribution boxes for solicitations for federal offices. WinRed had received letters from the defendants requesting information and documents regarding its use of pre-checked boxes in that context. (It is now public that ActBlue – the PAC formed to assist Democratic Party candidates – has received a similar request from the same State AGs, but has not joined this lawsuit.) On July 27, 2021, WinRed filed a motion for preliminary injunction against enforcement of subpoenas served by the State AGs. On July 29, 2021, the State AGs moved to dismiss the complaint. Oral argument on both motions took place on November 2, 2021. On January 26, 2022, the Court issued an order denying Plaintiff’s motion for preliminary injunction and granting the defendants’ motion to dismiss, and dismissed the Complaint. WinRed has appealed the dismissal to the U.S. Court of Appeals for the Eighth Circuit. On March 25, 2022, WinRed filed its opening brief. The Appellees’ response was filed in late April. WinRed filed its reply brief on May 23, 2022. The Court is in the process of scheduling the appeal for oral argument.

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

SBE to issue new voter ID numbers to every Maryland registered voter. The State of Maryland, the State Administrator, and the Governor are named as defendants in the case.

Meanwhile, on November 8, 2021, the Defendants filed a motion to dismiss the Complaint. On November 23, 2021, Plaintiff filed an opposition to the motion to dismiss. The motion to dismiss was heard on February 14, 2022. On March 10, 2022, the Circuit Court issued an opinion and order dismissing the Complaint. Ms. Connors did not appeal.

On June 3, 2022, Plaintiff filed a miscellaneous correspondence with the Circuit Court. The correspondence was docketed that same day, but does not revive the claim or affect the disposition of the matter in any way. With the time for an appeal having passed, the matter is now final.

3. *Baltimore Cnty. Branch of the NAACP, et al. v. Baltimore Cnty., Md., et al.*, No. 1:21-cv-03232 (D. Md.). On December 21, 2021, the Baltimore County Branch of the NAACP, the League of Women Voters, Common Cause of Maryland, and several individual plaintiffs filed a lawsuit challenging the Baltimore County redistricting map for county council districts, on the ground that it violated section 2 of the Voting Rights Act. Baltimore County, the individual members of the Baltimore County Council, and the Baltimore County Board of Elections were named as defendants. (The individual County Council members have since been dismissed from the case.) On January 19, 2022, the plaintiffs filed a motion for preliminary injunction, and the court entered an order setting a hearing for February 15, 2022 on the plaintiffs' motion. On February 22, 2022, the court ruled in favor of the plaintiffs, and ordered Baltimore County to produce a compliant map by March 9, 2022. On March 9, 2022, Baltimore County filed its proposed remedial map. The Court has asked the plaintiffs to respond to the filing by 5 pm today, and will hold a conference with the parties on March 11, 2022 to discuss further proceedings. On March 25, 2022, the Court approved the remedial map proposed by Baltimore County. On May 9, 2022, after reviewing status reports from the parties, the Court dismissed the matter without prejudice, to allow the plaintiffs to bring a challenge to the county map after the July 19, 2022 election if they determine that a challenge is warranted, and to file a motion to attorneys' fees by June 6, 2022.

On June 6, 2022, the plaintiffs filed a Motion for Attorney's Fees and Litigation Expenses. Plaintiffs in their filing promise a memo detailing their fee requests by July 11, 2022.

4. *In the Matter of Seth Wilson*, No. C-02-CV-22-000078 (Cir. Ct. A.A. Cnty.). On January 14, 2022, Seth Wilson, the Chairman of the Washington County Republican Party Central Committee, filed a petition for administrative mandamus of the determination and approval, respectively, by the Washington County Board of Elections and SBE, of the locations for early voting centers in Washington County for the 2022 elections. On January 19, 2022, the agencies were provided notice of the petition for administrative mandamus by the Clerk of the court. On March 22, 2022, the agencies filed administrative records. Mr. Wilson has filed his memorandum of law in support of his petition. The State and Local Boards have filed answering memoranda. Mr. Wilson filed a reply memorandum on June 16, 2022. A hearing on the petition has been scheduled for August 15, 2022.

6. *Paul Corderman v. Shawn Perry*, No. C-21-CV-22-000226 (Cir. Ct. Wash. Cnty.). On March 16, 2022, Senator Paul Corderman sued Shawn Perry, the Maryland State Board of Elections, and the Washington County Board of Elections. Senator Corderman was challenging Mr. Perry's residency and alleged that his name should not appear on the ballot. After a hearing on May 26, 2022, the Court concluded that Mr. Perry established his residency before the deadline to run for office and his name did not need to be removed from the ballot. No appeal has been taken and the matter has been fully resolved.



