

**2018 Primary and General Elections
Determination of Early Voting Centers**

	Number of Registered Voters¹	Number of Early Voting Centers²	Number of Optional Early Voting Centers³
ALLEGANY	43,258	1	1
ANNE ARUNDEL	382,304	7	0
BALTIMORE CITY	385,224	7	0
BALTIMORE COUNTY	549,870	11	0
CALVERT	64,432	1	1
CAROLINE	20,104	1	1
CARROLL	121,491	1	1
CECIL	64,114	1	1
CHARLES	110,560	1	1
DORCHESTER	21,210	1	1
FREDERICK	168,390	3	1
GARRETT	19,706	1	1
HARFORD	178,911	3	1
HOWARD	213,258	4	0
KENT	12,994	1	1
MONTGOMERY	646,928	11	0
PRINCE GEORGE'S	576,213	11	0
QUEEN ANNE'S	35,533	1	1
SAINT MARY'S	70,055	1	1
SOMERSET	12,983	1	1
TALBOT	26,964	1	1
WASHINGTON	94,554	1	1
WICOMICO	61,106	1	1
WORCESTER	38,436	1	1
STATEWIDE	3,918,598	73	

¹ As of October 24, 2017. See Regulation 33.17.02.01A of Code of Maryland Regulations.

² Election Law Article, § 10-301.1(b), *Annotated Code of Maryland* specifies the number of early voting centers for each county. A county with less than 125,000 registered voters shall have 1 early voting center. A county with more than 125,000 registered voters but less than 200,000 registered voters shall have 3 early voting centers. A county with more than 200,000 registered voters but less than 300,000 registered voters shall have 4 early voting centers. A county with more than 300,000 registered voters but less than 450,000 registered voters shall have 7 early voting centers. A county with more than 450,000 registered voters shall have 11 early voting centers.

³ In addition to the early voting centers required by Election Law Article, §10-301.1(b), each county with less than 200,000 registered voters may establish 1 additional early voting center if the State Board, in collaboration with the local board, and the governing body of the county agree to establish an additional early voting center.

1. Announcements & Important Meetings

Welcome

We have recently hired a new staff member in our Information Technology Division. Ray Reyes is our new IT Systems Technical Specialist. He has a bachelor's degree from the University of Florida and a master's degree from Boston University. He relocated here to Maryland after living in New Jersey. Ray's responsibilities include technical support of SBE's IT infrastructure.

Electronic Registration Information Center (ERIC)

Mary Wagner attended an ERIC conference, hosted by the Bipartisan Policy Center, in Denver, Colorado on October 1st and 2nd. The theme was "Five Years Later - Where Does ERIC Go From Here?" Member states shared best practices when processing ERIC reports. Maryland and Minnesota are the only two member states that have an electronic ERIC interface. Other topics of discussion were increasing the frequency of the reports, designing ERIC postcards, and building relationships with Motor Vehicle Administration (MVA). Maryland has a very good working relationship with our MVA.

Hagerstown Tea Party

On October 4, 2017, Mary Wagner, Washington County Election Director Kaye Robucci, and Deputy Director Barry Jackson were invited to address the Hagerstown Tea Party. Topics of discussion included voter registration list maintenance, voter confidence in the process and the upcoming 2018 Gubernatorial election. President Donny Ravas made the introductions and encouraged members to reach out with any questions or concerns.

Biennial Information

Election Law Article, § 2-104 requires SBE to hold a mandatory pre-election conference. On October 23, 2017, I welcomed approximately 325 election officials to Annapolis and introduced Senator Joan Carter Conway, Chair of the Education, Health and Environmental Affairs Committee. The conference included cyber security and disaster recovery training, an overview for creating useable forms and materials, and highlights on what's new for the 2018 Gubernatorial Election. After lunch, Matthew Masterson, Chairman of the U.S. Election Assistance Commission, provided enlightening remarks and presented to Allison Murphy, Election Director for the Caroline County Board of Elections, with a Governor's Proclamation designating her as Maryland's "Election Official of the Year." An afternoon board attorney breakout session addressed personnel disciplinary procedures. While organizing a conference of this size takes many hands, special thanks to Mary Wagner, Janey Hegarty, and Jessica Perkins for leading the planning and coordination effort.

2. Election Reform and Management

Spanish Translation Committee

The Spanish Translation Committee met on October 4th and had multiple meaningful discussions on the translation of various words and phrases on the ballot. If the group could not come to a decision on the proper translation, several third party entities were contacted. In our case, the group could not come to a consensus on the proper translation of the word "sheriff." Three outside entities were contacted to assist the committee and a

decision was made. The next project for this committee will be the proper translation of polling place signs.

Election Judge Manual

The Election Judge Manual is very close to being finalized after a few processes are finalized. The goal is to have the manual posted to our online library by December 1st so that local boards can begin customizing it.

Voter Privacy at the Scanning Unit

On October 13th, I issued to all Election Directors and Deputy Directors a memo detailing mandatory and optional actions to ensure voter privacy at the scanning unit. Erin Perrone is in the process of collecting the local boards' optional actions for next year's elections.

Ballot Duplication Software

The Request for Proposal for software to duplicate during canvassing ballots that cannot be read by the scanning unit is in the process of being awarded to a bidder. The vendor proposed to offer the software to the five largest counties (Anne Arundel, Baltimore, Montgomery and Prince George's Counties and Baltimore City). This solution is not mandatory for these local boards but is optional if they are interested in the software.

3. Voter Registration

Electronic Registration Information Center (ERIC)

The next series of ERIC reports will be produced at the end of October.

MDVOTERS

Release 6.6 was installed over the weekend of September 29th. It includes minor changes and fixes in voter registration, candidacy, election workers, ERIC, and reports.

Non-Citizens

Removal of non-citizens – 0

Removal of non-citizens who voted – 0

Removal of non-citizens who voted multiple times – 0

Non-citizens forwarded to the Office of the State Prosecutor – 3 from last month that were in process.

Federal Jury Commission

In response to a request from board members, Mary Wagner contacted the federal jury commissioners to obtain the names of individuals who reported themselves as non-U.S. citizens. Ms. Catherine Stavlas, Chief Deputy Clerk of Operations of the U.S. District Court (Northern District), responded that she was uncertain that the requested information was available in a searchable form or that the information could be provided. She referenced 28 U.S.C. §1868, which allows for juror records to be available only (1) after the master wheel is emptied (*i.e.*, no one who is currently in the wheel even if they have already been selected or determined ineligible) and then (2) only available to the public "for the purpose of determining the validity of the selection of any juror." A copy of the response is included in the board meeting folder.

4. Candidacy and Campaign Finance (CCF) Division

Candidacy

As of October 24, 2017, 240 candidates have filed a certificate of candidacy at SBE for the 2018 General Election.

Campaign Finance

On October 17, 2017, Ed Amatetti 4 County Council qualified for public matching funds under the Montgomery County public finance program. The committee submitted 153 individual qualifying contributions with a monetary aggregate of \$10,870.00 on October 3, 2017. The committee received \$37,190.00 in public matching funds.

On October 3, 2017, George Leventhal for Montgomery County submitted a supplemental request for public matching funds. The committee submitted 71 qualifying contributions with a monetary aggregate of \$5,120.00 and received \$23,430.00 in public matching.

To date, 31 candidates have filed a notice of intent to participate in the Montgomery County program, and seven candidates have qualified for public funds. Over \$825,000 in public funds have been disbursed. The county budgeted \$11 million for the program.

As of October 18, 2017, the Fair Campaign Financing Fund, the State's public financing fund for gubernatorial elections, has \$2,916,973.47. Of this amount, \$1,458,486.73 is eligible for the 2018 Primary Election matching fund program. Based upon current information and data:

- The expenditure limit for the 2018 Election is projected to be \$2,823,008.47.
- The projected seed money qualifying threshold would be \$282,300.48 in eligible private contributions.
- The maximum that a candidate could receive in matching funds for the 2018 Primary Election is \$1,411,504.24.

The fund can fully fund one primary candidate or one general election candidate.

The Contribution Disclosure Statement is due on November 30, 2017, for persons doing public business and persons who employ a lobbyists and make applicable contributions. Over 700 statements were filed in May. Since the last report was due, 31 new businesses have registered.

Holistic Industries, LLC was denied a waiver for a \$500 late fee penalty. The business had failed to file the May Contribution Disclosure Statement for employing a lobbyist. The email address the Principal officer and filer changed since registration and the business failed to update the registration information.

On October 1, 2017, HB 529 went into effect requiring governmental entities to forward on a quarterly basis contact information on any vendors with contracts of \$200,000 or more to SBE. So far, a few governmental entities in Montgomery County and the Stadium Authority have contact SBE regarding the new legislative mandate.

Instructional Information

Cortnee Bryant, Deputy Director of the Election Reform Division, and Vicki Molina of the Campaign Finance Division have been developing informational videos for using MD CRIS. These videos will include the proper way to enter a contribution or expenditure and

the steps to file a report. Once completed, the videos will be posted on our YouTube channel with links on SBE's and MD CRIS' websites. Cortnee has previously worked with CCF Division on an informational video for the Montgomery County public financing program.

Seminars

On October 11, 2017, Jared DeMarinis spoke at candidate training at the Maryland Farm Bureau. It was attended by over 20 potential candidates. He explained the requirements for filing for office and campaign finance obligations.

On the same day, Jared presented at lobbyist training class at State Ethics Commission. Jared explained the requirements of the employers of the lobbyists if they make contributions.

5. Project Management Office (PMO)

Inventory: Excess Equipment Disposal

SBE continued to work with the Department of General Services (DGS) and the State's contract recycler to dispose of the TS-R6 voting system. To date, 3,939 TS-R6 units have been picked up by the recycler.

On October 30, 2017, Keith Ross will meet with DGS to work out the updated approach and schedule for the three types of equipment already submitted for disposal (which account for the greatest number of items (e.g. 18,943 TS-R6 units)) and the remaining 46 equipment types that have not yet been submitted. Examples of the remaining legacy equipment types include servers, workstations, and printers.

Inventory System Updates

SBE continued to make in the new inventory system corrections and other updates to the equipment and supply items.

In November, the "accountable officers" in each local board will be granted "view-only" access to their equipment in the new inventory production system. In December, the accountable officers will receive training on updating the system and transferring equipment, with the end result of each local board being responsible for the update and transfer of their equipment and supplies.

Staffing

The PMO is currently in the planning stages for the statewide staffing of temporary election support resources for the 2018 Primary Election as the procurement and approval phases come to a close sometime in December for a new staffing contractor.

Other

SBE continued to work with the Worcester County Board of Elections and the Worcester County administration to resolve the issues with the mold in the Worcester County Local Board of Elections' warehouse. SBE hired an Industrial Hygienist to perform an assessment of the equipment and supplies in the Worcester warehouse location. The next step is to perform the remediation steps on the equipment and supplies.

6. Voting Systems

Electronic Pollbooks

SBE has received from ES&S the final prototype for the new pollbook hardware, which will be used by two counties in the 2018 Primary Election. The first production units are to be received in November, and acceptance testing will take place at SBE's central warehouse.

Limited software testing has been taking place with a few local boards, and assuming testing is successful, this effort will expand next month. We are anticipating having the final software release in the first week of December.

Server Updates

Voting system server updates have been taking place and are due to be complete by November 21, 2017. The updates optimize the hard drive space on the servers and install new hardware drivers to stabilize the speed of loading of data from the ballot scanners. These updates have been approved by the U.S. Election Assistance Commission.

Municipal Elections

A number of municipal elections are coming up shortly. The Town of Thurmont is on October 31, 2017. The Town of Hurlock is on November 4, 2017. On November 7, 2017, elections are taking place in Annapolis, Bel Air, Chestertown and Frederick.

All these elections will use the State's voting system and electronic pollbooks. The database programming for both the voting system and the pollbooks has been carried out by SBE staff, primarily the regional managers. Logic and Accuracy testing has been taking place this and last week.

7. Information Technology

Computer Systems and Software Security Updates

We have successfully applied Microsoft Security updates for the month of October 2017 on SBE workstations and servers. We have also updated other third party software applications to their latest versions on all the workstations and servers.



UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
OFFICE OF THE CLERK

Reply to Northern Division Address

Felicia C. Cannon, Clerk of Court
Elizabeth B. Snowden, Chief Deputy
Catherine Stavlas, Chief Deputy

October 3, 2017

Ms. Mary Cramer Wagner
Director, Voter Registration and Petitions Division
Maryland State Board of Elections
P.O. Box 6486
Annapolis, MD 21401-0486

Dear Ms. Wagner:

I am in receipt of your September 22, 2017 letter to the Court's Jury Administrator, Jenifer Facelo. Your letter requests access to records of individuals who reported themselves as non-U.S. citizens on their juror summons questionnaires. I am uncertain that we capture this information in a searchable format and further that I can provide this information to you. Under 28 U.S.C. § 1868, juror records are only available (1) after the master wheel is emptied (*i.e.*, no one who is currently in the wheel even if they have already been selected or determined ineligible) and then (2) only available to the public "for the purpose of determining the validity of the selection of any juror." If I determine the above to be other than stated, I will contact you further.

Regards,

A handwritten signature in black ink, appearing to read "C. Stavlas".

Catherine Stavlas
Chief Deputy Clerk- Operations

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Southern Division • 200 U.S. Courthouse • 6500 Cherrywood Lane • Greenbelt, Maryland 20770 • 301-344-0660

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Administrator

Nikki Charlson
Deputy Administrator

Memorandum

To: State Board Members

From: Erin Perrone

Date: October 18, 2017

Re: Final Adoption of Regulations – Subtitle 16 – Provisional Voting

At the upcoming board meeting, I will present for final adoption proposed changes to Subtitle 16 – Provisional Voting in Title 33. Under Election Law Article §9-403 (c), SBE is required to review before each primary election the regulations governing provisional voting. These regulations are the changes proposed at the July 2017 board meeting (see my memo dated July 17, 2017).

These proposed regulations were published in the September 15, 2017, edition of the *Maryland Register* (Vol. 44, Issue 19). The public comment period closed on October 16, 2017, and SBE received one comment from the Montgomery County Board of Elections and two comments from individuals. A summary of the comments are provided in the attached table, and the full version of the comments are attached.

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



Erin Perrone -SBE- <erin.perrone@maryland.gov>

Comments on Ballot Rejection - Multiple Ballots from the Same Individual

1 message

grlndlynn@aol.com <grlndlynn@aol.com>

Mon, Oct 16, 2017 at 3:20 PM

To: erin.perrone@maryland.gov

Cc: nikki.charlson@maryland.gov

Dear Ms. Perrone:

This comment pertains to the proposed change to the regulation, **33.16.06 Canvass of Ballots - Rejecting Ballots: B**. If an absentee ballot and provisional ballot are received from the same individual *prior to the beginning of the provisional canvass*, the local board shall reject both ballots.

This proposed change would create a situation where voters who have voted both by provisional and absentee ballot are not all treated the same. Those absentee voters for whom their absentee ballot happens to have been received by a certain time (the beginning of the provisional canvass) would have both their absentee and provisional ballots rejected. While those absentee voters for whom their absentee ballot happens to have been received after the beginning of the provisional canvass would have their vote accepted and counted. Let's say that two voters mail their absentee ballot the same day and also vote provisionally. If the mail is slower for one voter than the other, one may have their vote counted while the other may not.

My guess is that this was not the intention of the proposed regulatory change. In general, Maryland wants to ensure both that registered voters who cast a valid ballot have that ballot counted and that only one ballot from each voter is counted. For instance, the regulation on the "Canvassing of Absentee ballots," 11-302 says:

(4) If the local board receives more than one legally sufficient ballot, in separate envelopes, from the same individual, the local board shall:

- (i) count only the ballot with the latest properly signed oath; and
- (ii) reject any other ballot.

This regulation allows an absentee voter who has changed his mind to submit a later absentee ballot. If both an absentee ballot and a provisional ballot are received from the same voter, the simplest and fairest solution is similarly to count the provisional ballot, even if the voter already has cast an absentee ballot. The the absentee ballot, then, should not be counted. In this situation, the voter will be enfranchised, but not allowed to vote twice. After election day, when the local boards canvass the absentee ballots, they will already know if any of the ballots are from voters who also voted provisionally, so the boards can reject the absentee ballots and accept the provisional ballots. Thereby, each voter's latest intention will be counted, but no voter will be able to vote more than once.

Why is this regulation important? Maryland's online absentee ballot delivery system that uses credentials widely available over the internet is extremely vulnerable. This vulnerability has been pointed out to the SBE repeatedly in letters from top computer experts and recently in testimony to the joint legislative committees on elections. Moreover, at the last SBE meeting, it was announced that during the 2016 elections it was the online voter registration system that was targeted by a hacker's probe. This system is part of the voter services website that also includes online ballot delivery." (see: http://www.elections.state.md.us/pdf/minutes/2015_11.pdf) It makes sense that this system would be targeted since it is probably the least secure part of the entire voting system and most vulnerable to manipulation.

If a hacker sends in fake absentee ballots, and innocent real voters go to the polls and cast provisional ballots, those provisional ballots cast in person should count, not the fake absentee ballots. Unfortunately, given the recent Equifax hack and the 2016 election probes, this scenario is not unrealistic. In-person provisional voting should take precedence over absentee voting.

Sincerely,

October 16, 2017

To: Maryland State Board of Elections

From: Mary H. Kiraly
Bethesda, MD

Re: Comment on proposed amendment to COMAR regulation
33.16.06 Canvass of Ballots - Rejecting Ballots
B. If an absentee ballot and provisional ballot are received from the same individual prior to the beginning of the provisional canvass, the local board shall reject both ballots.

I believe that the proposed amended language for 33.16.06 is insufficient for the current cybersecurity environment around elections.

For security reasons, in-person provisional voting should take precedence over mailed absentee ballots, when both an absentee and a provisional ballot are received from the same voter; and the provisional ballot should be counted.

The Equifax hack potentially disclosed the social security numbers and drivers' license numbers of every American voter, in addition to full names and current addresses. This is information that would be needed to falsely request an absentee ballot on behalf of those voters. We do not know who was behind this and similar attacks.

In addition, recent large-scale hacks of email providers, like Yahoo, make Maryland's online absentee ballot system especially vulnerable when combined with other stolen data.

We know that the attempted Russian probe in 2016 was focused on voter registration databases- including Maryland's system.

Imagine a situation in which thousands of voters arrive at the polls on Election Day to learn that the e-poll book indicates that an absentee ballot has been falsely requested in their name. These voters would be required to vote a provisional ballot.

Surely the boards would discover a large scale misdirection of absentee ballots; but unraveling this situation would make for chaos at both the polls on Election Day, and at the post-election canvass of cast absentee and provisional ballots. A requirement that both ballots be rejected could not stand in this situation.

In-person voting on a provisional ballot should take precedence over any ballot received by mail, when both an absentee and a provisional ballot have been received from the same voter.

(Moreover, as the proposed regulation is written, a provisional ballot would be counted for a voter, who cast both a provisional and an absentee ballot; but whose absentee ballot had not arrived prior to the Absentee 1 canvass, but had been timely mailed and did arrive for the Absentee 2. (The sequence for canvassing ballots is Absentee 1, Provisional, Absentee 2.)

I believe that it is also important to remind the Board that the proposed change, which it is considering, would actually affect two current COMAR regulations, on rejecting ballots, which share similar language and the same intent.

The first falls under Subtitle 11: Absentee Ballots:

33.11.05.04

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

The local board shall reject multiple absentee ballots as follows:

- A. If a single return envelope contains more than one ballot from the same individual for the same election, all ballots from that individual shall be rejected; and
- B. If more than one ballot is received from the same individual in different envelopes:

- (1) If the signed oaths have different dates, only the ballot with the later date shall be counted;
- (2) If the signed oath associated with one ballot is dated and the signed oath associated with the other ballot is either undated or indecipherably dated, the undated or indecipherably dated ballot shall be rejected;
- (3) If the signed oaths all have the same dates or all have indecipherable dates, all ballots shall be rejected; and
- (4) If one of the ballots received is a Federal Write-in Absentee Ballot:
 - (a) If both ballots are timely, only the State ballot shall be counted; but
 - (b) If only one of the ballots is timely, the timely ballot shall be counted as long as the timely ballot is not rejected for other reasons.

C. If an absentee ballot and provisional ballot are received from the same individual, the local board shall reject both ballots.

The second falls under Subtitle 16: Provisional voting:

33.16.06.04

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

A. The local board shall reject multiple provisional ballots as follows:

- (1) If a single provisional ballot application envelope contains more than one voted ballot from the same individual for the same election, all ballots from that individual shall be rejected; and
- (2) If more than one provisional ballot is received from the same individual in different provisional ballot applications, all ballots shall be rejected.

B. If an absentee ballot and provisional ballot are received from the same individual, the local board shall reject both ballots.

C. The local board shall reject a provisional ballot that is received from an individual who cast a ballot in a polling place on election day.

Sincerely,

Mary

James F. Shalleck
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Member
Graciela Rivera-Oven
Substitute Member
Jacqueline Phillips
Substitute Member



**Montgomery County
Board of Elections**
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August 22, 2017

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Alysoun McLaughlin
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C. Jessica White
*Voter Services Program
Manager*
N. Christine Rzeszut
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Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, Maryland 21401

✓ Linda H. Lamone, Administrator
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, Maryland 21401

RE: Provisional Voting - Canvass of Ballots

Dear Chairman McManus, Vice Chairman Hogan, Board members Cogan, Howells and Lawlah and State Administrator Lamone:

The Montgomery County Board of Elections ("MCBOE") has reviewed Ms. Perrone's July 17, 2017 memo regarding proposed changes to subtitle 16, Provisional Voting - Canvass of Ballots - Rejecting Ballots (33.16.06.04(B)). As you know, it is being proposed that if the voter casts a provisional and absentee ballot and the absentee ballot is not returned before the start of the provisional canvass, the provisional ballot would be counted.¹ This proposed change is in recognition of the fact that it would be impossible to reject both ballots if the absentee ballot is not received as of the time the provisional canvass began.

The MCBOE believes that the State Board should adopt a regulation that would allow the local boards to accept either the provisional or absentee ballot *regardless of when the absentee ballot is received by the local board*, as long as both are otherwise legally cast and returned by the absentee deadline of 10:00 a.m. on the second Friday following the election.

¹ Under the current regulation, both the provisional and absentee ballots in this circumstance are to be rejected.

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Linda H. Lamone, Administrator
August 22, 2017
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It has been our experience that voters who cast provisional ballots on Election Day are not attempting to vote twice. Instead, the vast majority of voters do not realize that absentee ballots are deemed timely as long as they are postmarked by Election Day and received by 10:00 a.m. on the second Friday following the election. Voters often become concerned that their absentee ballots will not be counted due to a delay in the mail or because the absentee ballot was returned to the local board close to Election Day. Voters who send back their absentee ballots also become concerned if they cannot confirm online by Election Day that they were received.

It is our understanding that the rationale given for rejecting both the provisional and absentee ballots when both are submitted was that a voter attested that he or she will not attempt to vote more than once. MCBOE respectfully submits that many voters are under the belief, given the use of the word "provisional," that a provisional ballot is simply a placeholder in the event the absentee ballot is not timely received. Moreover, the proposed regulation undercuts the contention that both the provisional and absentee ballots should be rejected because the voter has attested that he or she will not vote twice. In fact, the proposed regulation allows a local board to count the provisional ballot depending upon when the absentee ballot is returned, notwithstanding the oaths signed. Under the proposed regulation, there could be two similarly situated people who return both an absentee and provisional ballot and yet whether their votes would count depends upon the time of delivery of their absentee ballots via the postal system. That seems arbitrary and unfair.

Moreover, the State already requires local boards to accept an absentee ballot under circumstances where the voter returns two absentee ballots and thus has signed two oaths. Specifically, 33.11.05.04(B)(1) provides as follows:

B. If more than one ballot is received from the same individual in different ballot envelopes:

1. If the signed oaths on the envelopes have different dates, only the ballot with the later date shall be counted.

A voter who returns two absentee ballots has arguably attempted to vote twice to the same extent as a voter who returns an absentee ballot and casts a provisional ballot. MCBOE fails to see why if the local board must accept an

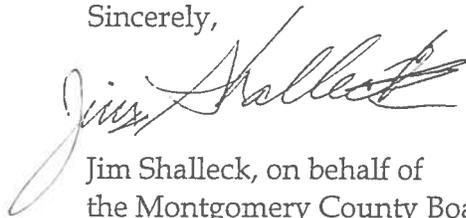
SBE Board members
Linda H. Lamone, Administrator
August 22, 2017
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absentee ballot when the voter returns more than one absentee ballot but must reject both the provisional ballot and the absentee ballot when the voter returns one of each.

