

## **1. Announcements & Important Meetings**

### Biennial Meeting

Our mandatory meeting of Maryland election officials was held on October 17, 2019 in Annapolis. Almost 300 board members, board attorneys, election directors, deputy directors, and staff attended. The entire morning was devoted to review and discussion on election security and incident response. The afternoon allowed for breakout sessions covering election technology, poll worker training, voter registration training, election audits, board member duties and training against workplace bullying.

I would like to recognize Mary Wagner, Janey Hagerty, and Jessica Perkins for coordinating the event. Also many thanks to State and local board staff members that shared information with us during various seminars - Abigail Goldman, Vincent Omenka, Erin Perrone, Shafiq Satterfield, Natasha Walker, Guy Mickley, Janet Smith, Shermaine Malcolm, Chris Lohr-Beatty and Nikki Charlson. Additional contributors sharing invaluable information were Maryland State Senator Paul Pinsky, Geoff Hale with the U.S Department of Homeland Security, Carl Lucas serving as Cybraics' Cyber Security Engineer, and Katie Lombardi, the Department of Budget and Management's Training Coordinator. Our Assistant Attorney General Andrea Trento meet with many of the local board counsel to review recent court decisions, on-going cases and discuss 2020 election process.

A highlight for this meeting every other year is recognizing State and local board employees with Years of Service Awards. We presented 74 employees with either 5, 10, 15, 20, 25 or 30 year service awards. Additionally, our "Election Officials of the Year" award and Governor's Citation was presented to Sally Chen, Jon Holton, Jim Holton and Guy Mickley, all of the Howard County Board of Elections, for their efforts with the planning and implementation of Maryland's table top training exercises.

### SBE's Statewide Table Top Exercise

On October 18th, approximately 130 State and local election officials gathered at the Anne Arundel County Board of Elections' office for the third statewide tabletop exercise (TTX) hosted by SBE. While this TTX was similar to the two SBE previously hosted, this TTX featured all new worst-case scenarios to help test and train the participants. The Howard County Board of Elections again helped SBE plan this event, while the Anne Arundel County Board of Elections helped with setup. SBE appreciates the help of both local board very much. I would like to thank Tracey Hartman and Erin Perrone for coordinating this significant exercise.

### Briefing for the Senate's Education & Environmental Affairs Committee

On October 23rd, this committee asked for a briefing on: (1) Montgomery County's local public campaign finance efforts; (2) the process of separating the Governor and Lt. Governor ticket; (3) election security; and (4) the use of the ballot marking device. We presented each topic and received from the committee members questions on these and other topics. The committee members seemed appreciative of the information.

### U.S. Department of Homeland Security-led Table Top Exercise

On October 24th, the U.S. Department of Homeland Security led a table top exercise for SBE employees. Although this table top exercise was a different model than the one SBE hosted the prior week, it provided participants the opportunity to think about how we would receive and communicate information about a cyber event, respond to reports of voters' names missing from the electronic pollbooks, and receiving and posting election results with a compromised network. The

feedback from this exercise has been positive, and I would like to thank our federal partners for coordinating and attending the exercise.

#### National Conference of State Legislature's (NCSL) Redistricting Seminar

From October 24th - 27th, Nikia Wilbon-Turner of the Voter Registration Division attended the NCSL's Redistricting seminar in Columbus, OH. The seminar outlined current technology solutions, including ERSI (ArcGIS), CityGate GIS, Zillioninfo, and Maptiude. The GIS solutions were demonstrated and provided a platform for a simulation exercise.

#### Special Election for the 7th Congressional District

The Governor issued a proclamation establishing the process to fill the vacancy in the 7th Congressional District created by the death of Congressman Cummings. A copy of the proclamation will be included in the meeting folder. There will be a special primary election on February 4, 2020, and the special general election will be combined with the 2020 Presidential Primary Election scheduled for April 28, 2020. Other important dates are:

- October 30th - Start of candidate filing window
- November 20th - Deadline for candidates affiliated with principal parties to file for the special primary election
- December 3rd - Deadline to certify and display the ballot for the special primary election
- December 21st - Deadline under federal law to transmit absentee ballots to requesting military and overseas voters
- February 4th - Deadline for candidates of other parties to file required paperwork for the special general election
- February 24th - Deadline to certify and display the ballot for the special general election

We have already started planning these elections with the Baltimore City Board of Elections and the Baltimore County and Howard County Boards of Elections and will continue to share information as it becomes available.

## **2. Election Reform and Management**

#### Election Judges' Manual for the 2020 Elections

All chapters and appendices of the Election Judges' Manual for election day are available to the local boards for customizations. Work will now begin on the Early Voting Manual, Same Day Registration and Address Change Manuals, and the Page Program Manual.

#### "I Voted" Sticker Contest

The Maryland State Department of Education (MDSE) has reported that over 650 submissions were received for the "I Voted" sticker contest. MDSE is conducting some internal adjudication to narrow the number of submissions before sending submissions to SBE for additional adjudication. Public voting should begin in mid-November.