Donna Duncan -SBE- <donna.duncan@maryland.gov>

approval of board

2 messages

Goldman, Abigail (BOE) <Abigail.Goldman@baltimorecity.gov>

Fri, Jun 24, 2022 at 10:33 AM

To: "Donna Duncan (DONNA.DUNCAN@MARYLAND.GOV)" <donna.duncan@maryland.gov>

Donna

We spoke to the Board yesterday and they all gave their approval to move the two polling place locations due to the emergency of the buildings being vandalized.

Abigail

June 15, 2022

Linda Lamone, Administrator
State Board of Elections
P.O. Box 6486
Annapolis, Maryland 21401-0486

Dear Ms. Lamone:

The Baltimore City Board of Elections has two emergency polling place changes due to building being vandalized.

20007 and 20008

Old: Sarah Roach #73
New: Hilton Recreation Center

[3434 Old Frederick Road](#)
290 Phelps Avenue

The distance between the two are 0.06 miles

15018 and 16005

Old: Lillian Jones Recreation Center
New: Harlem Recreation Center

[1310 N Stricker Street](#)
[700 N Calhoun Street](#)

The distance between the two are 0.05 miles

All voters will get updated voters' cards and will be posted on social media and website. Signs on the site will go up a week before at the old sites.

Thank you in advance for your attention in this matter.

Sincerely,

Armstead B. C. Jones
Election Director

ABIGAIL GOLDMAN
DEPUTY DIRECTOR
CERA Graduate
MAEO Secretary

BALTIMORE CITY BOARD OF ELECTIONS
BENTON OFFICE BLDG. ROOM 129
417 E. FAYETTE STREET
BALTIMORE, MD 21202

410-396-5570

Donna Duncan -SBE- <donna.duncan@maryland.gov>
To: Donna Duncan <donna.duncan@maryland.gov>

Mon, Jun 27, 2022 at 6:30 PM

[Quoted text hidden]

BALTIMORE COUNTY BOARD OF ELECTIONS

Bruce Robinson, President
Gloria Mason, Vice President
Carol Byrd, Secretary
William Feuer, Member
Bruce Harris, Member
Andrew Bailey, Board Counsel



RUIE MARIE LAVOIE
Director

ANN "NANCY" STRATTON
Deputy Director

MEMORANDUM

To: Linda H. Lamone, Administrator, Maryland State Board of Elections

From: Ruie Marie Lavoie, Director

cc: Donna Duncan, Maryland State Board of Elections
Baltimore County Board of Elections
Andrew Bailey, Esq.

Date: June 28, 2022

RE: **2022 Gubernatorial Primary Election
Emergency Precinct Change**

The Baltimore County Board of Elections approved the below listed relocation of voters at a meeting held on June 27, 2022 at 3:30 pm. We respectfully request the following be submitted to the Maryland State Board of Elections for their review and approval for the Primary Election only. This change is necessary to ensure the voters receive the correct ballot content.

1. Relocate 652 voters assigned to 10-06, Hereford Middle School located at 712 Corbett Road in Monkton, Maryland **TO** 10-02 located at Jacksonville Community Center located at 3605 Sweet Air Road in Phoenix, Maryland. The distance between the locations is 8 miles. 10-06 will be removed for the 2022 Primary Election.
2. Relocate 1,281 voters assigned to 11-20, Seven Oaks Elementary School located at 9220 Seven Courts Drive in Parkville, Maryland **TO** 11-17, Gunpowder Elementary School located at 9540 Holiday Manor Road in Nottingham, Maryland. The distance between the locations is 1.8 miles. 11-20 will be removed for the 2022 Primary Election.
3. Relocate 699 voters assigned to 15-27, Martin Boulevard Elementary located at 210 Riverton Road in Middle River, Maryland **TO** 15-07, Chase Elementary School located at 11701 Eastern Avenue in Middle River, Maryland. The distance between the locations is 3.4 miles. 15-27 will be removed for the 2022 Primary Election.

There is adequate room in the reassigned locations to accommodate the increase in voters. Affected voters will receive a new Voter Notification Card with a letter explaining the change. Ample signage will be displayed at the all locations.

STATE BOARD OF ELECTIONS

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

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



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

June 27, 2022

Via Electronic Mail Only

The Honorable Bill Ferguson
President of the Senate
Senate of Maryland
State House
Annapolis MD 21401

The Honorable Adrienne A. Jones
Speaker of the House
Maryland House of Delegates
State House
Annapolis MD 21401

Dear President Ferguson and Speaker Jones:

Thank you for your letter dated June 3, 2022, asking the State Board of Elections to make regulatory changes to implement certain provisions of Senate Bill 163 (SB 163) and House Bill 862 (HB 862) of the 2022 Legislative Session. At its meeting on June 23, 2022, the members of the State Board of Elections approved regulatory changes to implement two provisions of SB 163 and HB 862. The approved changes are:

1. Changes to the current regulations requiring the local boards of elections to contact voters who returned a mail-in ballot but did not sign the oath. The approved changes to COMAR 33.11.03.05C reflect the timeframe established in SB 163 and HB 862 for the election director to notify the voter and define various ways voters can provide a signature. The approved language would allow for texting¹ and use of an online portal for future elections.
2. Changes to which ballot to count if a voter votes and returns a mail-in ballot and votes a provisional ballot. The approved changes to COMAR 33.11.05.04 and 33.16.06.04 will require – with one exception – the local board to reject the provisional ballot. The exception is if the mail-in ballot arrives after the local board has already counted the provisional ballot; in this case, the local board will reject the mail-in ballot.²

The State Board approved these changes as emergency regulations and as proposed regulations. The emergency changes to COMAR 33.11.03.05 were submitted to the General Assembly’s Administrative, Executive, and Legislative Review Committee today, and the emergency changes to COMAR 33.11.05.04 and 33.16.06.04 will be submitted to the Committee after the June 28, 2022, meeting of the State Board of Elections. Once the changes are approved

¹ Over the last couple of months, SBE staff has been working with the Montgomery County Board of Elections to pilot a “text to cure” solution for the upcoming primary election. If the pilot is successful, the solution will be available to all local boards of elections for the 2022 General Election.

² SBE staff will present a revised version of this change at the State Board’s June 28, 2022. As approved at the June 23, 2022, meeting, the local boards must reject a mail-in ballot received after the voter’s provisional ballot was canvassed even if the voter’s provisional ballot was rejected. The proposed change will allow the local boards to accept a timely and signed mail-in ballot if the voter’s provisional ballot was rejected when it was canvassed.

Memo to President Ferguson and Speaker Jones

Page 2

June 27, 2022

by the Committee and effective, we will notify the local boards of elections of the new timeline to contact voters who return a mail-in ballot without signing the oath and canvassing instructions.

Thank you for the opportunity to update you on the recent regulation changes approved by the State Board of Elections. If you have any questions or would like additional information, please do not hesitate to contact me.

Sincerely,

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

Linda H. Lamone
State Administrator

cc: Members, State Board of Elections

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



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

To: Members of the State Board of Elections
From: Tracey Hartman
Date: June 17, 2022
Re: Final Adoption of Regulations for June 28 Meeting

At the June 28 meeting, I will present for final adoption the following new regulations, under the new Chapter 7: *Voting in Correction Facilities*

The proposed new regulations are:

1. 33.01.07.01 (*Definitions*)
2. 33.0107.02 (*Duties of the State Board*)
3. 33.01.07.03 (*Duties of the Department of Public Safety and Correctional Services (DPSCS)*)
4. 33.01.07.04 (*Duties of the Local Board of Election for Baltimore City*)
5. 33.01.07.05 (*Duties of the Local Correctional Facilities*)
6. 33.01.07.06 (*Duties of Eligible Voters*)

The proposed new regulations were approved at the March 2022 meeting. They were published in the April 22, 2022 edition of the *Maryland Register* (Vol. 49, Issue 9), and the public comment period closed on May 23, 2022. No public comments were received.

If you have any questions before the next meeting, please contact me. My original memo to you and the proposed text are attached for reference.

Thank you.

Title 33 STATE BOARD OF ELECTIONS

Subtitle 11 ABSENTEE BALLOTS

Chapter 05 Canvass of Ballots — Rejecting Ballots

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-303, 11-301, 11-302, and 11-303(d)(2)(iii)

.04 Ballot Rejection — Multiple Ballots from the Same Individual.

The local board shall reject multiple absentee ballots as follows:

A. – B. (text unchanged)

C. *Except as provided as in §D of this regulation, [If] if an absentee ballot and provisional ballot are received from the same individual, the local board shall reject [both ballots] the provisional ballot.*

D. *If the local board receives an absentee ballot after a provisional ballot from the same voter has been counted ~~canvassed~~, the local board shall reject the absentee ballot.*

Title 33 STATE BOARD OF ELECTIONS

Subtitle 16 PROVISIONAL VOTING

Chapter 06 Canvass of Ballots — Rejecting Ballots

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-402, 9-403, 9-404, 9-406, and 11-303(c), (d)(2)(iii), and (e)

.04 Ballot Rejection — Multiple Ballots from the Same Individual.

A. (text unchanged)

B. (1) *Except as provided in §B(2) of this regulation, [If] if an absentee ballot and provisional ballot are received from the same individual, the local board shall reject [both ballots] the provisional ballot.*

(2) *If the local board receives an absentee ballot after a provisional ballot from the same voter has been counted ~~canvassed~~, the local board shall reject the absentee ballot.*

C. (text unchanged)

Explanation: Under the proposed changes to 33.11.05.04 and 33.16.06.04, the local board of canvassers will count the absentee ballot (mail-in ballot) if a voter returns a mail-in ballot and a provisional ballot. These proposed changes are identical to the changes adopted as emergency changes for the 2020 General Election.