MCBOE respectfully submits that the State should adopt regulations to direct the local boards to count either the provisional or absentee ballot. For the reasons stated above, it has been our experience that voters who cast both a provisional ballot and an absentee ballot are simply trying to assure that one of their ballots will be counted.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Shalleck". The signature is written in dark ink and is positioned above the printed name and title.

Jim Shalleck, on behalf of
the Montgomery County Board of Elections

JS:bjap

Regulation	Commenter	Comment	Response
33.16.06.04(B) Canvass of Ballots – Rejecting Ballots	Montgomery County Board of Elections	The State Board should adopt a regulation that would allow the local boards to accept either the provisional or absentee ballot regardless of when the absentee ballot is received by the local board, as long as both are otherwise legally cast and returned by the absentee deadline of 10:00 a.m. on the second Friday following the election.	The proposed language was submitted by the Maryland Association of Election Officials (MAEO) State Regulations Review Committee. Allowing the “local boards to accept either the provisional or absentee ballot regardless of when the absentee ballot is received” would result in the loss of uniformity and create too much variability across the State.
33.16.06.04 (B) Canvass of Ballots – Rejecting Ballots	Lynn Garland	If both an absentee ballot and a provisional ballot are received from the same voter, the simplest and fairest solution is similarly to count the provisional ballot, even if the voter already has cast an absentee ballot. In-person provisional voting should take precedence over absentee voting.	SBE has no response to this comment. Revised regulation 33.16.06.04 (B) has been written to reflect this change if approved. Regulation 33.11.05.04 (B) has also been rewritten to reflect this change if approved.
33.16.06.04(B) Canvass of Ballots – Rejecting Ballots	Mary H Kiraly	For security reasons, in-person provisional voting should take precedence over mailed absentee ballots, when both an absentee and a provisional ballot are received from the same voter; and the provisional ballot should be counted. A requirement that both ballots be rejected could not stand in this situation.	SBE has no response to this comment. Revised regulation 33.16.06.04 (B) has been written to reflect this change if approved. Regulation 33.11.05.04 (B) has also been rewritten to reflect this change if approved.

STATE BOARD OF ELECTIONS

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



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

TO: State Board Members
FROM: Jared DeMarinis, Director
Division of Candidacy and Campaign Finance
DATE: October 26, 2017
SUBJECT: Waiver of late filing fees

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

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

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

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

Pursuant to Election Law Article §13-337 (b) (3), the State Administrator has denied zero waiver request, for the month of October. No Board action is required on the denials. Late fees collected year to date for Late Fee Waivers are \$6425.00

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

Waiver Request October 26, 2017

1. Davis, Shelia L. Friends
2. Washington, Nakia Friends
3. Robertson, Travis J. Friends of
4. Shelton-Martin, Wanda Friends of
5. Lifebridge Health PAC Friends of

Waiver Request Information Page

General

Account Name	Davis, Shelia L. Friends of	
CCF ID:	01011439	Status: Inactive
Date Established	2/03/16	
Date Waiver Requested	09/19/17	
Account Type	Campaign Account	

Officers

Current Treasurer	Ida Everette	Start Date: 2/03/16
Responsible Treasurer		
Current Chairman	Shelia Davis	2/03/16
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/18/17		N/A	\$500	\$500
11/22/16		N/A	\$500	\$500
10/28/16		N/A	\$500	\$500
8/30/16		N/A	\$500	\$500
4/15/16		N/A	\$500	\$500
3/22/16		N/A	\$500	\$500
			Total	\$3000.00

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

Prior Waiver and Fees

See above

Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
N/A	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

OSP has decline to prosecute, as they are unable to locate and or obtain effective service upon chairman and treasurer.

Division Comments

Grant per OSP

Administrator's Decision

--

EMMET C. DAVITT
STATE PROSECUTOR



OFFICE OF
THE STATE PROSECUTOR

June 14, 2017

Suite 410
Hampton Plaza
300 East Joppa Road
Towson, MD 21286-3152
Telephone (410) 321-4067
1 (800) 695-4058
Fax (410) 321-3851

Jared DeMarinis
Director - Division of Candidacy and Campaign Finance
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401-0486

Re: F.O. Shelia L. Davis – CCF ID: 01011439

Dear Mr. DeMarinis:

The above-referenced file was referred to the Office of the State Prosecutor for the failure of the campaign committee to timely and accurately file campaign finance report(s) and pay the associated late fee. Based on our review of the file and countless attempts to locate and contact the Chairperson, Shelia L. Davis, and the Treasurer, Ida Mae Everette, we will exercise prosecutorial discretion and will not be pursuing any of the outstanding violations, for the following reasons:

- All required campaign fund reports have been filed and late fees paid (or appropriate payment arrangements made);
- All required campaign fund reports have been filed and the amount of late fees remaining is *deminimus*;
- A previous referral was satisfactorily closed and there are no additional unfiled reports or significant (\$250 or more) additional late fees accrued;
- We are unable to locate and/or obtain effective service upon the Chairman and/or Treasurer;
- Other reason: [specify]

This Office therefore recommends that the Campaign Committee known as the Friends of Shelia L. Davis be immediately administratively closed in order to avoid incurring further violations.

Please feel free to contact me with any questions.

Sincerely,


Stephanie A. Krulevitz
Assistant State Prosecutor

Waiver Request Information Page

General

Account Name	Washington, Nakia Friends of	
CCF ID:	01011387	Status: Inactive
Date Established	2/02/16	
Date Waiver Requested	9/19/17	
Account Type	Campaign Account	

Officers

Current Treasurer	Latasha Cambell	Start Date: 2/02/16
Responsible Treasurer		
Current Chairman	Janice Hughes	2/02/16
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
4/15/16		5/01/16	\$220	\$220
			\$	\$
			Total	\$220

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

Prior Waiver and Fees

N/A

Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
Affidavit	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

OSP has decline to prosecute, as they are unable to locate and or obtain effective service upon chairman and treasurer.

Division Comments

Grant per OSP.

Administrator's Decision

--

STATE OF MARYLAND

EMMET C. DAVITT
STATE PROSECUTOR



OFFICE OF
THE STATE PROSECUTOR

Suite 410
Hampton Plaza
300 East Joppa Road
Towson, MD 21286-3152

Telephone (410) 321-4067
1 (800) 695-4058
Fax (410) 321-3851

September 19, 2017

Jared DeMarinis
Director - Division of Candidacy and Campaign Finance
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401-0486

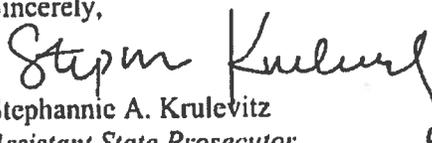
Re: Friends of Nakia Washington- CCF ID: 01011387

Dear Mr. DeMarinis:

The above-referenced committee was referred to the Office of the State Prosecutor for the failure to timely and accurately file campaign finance report(s) and for the failure to pay the associated late fee(s). After conducting a thorough investigation, this Office have determined that criminal prosecution is not warranted as we are unable to locate and/or obtain effective service upon the Chairperson, Janice Cherenn Hughes or the Treasurer, Latasha Campbell. Our attempts to contact any of the responsible officers for the outstanding late fees of \$220.00 first began in November of 2016 and all correspondence has since been returned.

Please feel free to contact me with any questions.

Sincerely,


Stephannic A. Krulevitz
Assistant State Prosecutor

Waiver Request Information Page

General

Account Name	Robertson, Travis J. Friends of	
CCF ID:	01011375	Status: Inactive
Date Established	2/02/16	
Date Waiver Requested	09/19/17	
Account Type	Campaign Account	

Officers

Current Treasurer	Lisa Sheppard	Start Date: 2/02/16
Responsible Treasurer		
Current Chairman	Travis Robertson	2/02/16
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
8/30/16		N/A	\$500	\$500
4/15/16		8/22/16	\$500	\$500
			Total	\$1000

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

Prior Waiver and Fees

N/A

Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
Affidavit	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

OSP has decline to prosecute, as they are unable to locate and or obtain effective service upon chairman and treasurer.

Division Comments

Grant per OSP, spring report was mark as final.

Administrator's Decision

--

STATE OF MARYLAND

EMMET C. DAVITT
STATE PROSECUTOR



OFFICE OF
THE STATE PROSECUTOR

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September 19, 2017

Jared DeMarinis
Director - Division of Candidacy and Campaign Finance
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401-0486

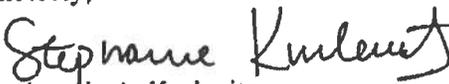
Re: Friends of Travis J. Robertson- CCF ID: 01011375

Dear Mr. DeMarinis:

The above-referenced committee was referred to the Office of the State Prosecutor for the failure to timely and accurately file campaign finance report(s) and for the failure to pay the associated late fee(s). After conducting a thorough investigation, this Office have determined that criminal prosecution is not warranted as we are unable to locate and/or obtain effective service upon the Chairperson, Travis Jerrod Robertson or the Treasurer, Lisa B. Holly-Sheppard. Our attempts to contact the responsible officers first began in September of 2016 and all correspondence has since been returned.

Please feel free to contact me with any questions.

Sincerely,


Stephanie A. Krulevitz
Assistant State Prosecutor

Waiver Request Information Page

General

Account Name	Shelton-Martin, Wanda Friends Of
CCF ID:	01005225
Date Established	3/09/09
Date Waiver Requested	10/04/17
Account Type	Candidate Account

Officers

Current Treasurer	Ashley Shelton	Start Date: 1/16/13
Responsible Treasurer		
Current Chairman	Wanda Martin	Start Date: 3/09/09
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
11/18/14		1/19/15	\$225	\$225
10/24/14		1/19/15	\$225	\$225
			Total	\$450.00

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

Prior Waiver and Fees

8/26/14 late fee \$250 waived
6/13/14 late fee \$250 waived
1/15/14 late fee \$250 waived

Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
Affidavit	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

OSP has decline to prosecute.

Division Comments

Grant, per OSP agreement, this will closeout account.

Administrator's Decision

--

STATE OF MARYLAND

EMMET C. DAVITT
STATE PROSECUTOR



OFFICE OF
THE STATE PROSECUTOR

Suite 410
Hampton Plaza
300 East Joppa Road
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October 4, 2017

Jared DeMarinis
Director - Division of Candidacy and Campaign Finance
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401-0486

Re: Friends of Wanda Shelton-Martin- CCF ID: 01005225

Dear Mr. DeMarinis:

The above-referenced committee was referred to the Office of the State Prosecutor for the failure to timely and accurately file campaign finance report(s) and for the failure to pay the associated late fee(s).

After reviewing the file, this Office declines to prosecute the 2014 Gubernatorial Pre-Primary 2 and the 2014 Gubernatorial Pre-General 1 campaign finance reports. This Office therefore recommends that the late fees for these reports be waived and that the Friends of Wanda Shelton-Martin be immediately administratively closed.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephanie Krulevitz".

Stephannie A. Krulevitz
Assistant State Prosecutor

Waiver Request Information Page

General

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

Officers

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

Waiver Request Dates

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

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

Prior Waiver and Fees

None

Financial Activity History

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

Reason for Waiver

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

Division Comments

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

Administrator's Decision

--

GORDON • FEINBLATT LLC
ATTORNEYS AT LAW

RECEIVED
OCT 04 2017

STATE BOARD OF ELECTIONS

ABBA DAVID POLIAKOFF
410.576.1234
apoliakoff@gfrlaw.com

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

October 2, 2017

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

Re: Friends of LifeBridge Health PAC
2015 Annual Report

Ladies and Gentlemen:

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

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

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

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

Sincerely,



Abba David Poliakoff

cc: Friends of LifeBridge Health PAC

STATE BOARD OF ELECTIONS

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

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



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

TO: State Board Members

FROM: Jared DeMarinis, Director
Division Candidacy and Campaign Finance

SUBJECT: Administrative Closure of Campaign Accounts

DATE: October 26, 2017

Pursuant to §13-313 of the Election Law Article, the State Board has the authority to administratively close a political committee upon determination that good cause exists and when other criteria are met:

1. The campaign finance entity could be terminated under §13-309 (b) (4) of this subtitle except for the existence of one or more outstanding obligations and each of those obligations is more than 5 years old;
2. No responsible officer currently is appointed and serving; or
3. Other extenuating circumstances exist to justify terminating the campaign finance entity.