## **3. Voter Registration**

#### MDVOTERS

The mock election for software release 7.2 is ongoing. The majority of the release is centered on candidacy as well as various small enhancements for voter registration. This release will go into production in November.

### MVA Transactions

During the month of September, MVA collected the following voter registration transactions:

New Registration - 10,176	Residential Address Changes - 22,914
Last name changes - 2,880	Political Party Changes - 5,471

### Non-Citizens

The following summarizes relevant activity from September and October:

- Submitted to the Office of the State Prosecutor - 10
- Removal of non-citizens - 10
- Removal of non-citizens who voted - 2
- Removal of non-citizens who voted multiple times - 2
- Non-citizens reported by Immigration & Customs Enforcement - 0
- Change in status from Office of the State Prosecutor - 0

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

### Candidacy

Currently, 43 candidates have filed at SBE for the 2020 election cycle.

### Enforcement Actions

The CCF Division received the payments for the following civil penalties:

1. On October 11, 2019, Friends of Galen Clagett committee paid a civil penalty of \$50.00 for a failure to include an authority line.
2. On October 21, 2019, Montgomery Co. Career Firefighters Assn. Local 1664 paid a civil penalty of \$500.00 for failure to record all contributions and expenditures.
3. On October 23, 2019, the Committee to Elect Michael A. Geppi paid a civil penalty of \$100.00 for failure to record all contributions and expenditures.
4. On October 25, 2019, Judge for Marylin Pierre committee paid a civil penalty of \$100.00 for failure to record all contributions and expenditures.

## **5. Project Management office (PMO)**

### Inventory Management

SBE continues to dispose of equipment via the State's disposal process that includes auctioning, recycling, transferring, or trashing of the items.

The PMO completed the creation of inventory records for the new equipment delivered during this reporting period. The inventory records were uploaded into SBE's inventory system.

### Additional Space and Painting and Carpeting Projects

The Painting and Carpeting project completed on schedule. The Lease Compliance section of the Department of General Services performed a final walk-through of the office space and made note of items that need to be addressed by the landlord. We are waiting on the delivery of the report.

I want to thank all SBE staff for their efforts on what was an arduous effort.

### Procurements

The PMO continued to work on several procurements.

1. The technical evaluation of the Election Project and Other Support Task Order Request for Proposals (TORFP) was completed during this reporting period. The evaluation committee

reduced the initial pool of proposals down to ten vendors and received oral presentations from these ten vendors. Financial proposals will be evaluated next.

2. The additional privacy sleeves and black precinct carts are now in production at the Maryland Correctional Enterprise facilities.
3. The additional precinct voting booth procurement was completed and awarded. The booths are scheduled to be delivered in February 2020.

### Other

Keith Ross served as the Suite Captain for the recently held building fire drill which was a success. The Annapolis Fire Department was present and complemented the timeliness of the building evacuation. I want to thank David Walker, Gary Hastings, Ebony Parran, and Janet Smith who served as Fire Captains that made sure all staff evacuated the building.

## **6. Voting System**

### Electronic Pollbooks

SBE continues to work with Election Systems & Software (ES&S) on the software update to implement same day registration on election day using the electronic pollbooks. SBE conducted a statewide test of the new software release the week of October 21, 2019. The findings from the week of testing have been communicated to ES&S for follow-up and resolution.

SBE continues to work on the implementation of a wide area network on election day in six counties. The framework of the network has been established, and SBE plans to perform multiple tests with assistance from the local boards to validate the network.

### Voting System

SBE has received and completed the User Acceptance Testing (UAT) of the additional voting equipment procured in preparation for the upcoming 2020 elections. The equipment was tested at SBE's warehouse and is now being delivered to the requesting local boards.

SBE is working with ES&S to offer training to the local boards on ElectionWare and associated applications for the voting system. Training will cover several election related activities including creating media, conducting logic and accuracy testing, and uploading election results. Training is expected to begin in January of 2020.

## **Somerset County**

### **Optional Choices:**

#### Section 3.3 Meeting Agenda and Minutes

##### Subsection D. Minutes

3. Full minutes of open meetings and summaries of closed meetings *shall be presented for approval at the next Board meeting.*
4. Full minutes of closed meetings *shall be presented for approval at the next closed meeting held by the Board.*

#### Section 4.2 Political Activity

##### Subsection B. Additional Requirements

3. A member *may* attend campaign fundraisers held by candidates, political parties, or ballot issue committees provided the member discloses this fact to the Board and does not publicly indicate that he or she is a member of the Board.
4. A member *may* make campaign contributions to candidates or issues on the ballot in an election for which the member will be serving on the local Board of Canvassers provided the member discloses the contributions to the Board.
5. A member *may* publicly display support or opposition to candidates or issues on the ballot in any election (including yard signs, bumper stickers, etc.) for which the member will be serving on the local Board of Canvassers provided the member discloses the displays to the board.
6. A member *may* wear campaign paraphernalia showing support or opposition for or against candidates or issues on the ballot in any election for which the member will be serving on the local Board of Canvassers provided:
  - The member discloses this fact to the Board;and
  - Does not wear the campaign paraphernalia while performing Board functions or while wearing a Board name badge.