Title 33 STATE BOARD OF ELECTIONS

Subtitle 01 DEFINITIONS; GENERAL PROVISIONS

Chapter 07 Voting in Correctional Facilities

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

.01 Definitions.

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

B. Terms Defined.

- (1) “Baltimore City centralized booking facility” has the meaning stated in Correctional Services Article, § 2-501(a)(2), Annotated Code of Maryland and Election Law Article, §1-303.1(a)(2), Annotated Code of Maryland.*
- (2) “Correctional facility” has the meaning set forth in Election Law Article, § 1-303.2(a)(2), Annotated Code of Maryland.*
- (3) “Correctional unit” has the meaning stated in Correctional Services Article, § 2-401(b), Annotated Code of Maryland.*
- (4) “Department” means the Department of Public Safety and Correctional Services.*
- (5) “Election official” is an employee or designee of a local board who:*
 - (a) Is at least 18 years of age;*
 - (b) Has met all background check requirements as required by the Department; and*
 - (c) Is not employed by the Department.*
- (6) “Election-related materials” has the meaning stated in Correctional Services Article, § 2-501(a)(3) and Election Law Article § 1-303.1(a)(3), Annotated Code of Maryland.*
- (7) “Eligible voter” has the meaning stated in Election Law Article § 3-303.2(a)(4), Annotated Code of Maryland.*
- (8) “Local correctional unit” has the meaning stated in Correctional Services Article § 2-401(b)(2)(iii), Annotated Code of Maryland.*
- (9) “Voting information packet” means a packet with a voter registration application, an absentee ballot application, and instructions for each application.*

.02 Duties of the State Board.

A. Ballot Drop Box. The State Board shall provide:

- (1) A secure, designated ballot drop box for election-related materials at the Baltimore City centralized booking facility to allow eligible voters sufficient opportunity to submit election-related materials before any voter registration and absentee voting deadlines; and*
- (2) Written notifications on how and when eligible voters may use the ballot drop box.*

B. Notification of Eligible Voters. The State Board shall adopt a program to inform eligible voters of upcoming elections and how to exercise the right to vote.

(1) For eligible voters incarcerated in a correctional unit operated by the Department:

(a) At the beginning of a presidential or gubernatorial election year, on a date mutually agreed upon by the State Board and the Department, the State Board shall provide the Department with:

- (i) Deadlines for the return of a completed Statewide VRA as defined in Regulation 33.05.04.02C;*
- (ii) Deadlines for the local board’s receipt of a request for an absentee ballot;*
- (iii) Deadlines for the return of a completed absentee ballot; and*
- (iv) In the event of a special election, the deadlines specified in subparagraphs (i) through (iii) of this subsection as soon as they are determined.*

(b) After the Department has provided the number of eligible voters as described in Regulation .03 and no later than 30 days before the deadline to register to vote, the State Board shall provide the Department with a number of voting information packets equal to or greater than the number of eligible voters at each of the Department’s facilities.

(2) For eligible voters incarcerated in a correctional facility operated by a local correctional unit, the State Board shall provide each local correctional facility with a number of voting information packets equal to or greater than the number of eligible voters at each county correctional facility no later than 30 days before the deadline to register to vote.

.03 Duties of the Department of Public Safety and Correctional Services.

A. Ballot Drop Box. The Department shall:

- (1) Make the ballot drop box provided by the State Board available to eligible voters at the Baltimore City centralized booking facility;*
- (2) Make any additional ballot drop boxes provided by the Department available to eligible voters in the correctional facility operated by the Department where the additional ballot drop boxes are located;*
- (3) Provide for video monitoring of all ballot drop boxes 24 hours a day and 7 days a week;*
- (4) Allow eligible voters to submit election-related material in the ballot drop box where they are incarcerated;*

- (5) *Notify the State Board and the appropriate local board of elections if a ballot drop box becomes full or is damaged, or compromised in any way; and*
- (6) *Disseminate written notifications directly to each eligible voter on how and when to use the ballot drop box in the correctional facility where they are incarcerated.*

B. Notification of Eligible Voters. *The Department shall:*

- (1) *No later than February 1 in a gubernatorial election year or December 15 in the year preceding a presidential election year, forward to the State Board the number of eligible individuals currently in custody at each correctional facility operated by the Department;*
- (2) *No later than July 1 of each even numbered year, forward to the State Board the number of eligible individuals currently in custody at each correctional facility operated by the Department;*
- (3) *In the event of a special election, no later than sixty days before the deadline to register to vote for the special election, forward to SBE the number of eligible individuals currently in custody at each state facility;*
- (4) *Upon receipt of voting information packets from the State Board, distribute the packets to the eligible individuals in a timely manner, even if an eligible individual was not included in the original count of eligible individuals to the State Board;*
- (5) *Store any extra voting information packets that remain after distribution in a secured location;*
- (6) *Notify the State Board immediately if a facility needs additional voting information packets;*
- (7) *Process and deliver to the USPS all outgoing election mail placed in the normal outgoing mail receptacle in a timely manner, so as to not delay the arrival of election mail; and*
- (8) *Allow designated election officials to empty any ballot drop boxes provided by the State Board on a mutually agreed upon schedule.*