(b.) The termination of a campaign finance entity under this section does not limit the right of:

- (1) The State Board, or the State Prosecutor or the State's Attorney, to pursue an enforcement action against the former responsible officers of, or any candidate formerly affiliated with, the campaign finance entity; or
- (2) A creditor to bring an action against the former responsible officers of, or any candidate affiliated with, the campaign finance entity

Attached are forms, which have been prepared for the Board's review of accounts that meet the requirements for administrative closure.

If you have any questions, please do not hesitate to contact me at 410-269-2853.

Administrative Closure

1. Bissett, Phil Committee to Elect
2. Davis , Sheila Friends of
3. Pritchett, Ralph for the Youth of Johnston Square

REQUEST TO ADMINISTRATIVELY CLOSE CAMPAIGN ACCOUNT

Account Name	Bissett, Phil Committee to Elect
CCF ID Number	01002185
Account Established Date	1/19/1990
Outstanding Debts/Loans	\$1,128.53
Cash Balance	\$1,009.56
Last Filed Campaign Finance Report (CFR) / Affidavit of Limited Contributions and Expenditures (ALCE)	2015 Annual CFR (not marked Final Report)
Outstanding Late Fees *	\$1,000.00
Office of the State Prosecutor (OSP) Action/s Taken:	
The OSP will not pursue further action against the committee due to lack of criminal evidence. The campaign bank account showed \$0.00 balance and was closed on 1/31/2014.	
List name and address of last known officers:	
Candidate Phillip Douglas Bissett 453 Walnut Drive Edgewater, MD 21037	Chairman Same as Candidate
Treasurer Amber Flynn Radford 3609 Second Avenue Edgewater, MD 21037	
Briefly describe why this committee should be closed:	
<p>This committee should be closed due to the following:</p> <ol style="list-style-type: none"> 1. The OSP closed its file against the committee and will not pursue further action due to lack of criminal evidence. 2. The OSP stated that the committee bank account has zero balance and was closed on 1/31/2014. 3. The Treasurer has resigned on 1/23/2013. 4. The candidate has moved to Florida. <p>Election Law Article § 13-313 (a) (3) requires the termination of campaign finance entity by the State Board when other extenuating circumstances exist to justify terminating the campaign finance entity.</p>	

*If additional space is required, attach a breakdown of outstanding late fees, include report due dates and outstanding late fees.

REQUEST TO ADMINISTRATIVELY CLOSE CAMPAIGN ACCOUNT

Account Name	Friends of Sheila L. Davis
CCF ID Number	01011439
Account Established Date	02/03/2016
Outstanding Debts/Loans	n/a
Cash Balance	n/a
Last Filed Campaign Finance Report (CFR) / Affidavit of Limited Contributions and Expenditures (ALCE)	No CFRs filed since the committee was established.
Outstanding Late Fees *	\$3,000.00
Office of the State Prosecutor (OSP) Action/s Taken:	
The OSP has declined to prosecute any other new or otherwise outstanding violations not previously resolved for the committee.	
List name and address of last known officers:	
Candidate Sheila L. Davis 1819 Ruxon Ave. Baltimore, MD 21216	Chairman Same as Candidate
Treasurer Ida Mae Everette 2625 W. Lafayette Ave. Baltimore, MD 21216	
Briefly describe why this committee should be closed:	
<p>This committee should be closed due to the following:</p> <ol style="list-style-type: none"> 1. The OSP recommended this committee for administrative closure as they were unable to locate the Chairperson and/or Treasurer. 2. The candidate lost in the 2016 Primary Elections. <p>Election Law Article § 13-313 (a) (3) requires the termination of campaign finance entity by the State Board when other extenuating circumstances exist to justify terminating the campaign finance entity.</p>	

*If additional space is required, attach a breakdown of outstanding late fees, include report due dates and outstanding late fees.

REQUEST TO ADMINISTRATIVELY CLOSE CAMPAIGN ACCOUNT

Account Name	Ralph Pritchett for The Youth of Johnston Square
CCF ID Number	01011227
Account Established Date	10/05/2015
Outstanding Debts/Loans	n/a
Cash Balance	n/a
Last Filed Campaign Finance Report (CFR) / Affidavit of Limited Contributions and Expenditures (ALCE)	No CFRs filed since the committee was established.
Outstanding Late Fees *	\$3,500.00
Office of the State Prosecutor (OSP) Action/s Taken:	
The OSP has declined to prosecute and recommends the committee to be removed from the referral list.	
List name and address of last known officers:	
Candidate Ralph W. Pritchett 3718 W. Coldspring Lane Baltimore, MD 21215	Chairman Same as Candidate
Treasurer Jason Davon Griffin 4037 Grantley Road Baltimore, MD 21215	
Briefly describe why this committee should be closed:	
<p>This committee should be closed due to the following:</p> <ol style="list-style-type: none"> The OSP recommended this committee for administrative closure. The OSP determined that prosecution is not warranted as the campaign finance committee is not subject to the filing requirements. Not only did Ralph Pritchett not participate in an election, there was no campaign finance activity conducted. As such, there was no obligation to register with the SBE and/or file a statement of organization under Title 13 of the Election Law Article. <p>Election Law Article § 13-313 (a) (3) requires the termination of campaign finance entity by the State Board when other extenuating circumstances exist to justify terminating the campaign finance entity.</p>	

*If additional space is required, attach a breakdown of outstanding late fees, include report due dates and outstanding late fees.



October 13, 2017

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

Re: Comments on Ballot Marking Devices Usage for the 2018 Elections

Dear Members of the State Board of Elections:

The National Federation of the Blind of Maryland (NFBMD) and Disability Rights Maryland (DRM) submit these comments in response to the Maryland State Board of Elections' (SBE) request for feedback on how the ExpressVote Ballot Marking Devices (BMDs) will be used in the 2018 election cycle.

DRM, as the Protection and Advocacy organization for Maryland, is charged under the Help America Vote Act (HAVA) to "ensure the full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places." Pursuant to this mandate, DRM seeks to ensure election access by working to remove barriers that prevent voters with disabilities from voting privately and independently. NFBMD is the Maryland affiliate of the National Federation of the Blind, which has its national headquarters in Baltimore. Every day NFBMD works to ensure that the rights of Maryland residents who are blind or have low vision are not violated.

NFBMD and DRM support universal accessibility and strongly recommend the expanded use of the ballot marking devices during early voting and on Election Day. As you may know, the disability community was very much opposed to Maryland moving to a paper ballot system and abandoning the universally accessible touch screen system. With the touchscreen voting system, all voters voted on the same system, and while voters with disabilities may have used the accessible feature of the machine, the way in which the ballot choices were made, cast and counted was indistinguishable from other voters. Disability advocates were vocal that they did not want two systems that would cause the physical segregation of voters with disabilities as well as the segregation of their ballots by physical appearance thereby jeopardizing the privacy of their vote – for this reason language prohibiting a segregated ballot was included in Maryland Election Law Article §9-102(f)(1), Annotated Code of Maryland.

There are three recommendations that we propose to protect the ability of Maryland voters with disabilities to vote privately and independently: 1) Give local boards of elections the ability to deploy more than one BMD; 2) increase the minimum number of voters who must use the BMD to ensure the privacy of voters with disabilities; and 3) continue to require the mandatory statement at check-in that lets voters know that there is an accessible way to read and mark a ballot.

1) Give Local Boards of Elections the Ability to Deploy More than One BMD to Ensure that the Needs of Voters Are Met

It has been a full election cycle since the transition to the ExpressVote BMDs, giving voters and election judges the opportunity to become familiar with the machines. Despite concerns regarding navigation,

the feedback we received from the 2016 General Election on using the BMD was positive and navigation concerns were remedied by assistance provided to voters by election judges. The effort to severely “limit” access to the BMDs was an extreme response to navigation concerns and the limited number of candidates that appeared on a screen. Particularly during the 2016 primary, the “limit the use of the BMD” policy led to confusion at the local level and the egregious denial of access to the accessible BMDs. Voters reported that the machine were not plugged in or turned on, voters were questioned about why they wanted to use the machine, and polling places did not include adequate signage that would alert voters to the availability of an accessible BMD. The mandatory statement at check-in during the General Election advising voters of the availability of the accessible machine did improved access despite the fact that the check-in statement was not always provided. However, we continue to believe that any usability or navigation concerns can be reasonably addressed through election judge assistance and instructions. This will be particularly true given the increased familiarity with the system after its usage during the 2016 elections.

NFB and DRM recognize that local boards of elections are uniquely positioned in their respective communities and are capable of responding to the needs of voters. It is clear from their responses to SBE that they would prefer to have the flexibility to deploy more BMDs as needed. We support the local election boards call for increased flexibility and expanded use of BMDs which we believe will better serve all voters, including voters with disabilities. To ensure voters with disabilities have meaningful access to the accessible ballot marking device, local board of elections must be given the flexibility to determine if more than one machine is needed in any given polling location.

2) At Each Polling Place, Increase the Minimum Number of Voters Who Must Use the BMD to Ensure the Privacy of Voters with Disabilities

State law is clear that any voting system that Maryland uses cannot create a “segregated ballot”. Pursuant to Section 9-102 (f)(1), a voting system selected and certified by SBOE shall “provide access voters with disabilities that is equivalent to access afforded voters without disabilities without creating a segregated ballot for voters with disabilities.” The State Attorney General for Maryland opined that non-disabled voters should use the accessible voting system in sufficient numbers to make the ballots cast by disabled voters unidentifiable. The Attorney General’s Office specifically stated that if SBE selected a voting system that produced a ballot that is different in appearance from the hand-marked ballot, SBE “must establish randomized polling-place procedures to ensure that a significant number of non-disabled voters will use the accessible voting system.” 98 Md. Att’y Gen. Op. 152, 164 (2013).

During the 2016 elections, in an effort to severely limit the use of the BMD, SBE determined that the minimum number of voters who had to use the BMD was only two voters (after prior policy had the number at 30). We strongly assert that a “two voter minimum” is far from a “significant number” that would meet the Attorney General’s standard; nor do the instructions to elections judges on how to achieve the two voter minimum provide for “randomized” procedures. The “two voter minimum” also fails to address the situation when the two voters who use the BMD are in fact voters with disabilities. In that instance how is the voters’ privacy protected?

During the 2016 election cycle, the criticism of the ExpressVote BMD by candidates pushed SBE to take an extreme position with regard to access to the BMDs. Even with a minimum of only two voters required, we know from SBE data that some polling places during the 2016 general election failed to meet even this minimum usage standard. We therefore urge SBE to revisit the Attorney General’s

Opinion so that the Board is further reminded as to the legal basis for the position that a “significant number” of non-disabled voters must use the BMD in addition to voters with disabilities.

See <http://www.marylandattorneygeneral.gov/Opinions%20Documents/2013/98OAG152.pdf>. SBE has unnecessarily created an untenable situation based on concerns by candidates, when in reality voters are required to view all the screens before moving to the next contest and with assistance from election judges can respond to any navigation concerns. We therefore urge SBE to increase the minimum number of voters required to use the BMD. The federal right to privacy of voters with disabilities mandates an increase in the minimum usage of the BMD requirement.

3) Continue to Require the Mandatory Statement at Check-in Regarding the Availability of the Accessible BMD

We continue to support the mandatory statement at check-in which advises voters that there is an accessible way to reach and mark the ballot. According to the feedback from local boards of elections administrators, the mandatory statement was helpful in increasing BMD usage which reduces the likelihood of ballot segregation. As we have asserted in the past, voters should be provided adequate notice that BMDs are available in every polling location and we appreciate that SBE made the statement at check-in a requirement during the 2016 General Election.

By permitting only the bare minimum number of accessible machines under HAVA in each polling site and by reducing the minimum usage number of voters to only two, SBE, during the 2016 elections, went too far in limiting the use of the BMD. According to SBE data, during the 2016 General Election only 1.8% of voters used the BMD. This low percentage is particularly alarming given the population of Marylanders with disabilities who may have benefited from using the accessible feature of the ExpressVote. The ExpressVote has been certified at both the state and federal level, has been used in multiple states and jurisdictions nationwide, and has been used in Maryland during two elections. For the 2018 election cycle, we urge SBE to loosen the unnecessary restrictions on the BMD by allowing local boards of elections to increase the number of BMDs to meet the needs of voters and by increasing the minimum number of voters required to use the BMD to prevent a segregated ballot and ensure the privacy of voters with disabilities.