**No variations from Model Bylaws other than the options listed above.**

**Recommendation- Accept**

## **Worcester County**

### **Optional Choices:**

#### Section 3.3 Meeting Agenda and Minutes

##### Subsection D. Minutes

3. Full minutes of open meetings and summaries of closed meetings *shall be presented for approval at the next Board meeting.*
4. Full minutes of closed meetings *shall be presented for approval at the next Board meeting held as long as approval at an open meeting does not jeopardize the need to preserve the discussion of the closed meeting.*

#### Section 4.2 Political Activity

##### Subsection B. Additional Requirements

3. A member *may* attend campaign fundraisers held by candidates, political parties, or ballot issue committees provided the member discloses this fact to the Board and does not publicly indicate that he or she is a member of the Board.
4. A member *may* make campaign contributions to candidates or issues on the ballot in an election for which the member will be serving on the local Board of Canvassers provided the member discloses the contributions to the Board.
5. A member *may* publicly display support or opposition to candidates or issues on the ballot in any election (including yard signs, bumper stickers, etc.) for which the member will be serving on the local Board of Canvassers provided the member discloses the displays to the board.
6. A member *may* wear campaign paraphernalia showing support or opposition for or against candidates or issues on the ballot in any election for which the member will be serving on the local Board of Canvassers provided:
  - The member discloses this fact to the Board;and
  - Does not wear the campaign paraphernalia while performing Board functions or while wearing a Board name badge.

### **Differences from Model Bylaws**

#### Section 2.2- Officers

##### Subsection E. Duties- Secretary. The Secretary shall:

2. Perform the duties of the President if the President is unable to carry out the assigned duties until a new President can be elected or the President is able to resume full duties.

*\*Model Bylaws give this duty to the Vice President, but this difference is ok as long as the person who assumes the duties of the President in his or her absence is stated.*

#### Section 3.1- Meetings- Time and Location

##### Subsection A. Regular Meetings. Unless circumstances dictate otherwise, the Board shall meet each *quarter*.....

*\*Model Bylaws recommend meeting monthly, but a few smaller local boards meeting quarterly.*

### **Recommendation- Accept**

## **Montgomery County**

### **Optional Choices:**

#### Section 3.3 Meeting Agenda and Minutes

##### Subsection D. Minutes

3. Full minutes of open meetings and summaries of closed meetings *shall be approved via email and ratified at the next Board meeting.*
4. Full minutes of closed meetings *shall be approved via email and ratified at the next Board meeting as long as ratification at an open meeting does not jeopardize the need to preserve the discussion of the closed meeting.*

#### Section 4.2 Political Activity

##### Subsection B. Additional Requirements

3. A member *may* attend campaign fundraisers held by candidates, political parties, or ballot issue committees provided the member discloses this fact to the Board and does not publicly indicate that he or she is a member of the Board.
4. A member *may* make campaign contributions to candidates or issues on the ballot in an election for which the member will be serving on the local Board of Canvassers provided the member discloses the contributions to the Board.
5. For any candidate or issue on the ballot in an election for which the member will be serving on the local Board of Canvassers, a member may not (a) use his/her name as a host of political event, (b) solicit a political contribution from anyone, or (c) allow his/her name to be used to solicit such a contribution. (*\*This is new, additional language that Montgomery County added.*)
6. A member *may* publicly display support or opposition to candidates or issues on the ballot in any election (including yard signs, bumper stickers, etc.) for which the member will be serving on the local Board of Canvassers provided the member discloses the displays to the board.
7. A member *may* wear campaign paraphernalia showing support or opposition for or against candidates or issues on the ballot in any election for which the member will be serving on the local Board of Canvassers provided:
  - The member discloses this fact to the Board; and
  - Does not wear the campaign paraphernalia while performing Board functions or while wearing a Board name badge.

### **Differences from Model Bylaws**

#### Section 2.2- Officers

##### Subsection D. Duties – Vice President. The Vice President shall:

1. Be of the same party as the President; and....

##### Subsection E. Duties – Secretary. The Secretary shall:

1. Not be of the same party as the President; and....

*\*Section 2-201(i) of the Election Law Article only stipulates that the each local board elect a President. The Model Bylaws suggest that the President and Vice President be of separate parties, however the design that Montgomery County prefers is allowed, as long both parties are represented in the officers.*

#### Section 3.2 – Rules of Order

##### Subsection B. Participation in Meetings

5. Members *may* participate and vote in meetings by phone or video conferencing. *Meetings may be held exclusively by phone or video conferencing when required by exigent circumstances.*