C. Notification of Released Eligible Voters. *The Department shall:*

- (1) *Provide each individual who is released from a correctional facility with a voter registration application and documentation with the individual's discharge papers that informs the individual that the individual's voting rights have been restored or are otherwise intact;*
- (2) *At each parole and probation office, display in a conspicuous location where notices to the public are customarily posted a sign indicating that any individual who is no longer incarcerated has the right to vote; and*
- (3) *Post in a conspicuous location on the Department's website a notice indicating that any individual who is no longer incarcerated pursuant to a felony conviction has the right to vote.*

D. Required Reporting.

No later than January 15 of each year, the Department shall provide to the State Board a cumulative list of the prior year's eligible voters at each correctional facility operated by the Department.

.04 Duties of the Local Board of Elections for Baltimore City.

The local board of elections for Baltimore City shall:

- A. *Provide staff to collect election-related materials submitted to the ballot drop box at:*
 - (1) *The Baltimore City centralized booking facility on at least a weekly basis; and*
 - (2) *The ballot drop box at any other correctional facility located in Baltimore City, on a schedule mutually agreed upon by the local board of elections for Baltimore City and the correctional facility; and*
- B. *If the materials collected are for another local board, distribute the materials to the appropriate local board in a timely manner.*

.05 Duties of Local Correctional Facilities.

Each local correctional facility shall:

- A. *Upon receipt of voting information packets, distribute the packets to the eligible individuals in a timely manner and distribute to eligible individuals who arrive at the facility after the initial distribution;*
- B. *Store any extra packets that remain after distribution;*
- C. *Notify the State Board immediately if a facility needs additional packets; and*
- D. *Unless an agreement exists between a local board and the local correctional facility in a county for the pickup of outgoing election mail by an election official, deliver all outgoing election mail to the USPS in a timely manner, so as to not delay the arrival of election mail.*

.06 Duties of Eligible Voters.

The eligible individual is responsible for completing and depositing before the appropriate deadline the election mail in:

- A. *A designated ballot drop box at the individual's respective correctional facility if one is provided; or*
- B. *The correctional facility's outgoing mail receptacle.*

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



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

To: Members of the State Board of Elections
From: Tracey Hartman
Date: February 24, 2022
Re: Proposed Regulations for March 10 Meeting

At the March 10 meeting, I will present proposed new regulations as required by [SB 525](#) and [HB 222](#) of the 2021 Legislative Session. Because both bills required new regulations and are both related to voting in correctional facilities, it made sense to combine the required regulations into one location in COMAR. However, voting in correctional facilities is not specifically addressed anywhere in Title 33 of COMAR, therefore I am proposing a new Chapter of Subtitle 01 (Definitions; General Provisions). This memo summarizes the requirements of the proposed new regulations, and the text of the proposed changes accompanies this memo.

The proposed new regulations are:

1. [33.01.07.01](#) (Voting in Correctional Facilities – Definitions): The first regulation of the Chapter defines nine terms related to the regulations including election official, election-related materials, and eligible voter, which are key to the regulations.
2. [33.0107.02](#) (Voting in Correctional Facilities – Duties of the State Board): This regulation defines the duties of the State Board, including:
 - a. Providing a ballot drop box for the Baltimore City Central Booking facility, as required by SB 525, and written notification of how to use the drop box; and
 - b. Creating a program to notify eligible voters of how to vote in upcoming elections. Based on the number of eligible voters in each correctional facility, SBE will send each correctional facility voting information packets that contain voter registration applications, mail in ballot applications, instructions for each, and return envelopes.
3. [33.01.07.03](#) (Voting in Correctional Facilities – Duties of the Department of Public Safety and Correctional Services (DPSCS)): This regulation defines the responsibilities of the DPSCS, which include:
 - a. Installing and 24/7 video monitoring of the ballot drop box(es) at the Baltimore City Centralized Booking Facility and other ballot drop boxes that the Department elects to install;
 - b. Allowing eligible voters to deposit election-related materials in the drop box(es);
 - c. Providing SBE with the number of eligible voters in each State correctional facility by a specific date;

February 24, 2022

- d. Distributing the voting information packet to eligible voters and processing all outgoing postal mail both in a timely manner so as to not delay any election processes;
 - e. Storing any excess voting information packets and notifying SBE if there is a shortage of packets; and
 - f. Allowing election officials to empty the drop box(es) at pre-determined times.
4. 33.01.07.04 (Voting in Correctional Facilities – Duties of the Local Board of Election for Baltimore City): This regulation defines the duties of the Baltimore City Board of Elections, which include emptying the drop box(es) on a regular basis and distributing an election-related materials and ballots received from the drop box(es) that should go to a different local board.
 5. 33.01.07.05 (Voting in Correctional Facilities – Duties of the Local Correctional Facilities): This regulation defines the duties of local correctional facilities, which include:
 - a. Distributing the voting information packet to eligible voters and processing all outgoing postal mail both in a timely manner so as to not delay any election processes; and
 - b. Storing any excess voting information packets and notify the SBE if there is a shortage of packets.
 6. 33.01.07.06 (Voting in Correctional Facilities – Duties of Eligible Voters): This regulation defines the duties of eligible voters in correctional facilities which include completing and returning all election related materials by the appropriate deadlines either by ballot drop box or through the normal outgoing postal mail process.