Respectfully submitted,

Sharon Maneki, President
National Federation of the Blind of Maryland
9013 Nelson Way
Columbia, MD 21045
410-715-9596

Ben Jackson, Staff Attorney
Alyssa R. Fieo, Director of Legal Advocacy
Disability Rights Maryland
1500 Union Ave., Suite 2000
Baltimore, MD 21211
410-727-6352

Ballot Marking Device – 2016 General Election

- The check-in judge said to every voter, “If needed, there is an accessible way to read or mark your ballot.”
- If a voter wanted to use the ballot marking device, a judge offered to explain the accessibility features of the ballot marking device.
- Judges made sure at least 2 voters used the ballot marking device during the day. If 2 voters didn’t use the ballot marking device by 6:00 pm, they were instructed to direct voters to use the ballot marking device until 2 voters used it.
- Only one ballot marking device was deployed to each early voting center and polling place, unless presented and approved by the Board.



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

Xpressvote/Ballot marking device & Montgomery County

1 message

Jurgensen, Margaret <Margaret.Jurgensen@montgomerycountymd.gov>

Wed, Oct 25, 2017 at 2:24 PM

To: Linda Lamone -SBE- <linda.lamone@maryland.gov>, Nikki Charlson -SBE- <nikki.charlson@maryland.gov>

Cc: "McLaughlin, Alysoun N" <Alysoun.McLaughlin@montgomerycountymd.gov>

The Montgomery County Board of Elections does not wish to expand the use of the ballot marking device at this time based

On the current software functionality. The Board will continue to use the ballot marking device in accordance to the guidelines

Of the State Board of Elections.

Margaret Jurgensen

Election Director

[18753 N. Frederick Ave](#)

[Gaithersburg MD 20879](#)

[240.777.8523](#)

Audits are a critical element of secure elections.

Numerous studies have shown that deployed voting systems are vulnerable to computer hacking. These are not merely “academic” attacks. A recent experiment at DefCon showed that conference attendees could hack voting machine equipment in under two hours! If done properly, audits inform us with mathematical precision whether we should have confidence in the election results. They are a critical element of increasing public trust in the election process.

Meaningful audits must be completely independent of the voting equipment.

The overwhelming majority of voting system researchers advocate for strict independence between the audit process and voting equipment. The audit should not depend on *any* aspect of voting machine software or election management software. Otherwise, hacked software can trivially alter logs, *scanned ballot images*, etc. to ensure that audits do not detect incorrect election results.

Reliance on scanned ballot images eliminates the possibility of independence.

Scanned ballot images are created by the voting machines and collected by the election management software. Voting machines and election management software have repeatedly been shown to be susceptible to hacking. We should not assume the correctness of these electronic ballot images. Hacked election equipment could trivially create ballot images that agree with the incorrect (tampered) outcome, thus eliminating the possibility that an audit based solely on digitized ballot images will detect the attack.

Risk-limiting audits achieve both independence and transparency.

Risk-limiting audits do not depend on the correctness of electronic voting machines or election management software. Audits that examine the physical paper ballots can provide statistically valid assurances that election results computed by the election equipment are correct (or not), regardless of whether or how the election equipment may be misconfigured, misused, or compromised. Risk-limiting audits can be carried out transparently, with auditors from different political parties examining the (human-readable) paper ballots in a public setting.

Risk-limiting audits usually require sampling of a very small set of ballots.

Statistically useful risk-limiting audits usually require the inspection of a very small set of randomly selected ballots.

Moreover, if the resources/budget available for conducting an audit are limited, then an audit could be conducted for a fixed amount of time, with the result being the established level of risk. For example, after six hours of inspecting randomly selected paper ballots, auditors could establish that the probability that the primary election result is incorrect is less than X%; additional hours of work could decrease that percentage further.

¹ This document and my testimony are informed by my research and do not necessarily reflect the views of my employer.

Testimony to Maryland State Board of Elections (SBE)

Micah Sherr, Ph.D.
Provost's Distinguished Associate Professor
Department of Computer Science
Georgetown University

October 26th, 2017

Chair McManus, Vice-Chair Hogan, Members of the State Board of Elections, thank you for the opportunity to speak today. My name is Micah Sherr. I am a tenured professor of Computer Science at Georgetown University¹. I am also a Maryland voter.

There is a near-consensus among computer security researchers that today's voting machines are vulnerable to hacking². To illustrate, at this year's DefCon computer security conference, the organizers held a contest in which attendees could attempt to "hack" voting machines. The results were devastating and unambiguous: all voting machines were successfully hacked, many in less than 90 minutes³.

Fortunately, audits can substantially reduce the risk of a compromised election and provide strong assurances to the public that election results are accurate, if that is indeed the case. However, to be useful, audits must have two key properties: (1) they must be transparent and (2) they must be independent.

Transparency means that the audit should be done in a way in which the public can verify that it is carried out correctly. Our democratic elections should not depend on the correct operation of software that's completely opaque to the public. We should not outsource the security of our elections to a closed and unobservable process taking place within a third-party company.

The second requirement, independence, requires that the audit not rely, at all, on the software used to carry out the election. The logic here is that when performing an audit, we should not rely on the correct operation of the equipment we are trying to audit. A voting machine that has been hacked can trivially alter the scanned ballot images. An audit that relies on scanned ballot images from election equipment therefore misses the point. It says, at best, we believe the election results are accurate because the voting machines say so. It can detect inaccurate election results due to election tampering, but only if the attacker is so negligent that it forgets to modify the ballot images. Further, it will miss errors resulting from incorrectly scanned images, such as those where the scanner misses light marks.

¹ My curriculum vitae is available at <https://security.cs.georgetown.edu/~msherr/micahsherr-cv.pdf>

² See, for example, Blaze et al., *Source Code Review of the Sequoia Voting System*, July 2007. Part of the California Secretary of State Top-to-Bottom Review of electronic voting machines; Aviv et al., *Security Evaluation of the ES&S Voting Machines and Election Management System*. USENIX/ACCURATE Electronic Voting Technology Workshop (EVT), August 2008; and McDaniel et al., *EVEREST: Evaluation and Validation of Election-Related Equipment, Standards and Testing*, December 2007.

³ Barb Darrow. *How Hackers Broke Into U.S. Voting Machines in Less Than 2 Hours*. Fortune. July 31, 2017. Available at <http://fortune.com/2017/07/31/defcon-hackers-us-voting-machines/>

Fortunately, we know how to perform more meaningful audits. *Risk-limiting audits* tell us with mathematical precision whether we should have confidence in the results of an election. Conceptually, risk-limiting audits work by manually verifying a very small sample of the cast paper ballots. Because auditors examine the paper ballots themselves -- that is, the ballots that are actually cast by the electorate -- the audit is completely independent from the election software. Put another way, regardless of whether the election equipment has been correctly configured and whether the equipment is operating correctly, the independence of risk-limiting audits tells us what we actually want to know: are the election results correct, or are they not?

It is noteworthy that risk-limiting audits are relatively simple and do not require a strong mathematical background to carry out. Indeed, risk-limiting audits are in use or planned to be in use in Colorado, Rhode Island, and Virginia⁴.

In summary, Marylanders deserve meaningful and secure election audits. This necessitates transparency and independence. Risk-limiting audits are a cost-effective means of achieving both. On the other hand, reliance on scanned ballot images does not provide meaningful security, as it inherently assumes the correct operation of the very machines whose operation we are trying to verify.

I urge the State Board of Elections to listen to leading experts on voting machine security -- several of whom work at Maryland's most venerable institutions such as the University of Maryland and Johns Hopkins University -- and invest in mathematically sound audit techniques that offer far greater security.

I of course do not speak for all of academia, but I can offer that area researchers, including myself, would be happy to discuss working with the SBE towards piloting secure risk-limiting audits for the state, free of charge. Please give us this opportunity to help the SBE make Maryland an example for the nation to follow.

Thank you.

⁴ National Conference of State Legislatures. *Post Election Audits*. Available at <http://www.ncsl.org/research/elections-and-campaigns/post-election-audits635926066.aspx>

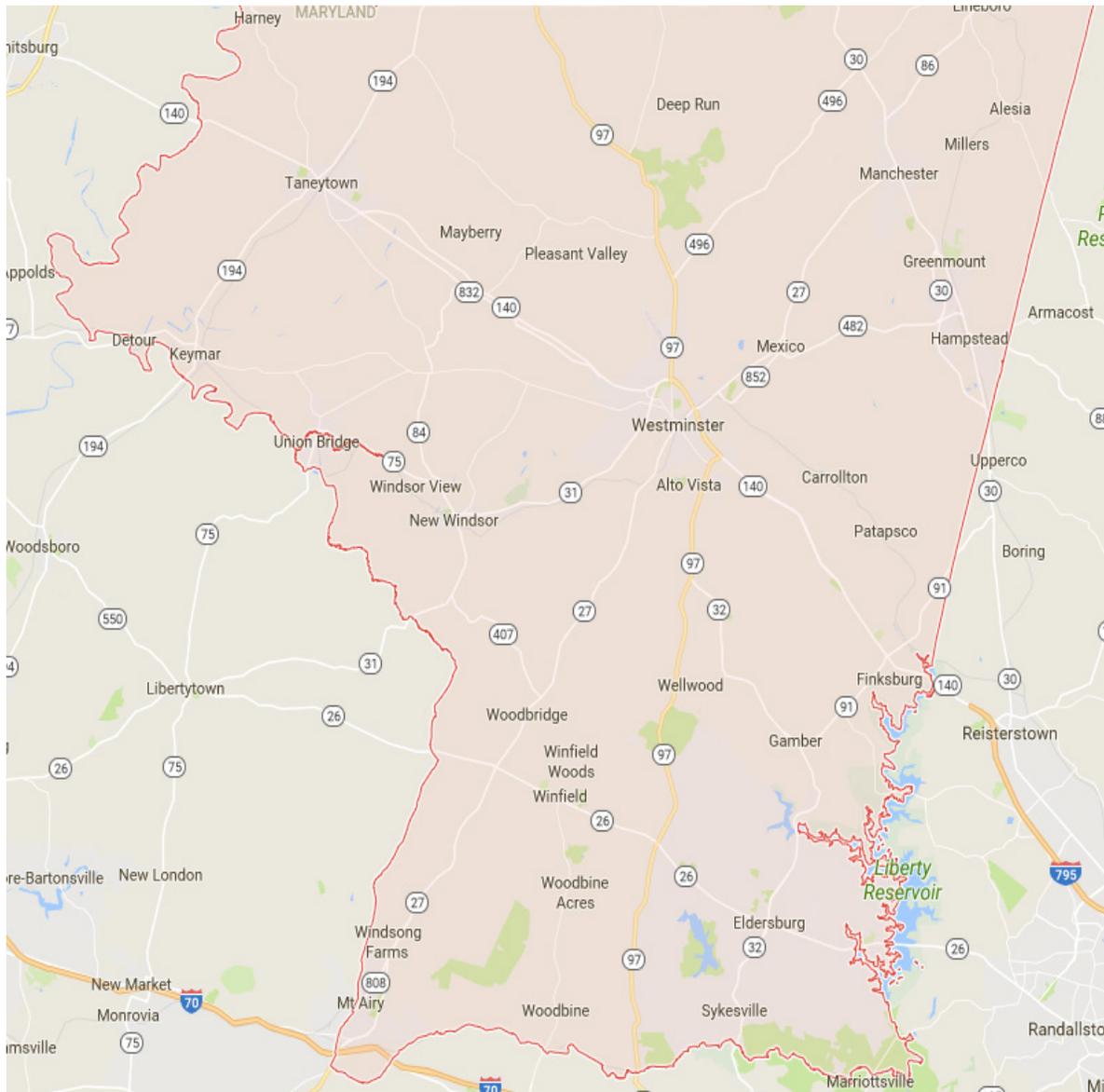
Newly Proposed Early Voting Centers for the 2018 Elections

State Board of Elections
October 26, 2017 Meeting

Carroll County - 2 early voting centers

South Carroll Swim Club

- ▶ Additional center
- ▶ 50% of voters live within 10 miles of one of the proposed centers
- ▶ Accessible for 2018 early voting
- ▶ Allows for electioneering
- ▶ Adequate parking
- ▶ Adequate to handle estimated peak voting hour