*\*Model Bylaws recommend that participation should be in person, however, as long as meetings comply with the Open Meetings Act, the local the members may participate in any methods allowed by the local bylaws. The OMA does not specify that attendance must be in person.*

#### Section 4.2 Political Activity

##### Subsection B. Additional Requirements

5. *\*See above. Additional language that strengthens a local board's bylaws is allowed.*

##### 9. Petitions

a. A member may not sign a petition for a candidate or issues that may appear on the ballot in any election for which the member will be serving on the local Board of Canvassers. *\*A local board can impose stricter requirements regarding political activity than those imposed on all election officials by Section 2-301 of the Election Law Article.*

**Recommendation- Accept**

## Prince George's County

### **Optional Choices:**

#### Section 3.3 Meeting Agenda and Minutes

##### Subsection D. Minutes

5. Full minutes of open meetings and summaries of closed meetings *shall be presented for approval at the next Board meeting.*
6. Full minutes of closed meetings *shall be presented for approval at the next closed meeting held by the Board.*

#### Section 4.2 Political Activity

##### Subsection B. Additional Requirements

3. A member *may* attend campaign fundraisers held by candidates, political parties, or ballot issue committees provided the member does not publicly indicate that he or she is a member of the Board. (*\*Disclosure to the Board for this activity was removed.*)
4. A member *may* make campaign contributions to candidates or issues on the ballot in an election for which the member will be serving on the local Board of Canvassers. *All political contributions shall be a matter of public record in accordance with state and federal campaign finance laws. (\*Disclosure to the Board for this activity was removed.)*
5. A member *may* publicly display support or opposition to candidates or issues on the ballot in any election (including yard signs, bumper stickers, etc.) for which the member will be serving on the local Board of Canvassers. (*\*Disclosure to the Board for this activity was removed.*)
6. A member *may* wear campaign paraphernalia showing support or opposition for or against candidates or issues on the ballot in any election for which the member will be serving on the local Board of Canvassers provided the member does not wear the campaign paraphernalia while performing Board functions or while wearing a Board name badge. (*\*Disclosure to the Board for this activity was removed.*)
7. Under no circumstances shall a member allow his or her support of a candidate, issue, or party influence his or her role as a Board Member. Any potential conflict of interest shall be brought to attention of the rest of the Board. (*\*This is new, additional language that Prince George's County added.*)

*\*Model Bylaws suggest that Board members should generally disclose to the Board any partisan activity, however, this is not required by the Section 2-301 of the Election Law Article. Any campaign contributions must be made in accordance with all state and federal campaign finance laws, as Prince George's has added to item 4 of this Subsection. The addition of item 7 under this Subsection reiterates that though disclosure to the Board for these activities is not required, that any partisan activity that appears to be a conflict of interest will not be taken lightly.*

### **Differences from Model Bylaws**

#### Section 5.3 – Counsel to the Board

##### Subsection B. Duties

*8. Represent the Prince George's County Board of Elections on voter, candidate, election, or canvass issues taken to court. \*This is new, additional language that Prince George's County added. Additional language that strengthens a local board's bylaws is allowed.*

### **Recommendation- Accept**

## **Talbot County**

### **Optional Choices:**

#### Section 3.3 Meeting Agenda

##### Subsection E. Minutes

1. The complete open meetings minutes and a summary of the closed meeting shall be presented for approval at the subsequent Board meeting.
2. Complete closed meeting minutes shall be held until the next closed meeting for presentation to the Board. After approval, the closed meeting minutes shall remain in a sealed envelope in a secure location that only the Election Director can access.

#### Section 4.2 Political Activity

##### Subsection B. Additional Requirements

3. A member *may* attend campaign fundraisers held by candidates, political parties, or ballot issue committees provided the member discloses this fact to the Board and does not publicly indicate that he or she is a member of the Board.
4. A member *may* make campaign contributions to candidates or issues on the ballot in an election for which the member will be serving on the local Board of Canvassers provided the member discloses the contributions to the Board.
5. A member *may* publicly display support or opposition to candidates or issues on the ballot in any election (including yard signs, bumper stickers, etc.) for which the member will be serving on the local Board of Canvassers provided the member discloses the displays to the board.
6. A member *may* wear campaign paraphernalia showing support or opposition for or against candidates or issues on the ballot in any election for which the member will be serving on the local Board of Canvassers provided:
  - The member discloses this fact to the Board;and
  - Does not wear the campaign paraphernalia while performing Board functions or while wearing a Board name badge.