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

BILL FERGUSON
PRESIDENT OF THE SENATE



ADRIENNE A. JONES
SPEAKER OF THE HOUSE

MARYLAND GENERAL ASSEMBLY
STATE HOUSE
ANNAPOLIS, MARYLAND 21401-1991

June 3, 2022

Maryland State Board of Elections
151 West Street,
Suite 200
Annapolis, MD 21401

Dear Board of Elections Members,

Despite the Governor's decision last week to veto House Bill 862 (HB 862) and Senate Bill 163 (SB 163), that does not preclude the State Board of Elections from making necessary regulatory changes to improve election administration before the primary election and ensure procedures are maintained for the duration of the election cycle.

In recent years, many states have passed laws to restrict access to the ballot rooted in baseless claims of election fraud. However, here in Maryland, we take pride in upholding an inclusive, fair, and secure election system to expand voting opportunities and ensure that voters have multiple options before and on Election Day. This is why the General Assembly passed legislation to allow Election Day registration, permanent mail-in voting, and early voting expansion in recent years.

The legislation vetoed by the Governor was not an overhaul of Maryland's voting system, but a codification of many of the necessary improvements implemented by this very State Board for the 2020 election cycle, during the heat of the COVID-19 pandemic. This veto has only left us with more questions, since we share the sentiment expressed by the Governor that provisions of these bills are positive changes to State election law. Legislative leaders worked in partnership with State and local election administrators to help improve the election process and codify largely successful regulatory practices in HB862/SB163.

Despite the Governor's veto, we believe the State Board has the tools available to act now and ensure necessary regulations are adopted to improve administration for 2022 election cycle.

Improve the Ballot Curing Process

Ballot curing is already required in regulations, including the prompt notification to a voter of a ballot missing a signature. These practices were successful during the 2020 election due to the increase in mail-in ballots. Emergency regulations should be adopted from the legislation requiring local boards to notify a voter no later than three business days after the local board learns a voter has failed to sign the oath on the ballot envelope.

Additionally, regulations should be clear that a voter may correct a signature omission by choice of e-mail, a mailed form, or by a visit to the local board office. It is also our hope that the State Board will work with local boards to explore options to correct an omission by picture text message and an accessible online portal for future elections.

Mail-In Ballot and Provisional Ballot Received by Voter

Current regulations cover several scenarios if multiple ballots by a single voter are received and whether a ballot is ultimately counted or rejected.

The State Board should immediately adopt the same regulation that it adopted during the 2020 election which required that when a mail-in and provisional ballot are received from the same individual, the mail-in ballot is counted. This does not conflict with statute and falls squarely within the Board's power of "governing the canvass." Furthermore, a voter's intent should be presumed to have cast a valid vote unless there is evidence to show otherwise. Current regulations which reject both ballots in this scenario are not authorized or supported by statute and must be amended.

As the 2022 election cycle continues, we look forward to a prompt resolution of these issues and believe all voters will be better served as a result. Thank you again for your work under unprecedented circumstances during the 2020 election to implement emergency regulations and improve the election process.

Sincerely,



Adrienne A. Jones
Speaker of the House



William C. Ferguson IV
Senate President

STATE BOARD OF ELECTIONS

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

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



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

TO: State Board Members
FROM: Jared DeMarinis, Director
Division of Candidacy and Campaign Finance
DATE: June 28, 2022
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 five late fee waiver request. No Board action is required on the denials.

Late fees collected year to date for Title 14 Late Fee Waivers are \$57,312.00

Denied

1. Baltimore Ravens L.P.
2. Choptank Electric Cooperative
3. DaVita Inc
4. EMH Environmental, Inc
5. Radiant Innvovative Inc.

Business Contribution Disclosure System

Waiver Request Information Page-Late Fees

General

Account Name	Baltimore Ravens L.P.
BID ID:	14000278
Date Established	10/01/15
Date Waiver Requested	06/03/22
Account Type	Title 14-Person Doing Public Business

Officers

Current Filer	Jeff Goering	Start Date: 10/01/15
Principal Officer	Jeff Goering	Start Date: 10/01/15

Waiver Request Dates

Late Report	Date Received	Fees	Total Fees
05/31/22	6/03/22	\$60	\$60
		\$	\$
			Total: \$60

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

Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
5/31/17	\$500	paid	yes
2/05/15	\$500	paid	yes
11/30/20	\$20	paid	N/A

Reason for Waiver

I had properly entered the contribution data prior to May 31, but inadvertently failed to successfully file the report by clicking the "Confirmation" window and then the second "Submit" button. Since my lack of timely filing was simply an unintentional and inadvertent error in navigating the web screens, would you be willing to waive the late filing fee/penalty?