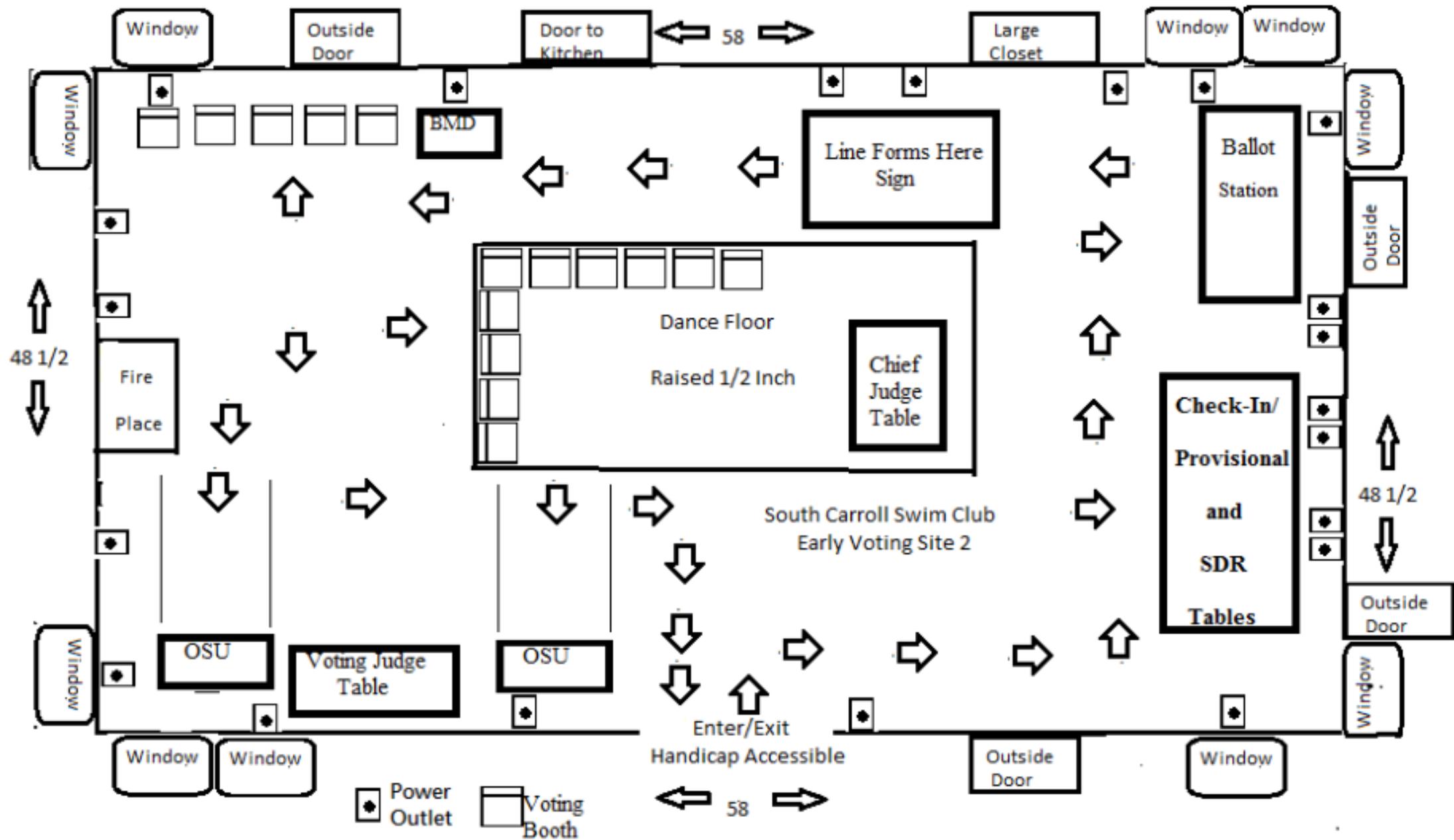
Carroll County Map



Location of both Early Voting Centers

Carroll County is adding a second early voting center. Their first site is the original site from the 2016 elections and more area is being covered by adding the second center. At least 50% of the registered voters in Carroll County live within 10 miles of one of the early voting centers.





Carroll County

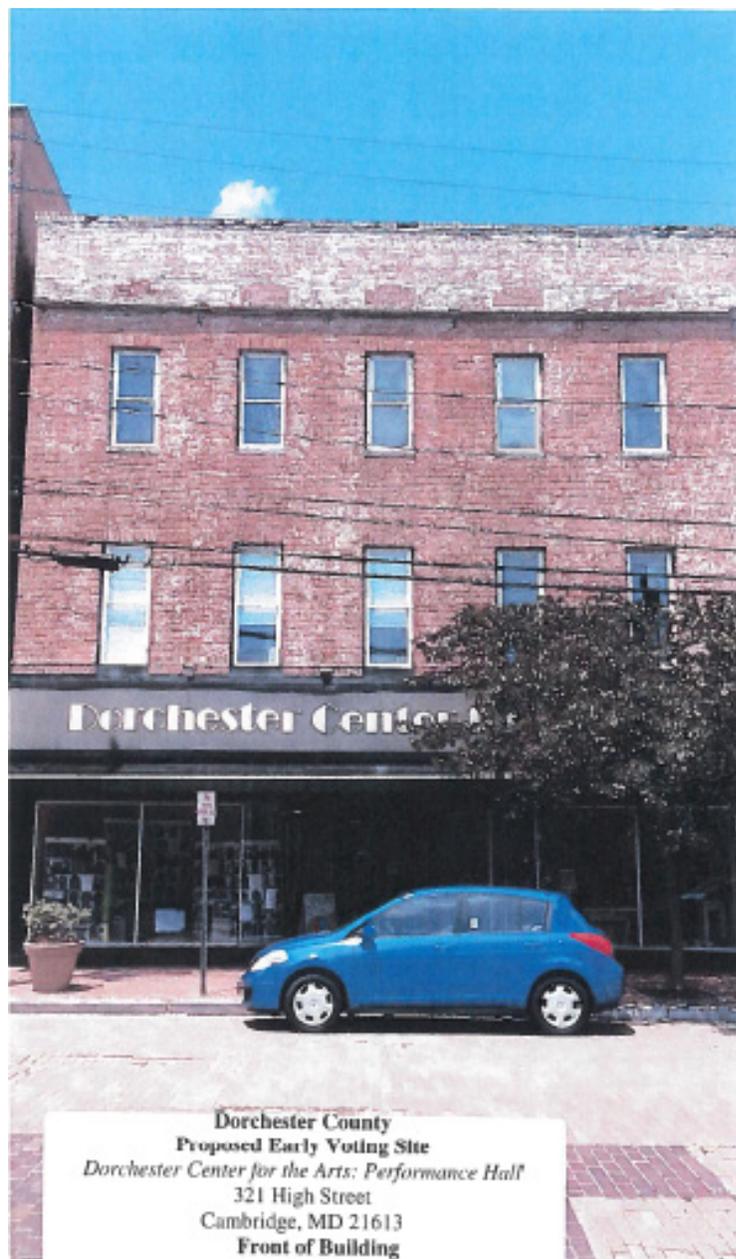
Westminster Senior Activities Center
South Carroll Swim Club

Recommendation: Approve

Dorchester County - 1 early voting center

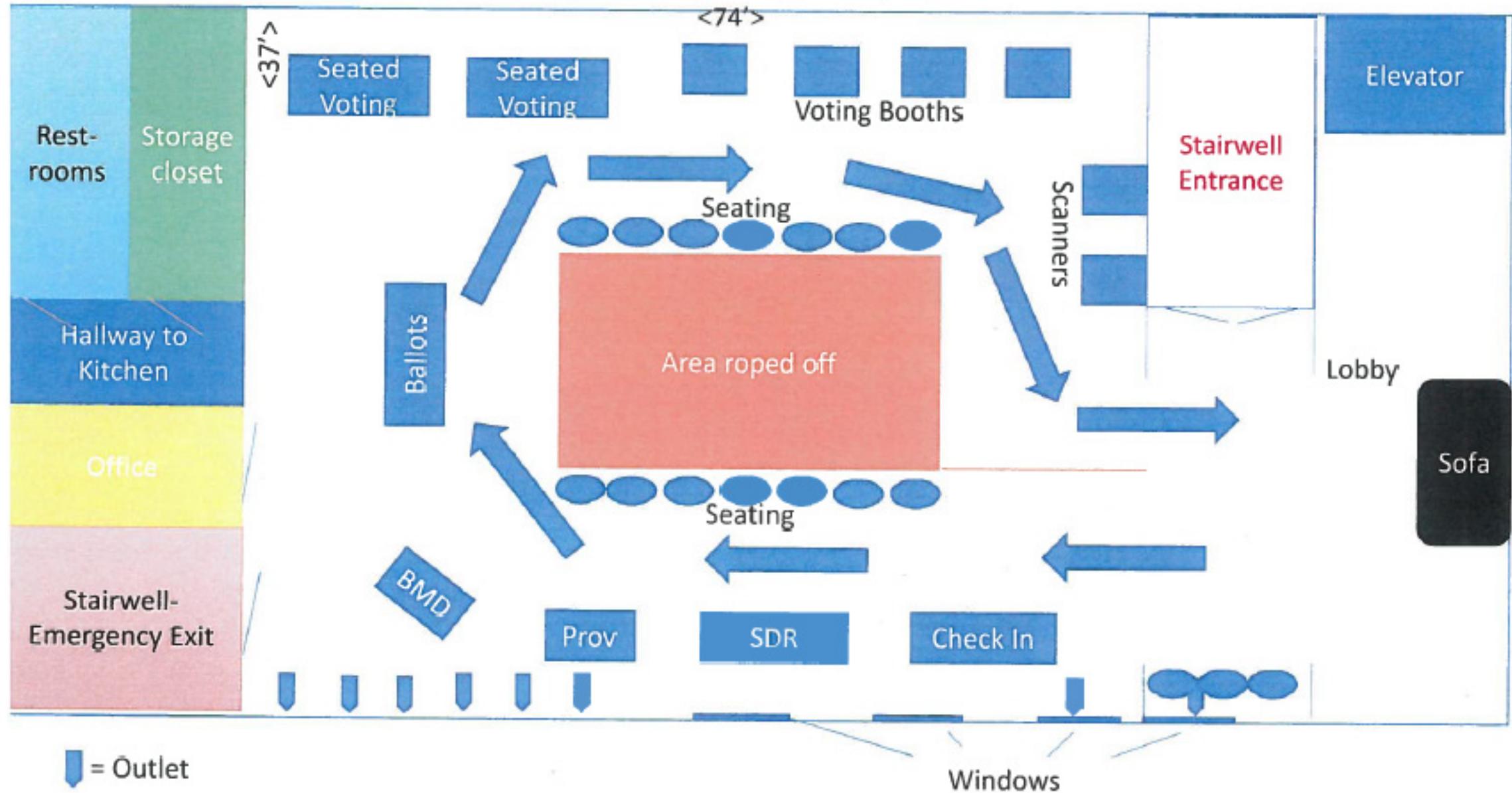
The Dorchester Center for the Arts

- ▶ Replaces the Dorchester County Office Building - no longer available for the 2018 elections
- ▶ 50% of voters live within 10 miles of the proposed center
- ▶ Accessible for 2018 early voting
- ▶ Allows for electioneering
- ▶ Accessible by public transportation
- ▶ Adequate parking
- ▶ Adequate to handle estimated peak voting hour



Dorchester County
Proposed Early Voting Site
Dorchester Center for the Arts: Performance Hall
321 High Street
Cambridge, MD 21613
Front of Building
(1 of 7)