### **Differences from Model Bylaws**

#### Section 3.2 – Rules of Order

Subsection E. To the extent not inconsistent with law, the Board shall be guided by Robert's Rules of Order, Newly Revised, Eleventh Edition, in its deliberations. *\*Model Bylaws do not state this, but SBE supports this addition.*

### **Recommendation- Accept**

## ASSISTANT ATTORNEY GENERAL'S REPORT

October 31, 2019

1. *Fusaro v. Davitt et al.*, No: 1:17-cv-03582 (U.S. District Court, D. Md.). Plaintiff Dennis Fusaro brought a complaint in federal court alleging that Maryland violates the First and Fourteenth Amendments by limiting access to the voter list to Maryland voters and only for purposes related to the electoral process. On September 4, 2018, the State defendants' motion to dismiss the complaint was granted, and the plaintiff appealed. On July 12, 2019, the Fourth Circuit vacated the dismissal order, and remanded the case for further proceedings. The Fourth Circuit concluded that Mr. Fusaro had pled a cognizable claim under the First Amendment, but that the State would be entitled to a relaxed level of scrutiny as to whether the limitations violate Mr. Fusaro's rights on remand. On September 12, 2019, plaintiff moved to supplement his complaint. After consultation with the Court, the parties agreed to proceed to a limited discovery period, which is scheduled to close on November 22, 2019.

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

3. *Judicial Watch v. Lamone*, No. 1:17-cv-02006-ELH (U.S. District Court, D. Md.). No change from the last update. This case involves the denial of access to Maryland's voter registration database. Under Maryland law, access to the voter registration list is limited to Maryland registered voters and only for non-commercial, election-related uses. Judicial Watch—an elections watchdog group located in Tennessee—requested Maryland's voter registration "database" and was denied because it was not a Maryland registered voter. Judicial Watch filed suit, arguing that the database was required to be disclosed under the federal National Voter Registration Act. On April 24, 2019, Judicial Watch filed a reply in support of its motion for summary

judgment. On May 8, 2019, the defendants filed a reply in support of their cross-motion for summary judgment. An August 8, 2019, the District Court awarded summary judgment to the plaintiffs, but requested further briefing on the issue of whether the State Board of Elections should be compelled to produce the dates of birth of voters along with the other voter information available on Maryland's voter registration lists. On September 13, 2019, the parties filed simultaneous briefs on that remaining issue, and on September 20, 2019, filed simultaneous response briefs. The issue is fully briefed and awaiting determination by the Court.

4. *The Washington Post, et al. v. McManus, et al.*, No. 1:18-cv-02527 (U.S. District Court, D. Md.), *on appeal at* No. 19-1132 (U.S.C.A., 4th Cir.). This case presents a First Amendment challenge by a coalition of newspaper publishers that maintain an online presence to certain provisions of the recently-passed Online Electioneering Transparency and Accountability Act (the "Act"). On January 4, 2019, the district court granted the plaintiffs' motion for preliminary injunction on the ground that the plaintiffs' "as applied" constitutional challenge to the statute was likely to succeed. On February 2, 2019, the defendants appealed that ruling to the Fourth Circuit. On April 12, 2019, the defendants filed their opening appellate brief. On April 19, 2019, the Campaign Legal Center and Brennan Center for Justice filed *amicus curiae* briefs in support of the appellants. On May 31, 2019, the plaintiffs filed their response brief. On June 7, 2019, *amicus curiae* briefs in support of the plaintiffs were filed by the Institute for Free Speech, the National Association of Broadcasters and NCTA – The Internet & Television Association, and the News Media Alliance together with 16 other media organizations. On July 3, 2019, the defendants filed their reply brief. Oral argument took place on October 30, 2019, and a decision should issue within the next several months.

5. *Johnston, et al., v. Lamone*, No. 18-cv-3988-ADC (U.S. District Court, D. Md.), *on appeal at* No. 19-1783 (U.S.C.A., 4th Cir.). On December 28, 2018, the Libertarian Party of Maryland (the "Party") and its Chairman, Robert Johnston, filed a lawsuit alleging that the statutory scheme governing the official recognition of minor parties in Maryland, as applied to the Party, was unconstitutional in at least two ways. They alleged that the scheme violates their First Amendment speech and association rights by requiring the Party to undertake the petition process to re-obtain formal recognition under State law, when there are already over 22,000 Maryland voters currently registered as Libertarians. They also alleged that the standard by which Maryland verifies petition signatures is unconstitutionally strict, in that it requires the rejection of signatures of known Maryland voters due to technical noncompliance with

the statutory standard. Plaintiffs moved for a preliminary injunction, which was denied at a hearing on January 31, 2019. Subsequently, the defendant filed a motion to dismiss. On July 11, 2019, the district court granted the motion to dismiss, concluding that the requirement that the Libertarian Party re-petition for recognition did not violate the party's or its members' constitutional rights, and that the challenge to Maryland's signature standard was not ripe in the absence of a filed petition. On July 24, 2019, the plaintiffs filed a notice of appeal, and on September 11, 2019, filed their opening brief. On October 3, 2019, Defendants filed their response brief. On October 14, 2019, plaintiffs filed their reply brief. Oral argument has not yet been scheduled by the Fourth Circuit.