Agency Comments

Deny



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

Fwd: Request for a courtesy waiver of late filing fee/penalty

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

Fri, Jun 3, 2022 at 11:09 AM

FYI - Waiver Request

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

From: **Jeff Goering** <Jeff.Goering@ravens.nfl.net>
Date: Fri, Jun 3, 2022 at 10:45 AM
Subject: Request for a courtesy waiver of late filing fee/penalty
To: ebony.parran@maryland.gov <ebony.parran@maryland.gov>

Hi Ebony – Thanks so much for the assistance today in filing our contribution disclosure report. I had properly entered the contribution data prior to May 31, but inadvertently failed to successfully file the report by clicking the “Confirmation” window and then the second “Submit” button. Since my lack of timely filing was simply an unintentional and inadvertent error in navigating the web screens, would you be willing to waive the late filing fee/penalty?

Thanks so much for your consideration!

Jeff



Jeff Goering • Sr. VP/Chief Financial Officer
Maurice A. Armour Performance Center
1 Winning Drive • Owings Mills, MD 21117
(office) 410.701.4166 (cell) 410.908.8396 (fax) 410.701.4261



—
Ebony R. Sherbert-Parran
Maryland State Board of Elections
Division of Candidacy and Campaign Finance
151 West Street, Suite 200, P.O. Box 6486

Business Contribution Disclosure System

Waiver Request Information Page-Late Fees

General

Account Name	Choptank Electric Cooperative
BID ID:	14001207
Date Established	5/20/21
Date Waiver Requested	6/03/22
Account Type	Title 14-Person Doing Public Business

Officers

Current Filer	Dawn Bowie	Start Date: 5/20/21
Principal Officer	Mike Malandoro	Start Date: 5/20/21

Waiver Request Dates

Late Report	Date Received	Fees	Total Fees
5/31/22 Spring		\$60.00	\$60.00
		\$	\$
			Total: \$60.00

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

Prior Waiver and Fees

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

Reason for Waiver

I apologize, this was my first time completing this form and I neglected to hit the submit button. Please consider waiving the late fee.

Agency Comments

Deny



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

Fwd: FW: *EXTERNAL* Maryland Business Contribution Report Spring 5/31/2022 Fee Running Notice

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

Mon, Jun 6, 2022 at 11:40 AM

Waivers request

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

From: Dawn Bowie <DawnB@choptankelectric.coop>
Date: Fri, Jun 3, 2022 at 9:29 AM
Subject: FW: *EXTERNAL* Maryland Business Contribution Report Spring 5/31/2022 Fee Running Notice
To: ccf.sbe@maryland.gov <ccf.sbe@maryland.gov>

I apologize, this was my first time completing this form and I neglected to hit the submit button. Please consider waiving the late fee.

Thanks

Dawn



Dawn M. Bowie
Executive Administrative Assistant
Choptank Electric Cooperative
dawnb@choptankelectric.coop
(410) 479.8551

www.choptankelectric.coop



From: ccf sbe@maryland.gov <ccf.sbe@maryland.gov>
Sent: Friday, June 3, 2022 9:17 AM
To: Dawn Bowie <DawnB@choptankelectric.coop>
Subject: *EXTERNAL* Maryland Business Contribution Report Spring 5/31/2022 Fee Running Notice

Business Contribution Disclosure System

Waiver Request Information Page-Late Fees

General

Account Name	DaVita Inc
BID ID:	14000860
Date Established	11/16/17
Date Waiver Requested	6/03/22
Account Type	Title 14-Person Doing Public Business

Officers

Current Filer	Felicia Richardson	Start Date: 11/16/17
Principal Officer	John Leyman	Start Date: 11/16/17

Waiver Request Dates

Late Report	Date Received	Fees	Total Fees
5/31/22	6/3/22	\$60	\$60
		\$	\$
			Total: \$60.00

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

Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
5/31/18	\$220	paid	N/A

Reason for Waiver

I inadvertently filed for the wrong year (attached) on May 2nd. I have now filed for the appropriate year and confirmed with your office it is filed correctly. Please let me know if the late fee can be waived.

Agency Comments

Deny

n Fri, Jun 3, 2022 at 9:36 AM Felicia Richardson <Felicia.Richardson@davita.com>
wrote:

To Whom It May Concern:

I inadvertently filed for the wrong year (attached) on May 2nd. I have now filed for the appropriate year and confirmed with your office it is filed correctly. Please let me know if the late fee can be waived. Thank you.