Proposed Early Voting Site Layout



Dorchester County

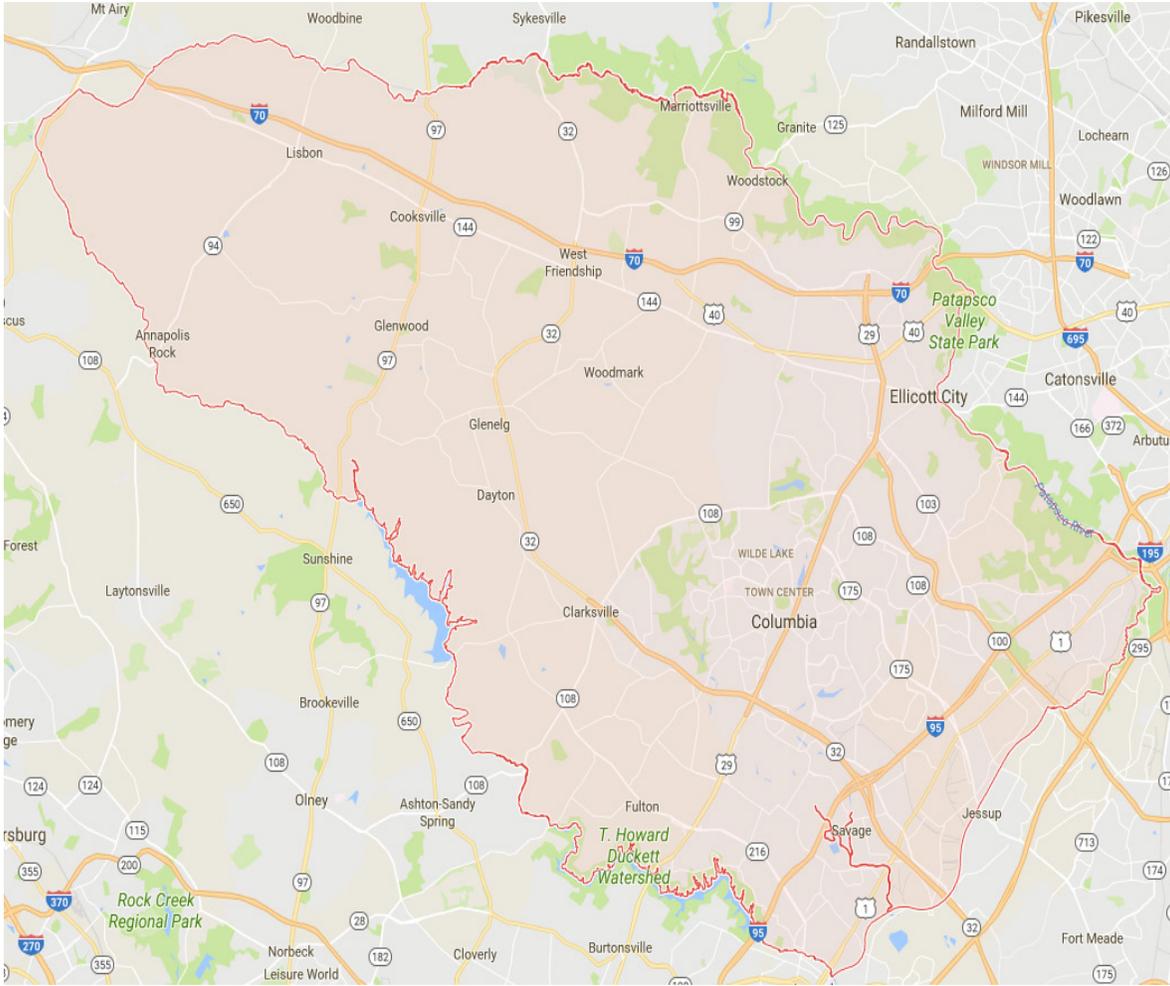
The Dorchester Center for the Arts

Recommendation: Approve

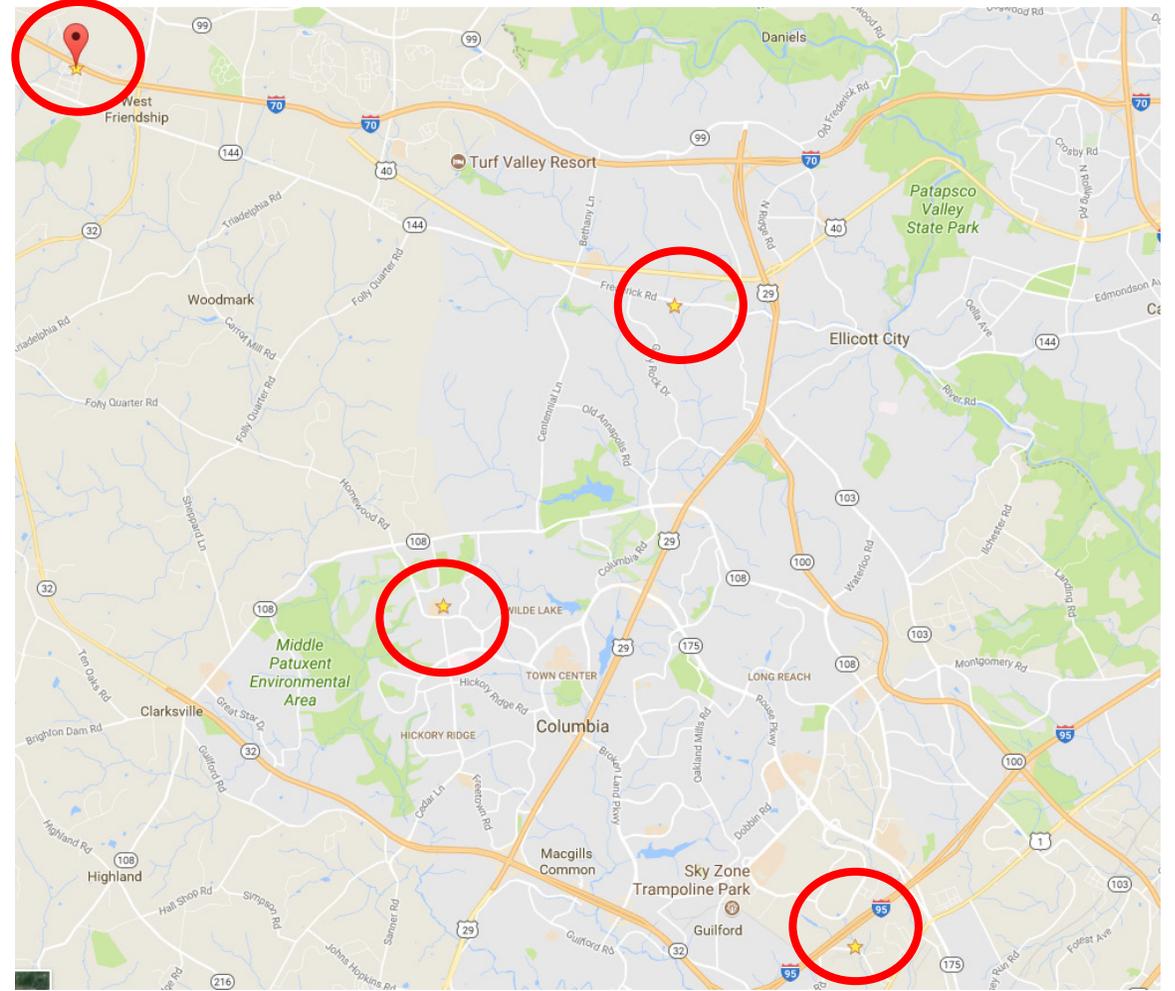
Howard County - 4 early voting centers

Howard County Fairgrounds

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



Howard County Map

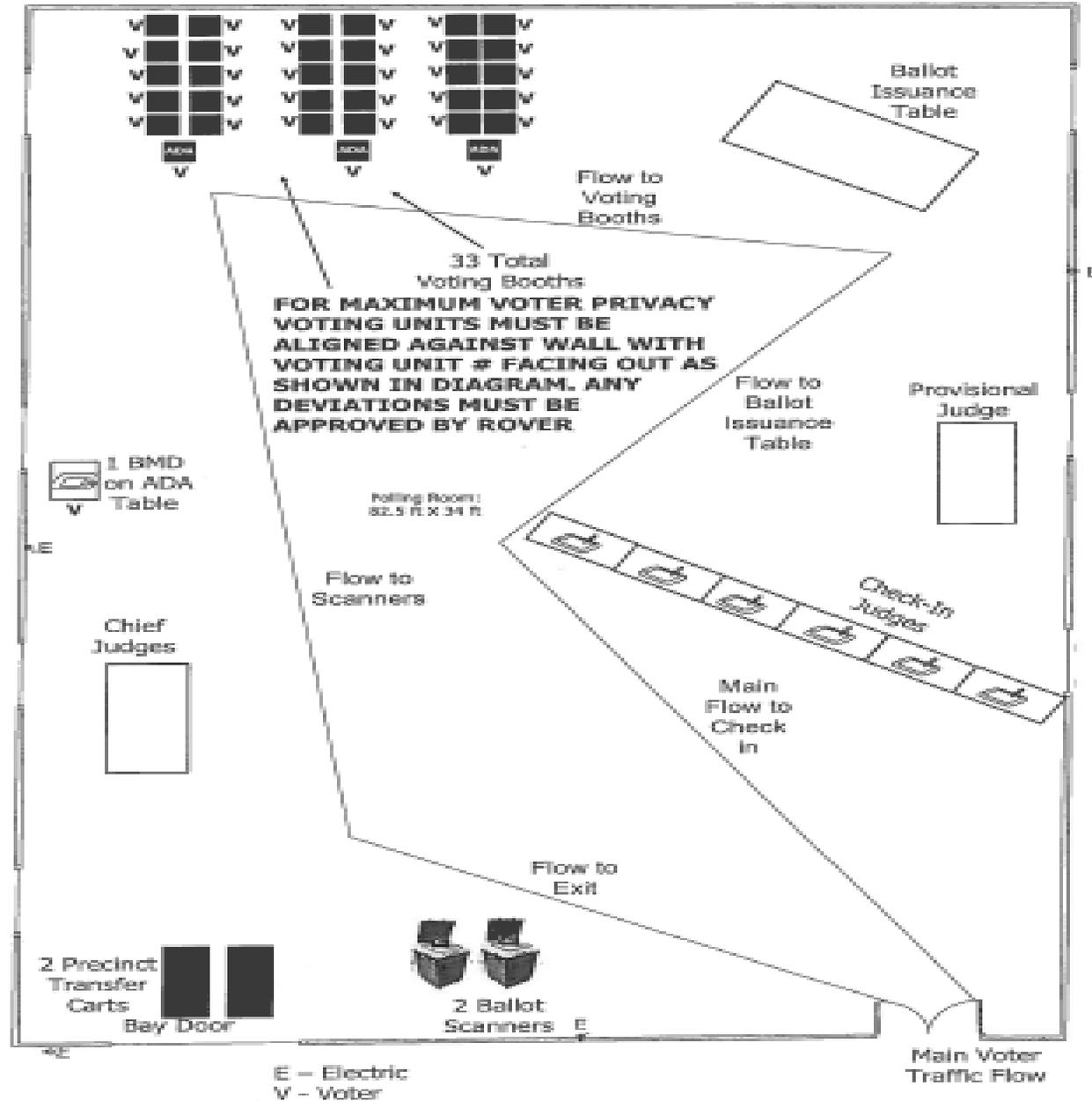


Location of four proposed Early Voting Centers

Howard County is adding a fourth center. Their three centers remain the same as the 2016 elections and more area is being covered by adding the fourth center. At least 80% of the registered voters live within 5 miles of one of the early voting centers.