6. *Phukan v. Maryland State Board of Elections*, No. C-2-CV-19-000192 (Cir. Ct. Anne Arundel Cnty.). No change from the last update. On January 23, 2019, Anjali Reed Phukan, who was the Republican nominee for Comptroller in the 2018 election, filed a lawsuit against the State Board of Elections seeking a writ of mandamus directing the State Board of Elections to decertify Comptroller Peter Franchot's campaign committee, an injunction requiring Mr. Franchot and his campaign committee to file corrected campaign finance reports, a declaratory judgment that Ms. Phukan is entitled to examine the documentation supporting any corrected campaign finance reports that Mr. Franchot or his committee files, and a declaratory judgment that Ms. Phukan be issued the oath of office as Comptroller and be awarded back pay and the costs of suit, should Mr. Franchot or his committee fail to file corrected campaign finance reports. On April 15, 2019, the court granted the defendant's motion to dismiss and dismissed the complaint with prejudice. On May 22, 2019, the court denied the plaintiff's motion to vacate the judgment and motion for a new trial. On May 29, 2019, the plaintiff filed a notice for in banc review by the circuit court, and filed her memorandum for in banc review on June 21, 2019. The defendant filed its response memorandum on July 19, 2019. The Court has scheduled argument before the in banc panel for December 30, 2019.

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

used system” that amounts to “an inferior voting option for those who must use the BMD to vote independently.” For that reason, plaintiffs assert that the changes to the policy recently adopted by the State Board are insufficient to remedy the violations they have alleged. Instead, they seek an order requiring the State Board “in all future elections to offer BMDs to every in-person voter as the default method of voting, with paper ballots offered only to those voters who affirmatively opt out of using the BMD or in cases where there are long lines of people waiting to vote.” On September 3, 2019, defendants filed a motion to dismiss the complaint, and on September 17, 2019 the plaintiffs filed an opposition to the motion. On September 20, 2019, plaintiffs filed a motion for a preliminary injunction. On October 11, 2019, Defendants filed a consolidated reply in support of their motion to dismiss and in opposition to the motion for preliminary injunction. On October 16, 2019, plaintiffs filed a motion for expedited discovery in advance of the filing of their reply in support of their motion for preliminary injunction. On October 30, 2019, defendants filed an opposition to that motion. Plaintiffs’ reply is due November 13, 2019.



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

---

## Ballot Marking device

---

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

Tue, Oct 29, 2019 at 3:50 PM

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

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

The Montgomery County Board of Elections respectfully requests an exemption from where the BMD statement is read.

Statement to the State Board: Montgomery County Board of Elections request that the Ballot Marking Device (BMD) be read at the Check-in Voter Station by the Voting Operations Judge rather than at the ballot issuance table. The reason for this request is that the ballot issuance table in the voting process at Early Voting Centers or Election Day Precincts is a chokepoint. If the statement is read at the check-in station, the check-in judge can send the voter directly to the Voting Judge that is assigned to this BMD station bypassing the ballot issuance table.

This will move some voters away from this bottleneck and improve voter flow, keep the process moving smoothly and ideally the wait times shorter. Thank you for your time and consideration to this matter.

*Margaret Jurgensen*

Election Director

[18753 N. Frederick Ave](#)

[Gaithersburg MD 20879](#)

240.777.8523

SENATOR NANCY J. KING  
SENATE DELEGATION CHAIR

SENATOR ROGER MANNO  
SENATE DELEGATION VICE CHAIR

301-858-3686 · 410-841-3686  
800-492-7122 Ext. 3686



DELEGATE SHANE ROBINSON  
HOUSE DELEGATION CHAIR

DELEGATE DAVID FRASER-HIDALGO  
HOUSE DELEGATION VICE CHAIR

301-858-3010 · 410-841-3010  
800-492-7122 Ext. 3010

THE MARYLAND GENERAL ASSEMBLY  
ANNAPOLIS, MARYLAND 21401  
MONTGOMERY COUNTY DELEGATION

October 30, 2019

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

Chairman Cogan, members of the Maryland Board:

As members of the Montgomery County Delegation to the General Assembly, we were pleased to learn that the Montgomery County Board of Elections unanimously approved the establishment of a 12<sup>th</sup> early voting site after you directed them to do so. We would like to thank you for recognizing and addressing the issue of overcrowding at early voting sites, which hinders access to the ballot. Because the Montgomery County Board of Elections has proposed two possible locations for this one additional early voting site, we write to you today to strongly urge the approval of the proposed location at the White Oak Community Recreation Center.

Residents of the White Oak area have insufficient access to existing early voting centers because of limited public transit. Moreover, many residents work multiple jobs and have disability-related mobility issues. It is essential that these residents, who live in one of the most densely populated areas of our county, have convenient access to the ballot. And we have seen an increase in overcrowding at the two early voting sites closest to White Oak, in Burtonsville and Silver Spring. This is why the Montgomery County Delegation, the Montgomery County Council, County Executive Marc Elrich, and community residents have all requested that the twelfth early voting site be established at the White Oak Community Recreation Center. As we head into the 2020 elections, where turnout is widely expected to be high, this location will provide much-needed relief for voters in this part of the County.