DaVita Inc.

Business Contribution Disclosure System

Waiver Request Information Page-Late Fees

General

Account Name	EMH Environmental, Inc
BID ID:	14001311
Date Established	4/07/22
Date Waiver Requested	6/09/22
Account Type	Title 14-Person Doing Public Business

Officers

Current Filer	Edward Halley	Start Date: 4/07/22
Principal Officer	Edward Halley	Start Date: 4/07/22

Waiver Request Dates

Late Report	Date Received	Fees	Total Fees
5/31/22	6/07/22	\$140	\$140
		\$	\$
			Total: \$140.00

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

Prior Waiver and Fees

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

Reason for Waiver

I personally made several attempts to contact the Candidacy and campaign Finance Division through the telephone number provided on the website. I had thought that I had filed the May 31 report and wanted to confirm since this was the first report we files after registration. The phone message stated that department employees were still working remotely and to leave a message on the voice mail. The voice mail box was full each attempt made to contact the office. After receiving several late notice emails, I realized that the disclosure was not files properly. I finally figured out how to file the proper report 7 days late on our own.

Agency Comments

Deny



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

Business Political Contribution Disclosure Statement Filing

Ed Halley <emh@emhenviro.com>

Thu, Jun 9, 2022 at 5:37 PM

To: "victorica.smith@maryland.gov" <victorica.smith@maryland.gov>

Ms. Smith,

I was given your contact by Devki Dave regarding our situation. EMH Environmental, Inc. has never and will never contribute to political campaigns nor has the company ever hired or will hire lobbyists. We are new to this process and filed an initial disclosure as a requirement by WSSC in order to receive an award of a contract. In 30 years of providing water/sewer construction services to local agencies we were not aware of any requirement to file political disclosure statements.

EMH environmental, Inc. is requesting the late fees be waived on the account for the following reasons:

I personally made several attempts to contact the Candidacy and campaign Finance Division through the telephone number provided on the website. I had thought that I had filed the May 31 report and wanted to confirm since this was the first report we files after registration. The phone message stated that department employees were still working remotely and to leave a message on the voice mail. The voice mail box was full each attempt made to contact the office. After receiving several late notice emails, I realized that the disclosure was not files properly. I finally figured out how to file the proper report 7 days late on our own.

Because of the reason stated above and the fact that we are new to your system, we request that the late fees be waived. We now know how to file these reports timely.

Thank You

*Ed Halley***E | EMH Environmental**
M | Contractors, Engineers

3060 Washington Road, Suite 216

Glenwood, MD 21738

410-489-9630 office, extn: 1001

410-489-9925 fax

301-440-2313 cell

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Business Contribution Disclosure System

Waiver Request Information Page-Late Fees

General

Account Name	Radiant Innovative Inc.
BID ID:	14001330
Date Established	1/09/20
Date Waiver Requested	06/07/22
Account Type	Title 14-Person Doing Public Business

Officers

Current Filer	Vijay Veerppan	Start Date: 1/09/20
Principal Officer	Vijay Veerppan	Start Date: 1/09/20

Waiver Request Dates

Late Report	Date Received	Fees	Total Fees
5/31/22	06/06/22	\$120	\$120
		\$	\$
			Total: \$120.00

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

Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
11/30/21	\$1000	outstanding	N/A
6/01/21	\$1000	outstanding	N/A
11/30/20	\$1000	outstanding	N/A

Reason for Waiver

However, this was not a requirement as per the RFP and this was confirmed by Whitney as well. Considering the fact that we were unaware of this need and requirement, I would like to request a waiver granted this time around and that we will follow the protocol going forward.

Agency Comments

Deny history non-compliance

Fwd: Radiant Innovative Inc. Maryland Business Contribution Disclosure System

Ebony Parran -SBE- <ebony.parran@maryland.gov>

Tue, Jun 7, 2022 at 8:52 AM

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

FYI - Waiver Request

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

From: **Vijay Veerappan** <vijay@radiantinnovative.com>

Date: Mon, Jun 6, 2022 at 10:08 PM

Subject: Re: Radiant Innovative Inc. Maryland Business Contribution Disclosure System

To: Ebony Parran -SBE- <ebony.parran@maryland.gov>

Cc: Nikia Wilbon -SBE- <nikia.wilbon@maryland.gov>, Keith Ross -SBE- <keith.ross@maryland.gov>

Ebony

Good evening . I went ahead and registered on the website as you are aware . However this was not a requirement as per the RFP and this was confirmed by Whitney as well . Considering the fact that we were unaware of this need and requirement , I would like to request a waiver granted this time around and that we will follow the protocol going forward.

Let me know if there are questions.

Vijay Veerappan

President

Radiant Innovative Inc.

6701 Democracy Blvd., Suite 300

Bethesda, MD-20817

Office: 301-896-9720

Cell: 301-814-4489

Fax: 302-468-5133