Howard County Fairgrounds – Old Bingo Hall – EV04



Howard County

The Bain Senior Center

Miller Branch Library

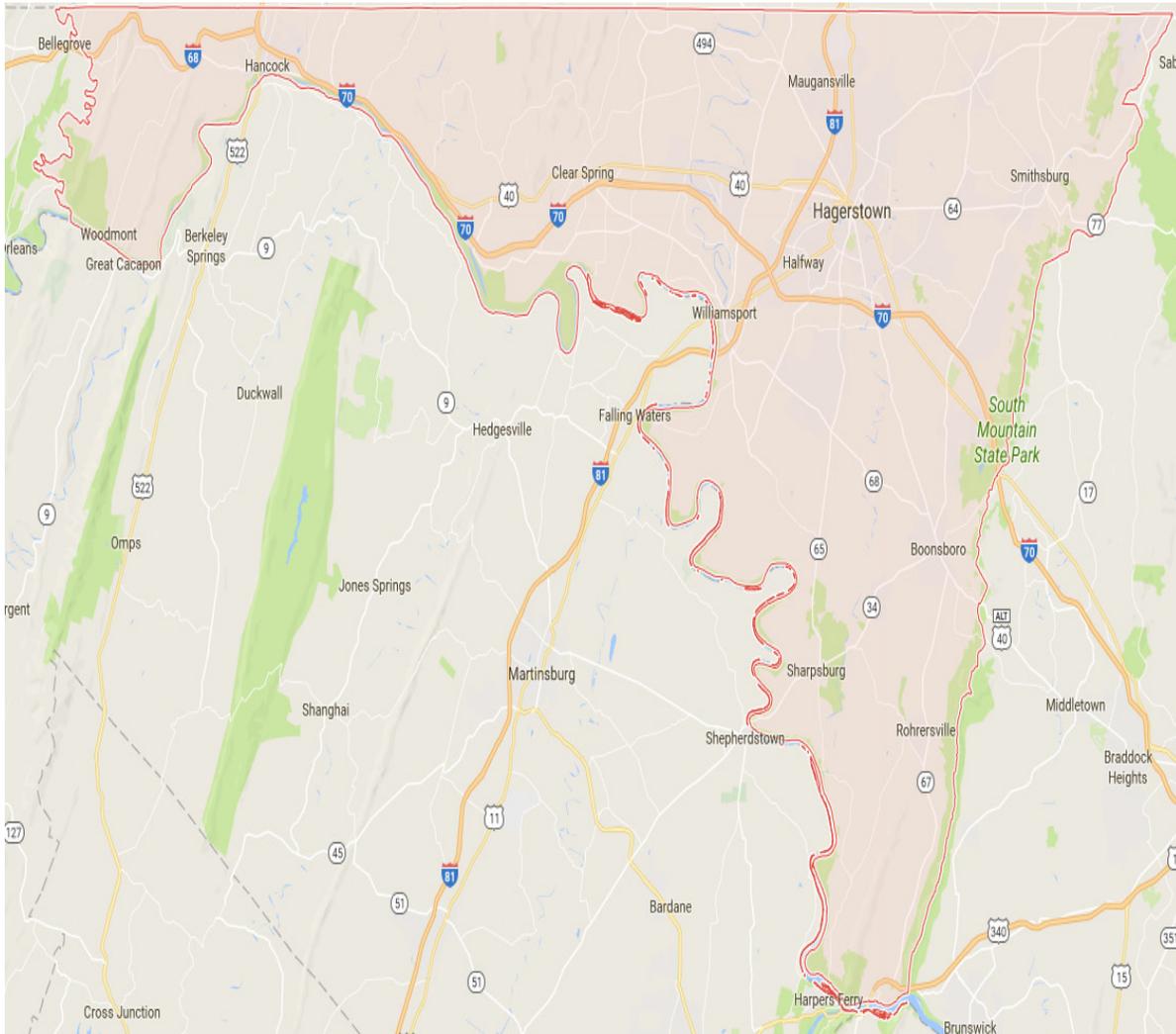
Ridgely's Run Community Center

Howard County Fairgrounds

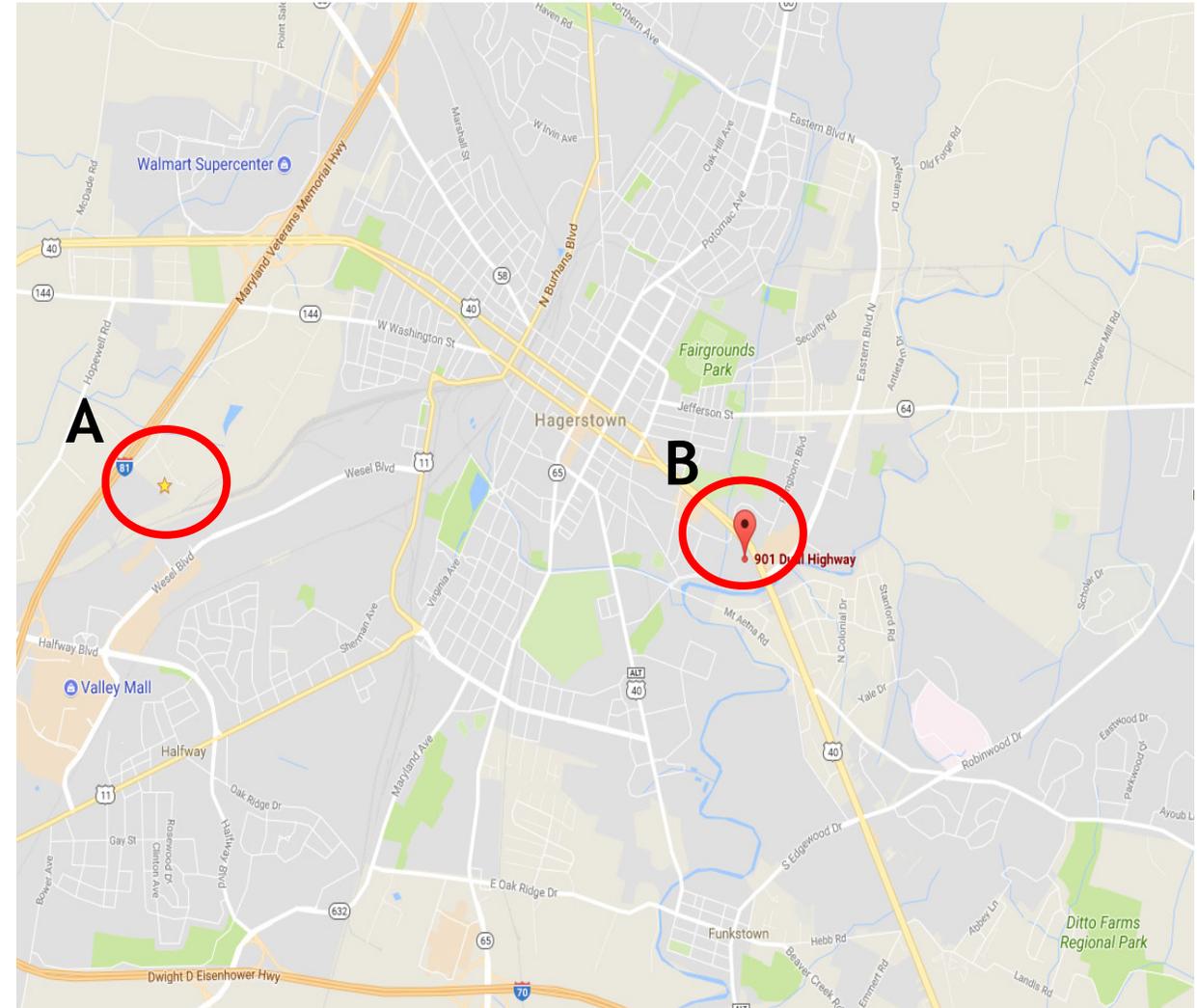
Recommendation: Approve

Washington County - 1 early voting center Hager Hall Conference and Event Center

- ▶ Replaces the Phoenix Color Building II- no longer available for the 2018 elections
- ▶ 50% of voters live within 10 miles of the proposed center
- ▶ Accessible for 2018 early voting
- ▶ Allows for electioneering
- ▶ Adequate parking
- ▶ Accessible by public transportation
- ▶ Adequate to handle estimated peak voting hour



Washington County Map



Location of prior (A) and proposed (B) early voting center

Washington County is replacing their center used in the 2016 elections. The proposed center is less than 5 miles away from the center used last year and is located in the City of Hagerstown. At least 50% of the registered voters live within 10 miles of the proposed early voting center.



Washington County

Hager Hall Conference and Event Center

Recommendation: Approve

STATE BOARD OF ELECTIONS

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

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



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

To: Election Directors and Deputy Directors
From: Linda H. Lamone, Administrator
Date: October 19, 2017
Subject: Privacy at the Scanning Unit Recommendations

At its July meeting, the State Board asked SBE staff to conduct research to ensure voter privacy at the scanning unit. Erin Perrone, Director of Election Reform and Management, posed the issue to local election staff for their assistance and expertise.

Below is a list of mandatory actions that will be implemented into election judge training classes and documented in the *Election Judge Manual*. There is also a list of optional actions that local boards may choose to implement to ensure voter privacy at the scanning unit during early voting and on election day.

Mandatory Actions:

- After getting the voter authority card from the voter at the scanning unit, the judge **must** then stand away from the scanning unit. Depending on the size of the polling place, the judge may either stand or sit 2 feet away and off to the side of the scanner. The scanning unit judge may only approach the voter if the voter requests assistance.
- Add the location(s) of the scanning unit judge to any voting room diagrams that are given to the election judges to be used as a visual instruction.
- The *Election Judge Manual* and training classes will include specific instructions, text, and diagrams to further emphasize where the judge at the scanning unit should stand or sit to ensure voter privacy.

Optional Actions:

- Order “privacy screens” made of corrugated plastic to fit on both sides of the scanner. SBE will assist the local boards who are interested in utilizing the screens.
- If a voter needs assistance, the scanning unit judge will have a special type and color of folder to shield the voter’s ballot. The shield must be placed over the voter’s ballot while the judge is providing the necessary assistance. Instructions on how to use the assistance folder should be included in the *Election Judge*

Manual. SBE will assist the local boards who are interested in purchasing the special shield.

- Use tape on the floor of each polling place as a marker for the scanning unit judge to stand behind and only approach if the voter needs assistance. It is understood that some polling places may not allow adhesives on the floor.

If you have any questions, you may contact Erin Perrone at 410-269-2845 or erin.perrone@maryland.gov.

October 26, 2017

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

RE: COMAR 33.10.01.17(F)

Dear Chairman McManus:

We are writing as Directors of local Boards of Elections to request a change in COMAR 33.10.01.17(F)(1) and 33.10.01.17(F)(2)(b) related to the need for a ballot stub.

The undersigned Directors of local Boards of Elections agree that it is necessary to account for all ballots used at the Early Voting Centers and Polling Places across the State of Maryland. However, using perforated stubs is inefficient, creates a choke point for voters waiting in lines to vote and can negatively impact the DS 200 scanner causing paper jams created by paper bits and dust. The optics of a non-functioning voting unit undermines voter confidence in the process and ultimately the election results.

We urge the State Board to consider permitting the local boards of elections to replace the perforated numbered stubs on each ballot with a numbered sequence affixed to each ballot packet. Similar to managing the security features when tamper tape is removed, when a packet of ballots is opened the ballot numbering sequence would be removed and affixed to a ballot accounting sheet. Spoiled ballots (and there would be a reduction in the ones damaged by election judges) would remain tallied as the current practice. Ballots would still be inspected and accounted for at the same level as they currently are with the stubs. The most significant difference would be improved processing in the precinct by election judges and reduction of functionality issues with the DS 200 scanner.

We were advised at the Biennial Meeting on Monday that this request needed to be made quickly as the door is closing on the ability to change the regulations. We thank you for your consideration of this request.

Sincerely,

Margaret Jurgensen, Election Director
Montgomery County

Alisha Alexander, Election Director
Prince George's County

Armstead Jones, Election Director
Baltimore City

Joseph A. Torre III, Election Director
Anne Arundel County

Kevin Keene, Election Director
Harford County

cc: Members, State Board of Elections
Linda Lamone, State Administrator of Elections

Official Ballot
Primary Election
June 26, 2018
State of Maryland,
Anne Arundel County

BS1 - Page 1
NON

Pkg Qty: 050

0000001 - 0000050

Official Ballot
Primary Election
June 26, 2018
State of Maryland,
Anne Arundel County

BS1 - Page 1
NON

Pkg Qty: 050

0000051 - 0000100

Official Ballot
Primary Election
June 26, 2018
State of Maryland,
Anne Arundel County

BS1 - Page 1
NON

Pkg Qty: 050

0000101 - 0000150

Official Ballot
Primary Election
June 26, 2018
State of Maryland,
Anne Arundel County

BS1 - Page 1
NON

Pkg Qty: 050

0000151 - 0000200

Official Ballot
Primary Election
June 26, 2018
State of Maryland,
Anne Arundel County

BS1 - Page 1
NON

Pkg Qty: 050

0000201 - 0000250

Official Ballot
Primary Election
June 26, 2018
State of Maryland,
Anne Arundel County

BS1 - Page 1
NON

Pkg Qty: 050

0000251 - 0000300

Official Ballot
Primary Election
June 26, 2018
State of Maryland,
Anne Arundel County

BS1 - Page 1
NON

Pkg Qty: 050

0000301 - 0000350

Official Ballot
Primary Election
June 26, 2018
State of Maryland,
Anne Arundel County

BS1 - Page 1
NON

Pkg Qty: 050

0000351 - 0000400

Official Ballot
Primary Election
June 26, 2018
State of Maryland,
Anne Arundel County

BS1 - Page 1
NON

Pkg Qty: 050

0000401 - 0000450

Official Ballot
Primary Election
June 26, 2018
State of Maryland,
Anne Arundel County

BS1 - Page 1
NON

Pkg Qty: 050

0000451 - 0000500