It is clear that the White Oak Community Recreation Center is the best place to establish a new early voting center if our goal is to increase access to the ballot. We hope you will join in

supporting the selection of this site as the 12th early voting site in Montgomery County when your Board votes on this measure.

Sincerely,

Senator Craig Zucker	Delegate Marc Korman
Senator Brian Feldman	Delegate Gabriel Acevero
Senator Nancy King	Delegate Kumar Barve
Senator Ben Kramer	Delegate Lorig Charkoudian
Senator Susan Lee	Delegate Charlotte Crutchfield
Senator Will Smith	Delegate Bonnie Cullison
Senator Jeff Waldstreicher	Delegate Kathleen Dumais
	Delegate David Fraser-Hidalgo
	Delegate Anne Kaiser
	Delegate Ariana Kelly
	Delegate Lesley Lopez
	Delegate Sara Love
	Delegate Eric Luedtke
	Delegate David Moon
	Delegate Julie Palakovich Carr
	Delegate Lily Qi
	Delegate Pam Queen
	Delegate Kirill Reznik
	Delegate Emily Shetty
	Delegate Jared Solomon
	Delegate Vaughn Stewart
	Delegate Jheanelle Wilkins

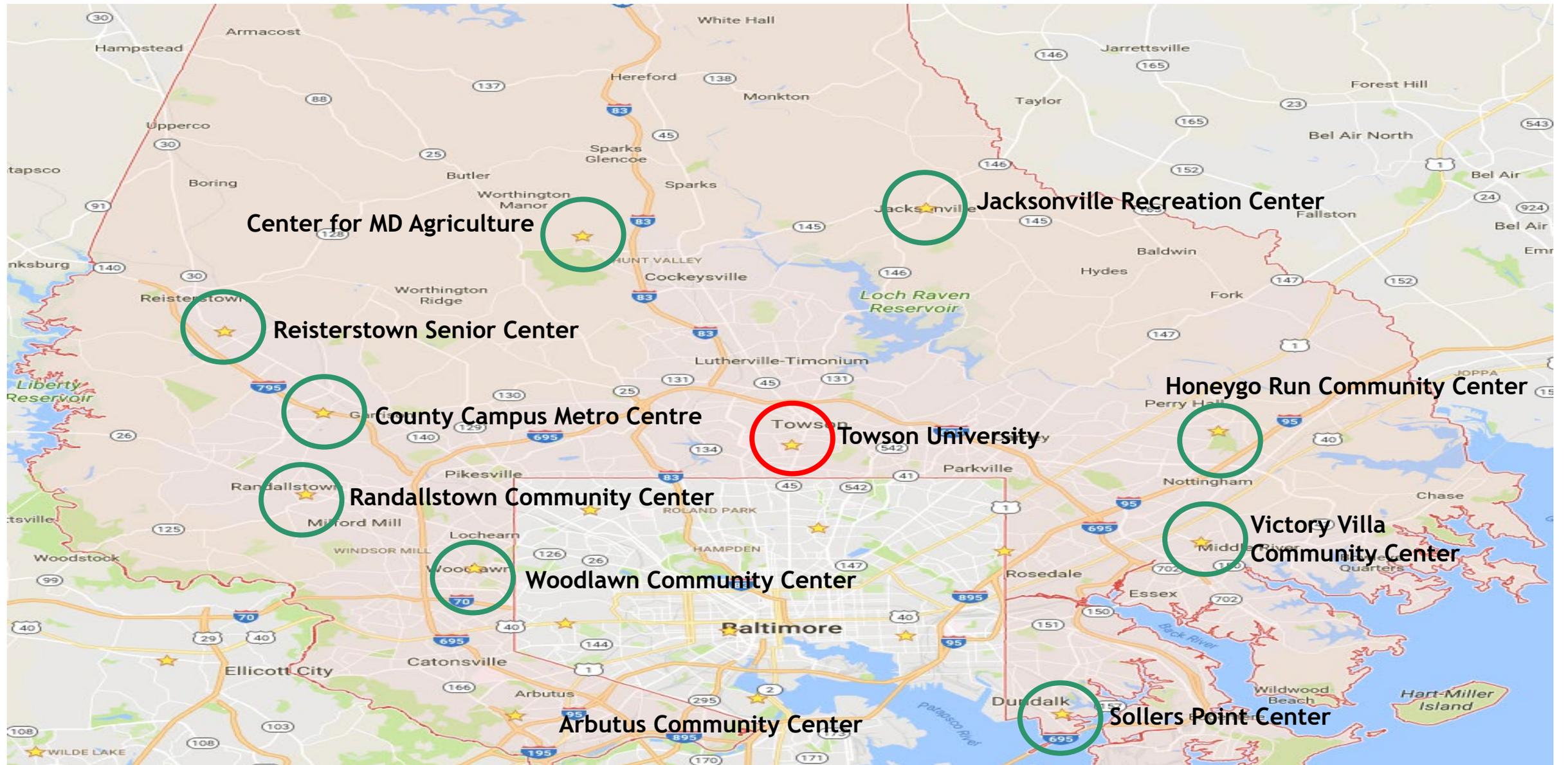
# Newly Proposed Early Voting Centers for the 2020 Elections

State Board of Elections  
October 31, 2019 Meeting

# Baltimore County- 11 early voting centers

## South Campus Pavilion at Towson University

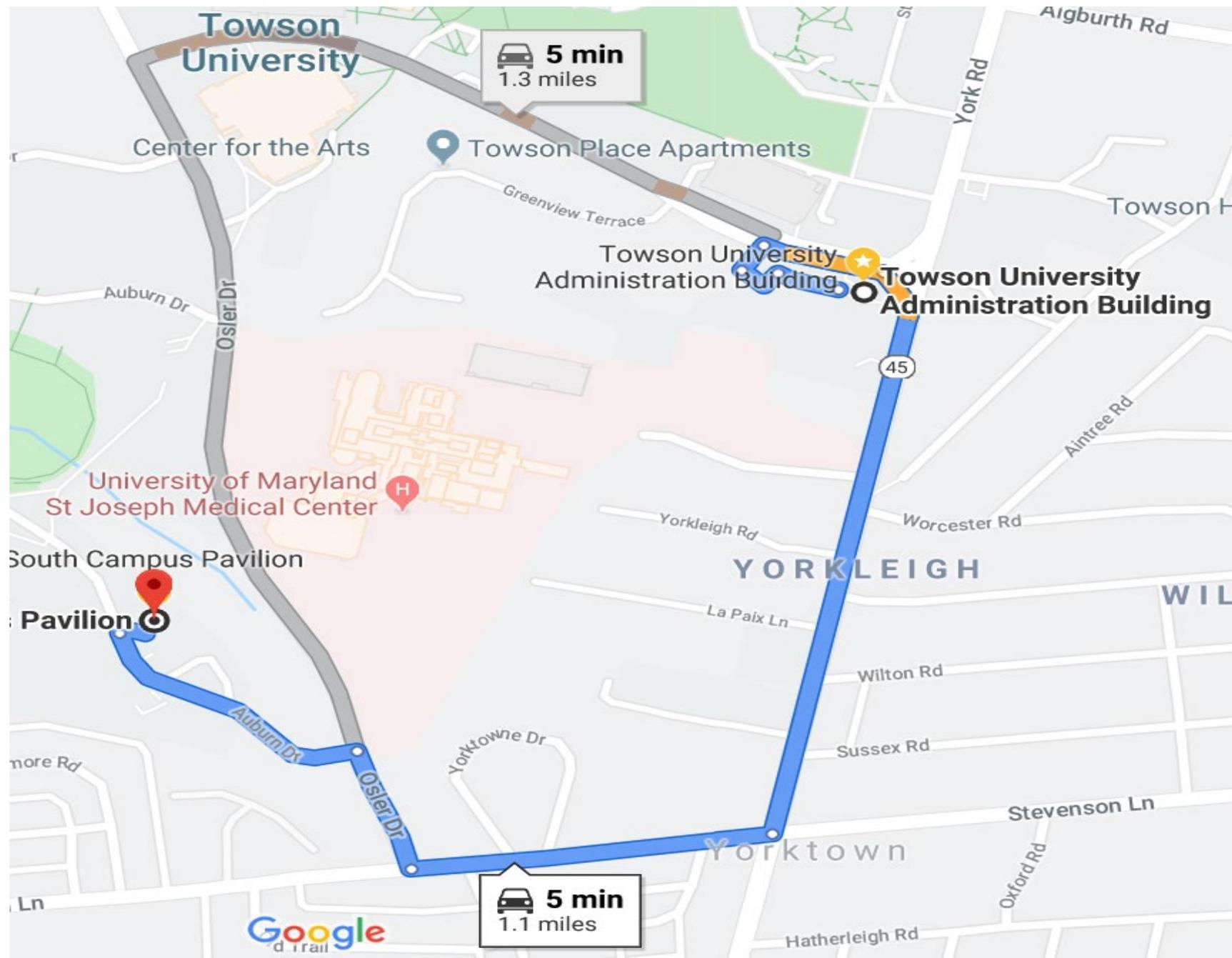
- ▶ Replacing the Administration Building at Towson University
- ▶ 80% of voters live within 5 miles of one center
- ▶ Accessible for 2020 early voting
- ▶ Allows for electioneering
- ▶ Accessible by public transportation
- ▶ Adequate parking
- ▶ Adequate to handle estimated peak voting hour



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

Baltimore County is changing buildings at Towson University. They are using ten of the same centers from the 2018 elections. At least 80% of the registered voters live within 5 miles of one of the early voting centers.

Distance from Administration Building (existing center) to the South Campus Pavilion (proposed new center)



South Campus Pavilion  
Front Entrance



South Campus Pavilion  
Voter Drop off



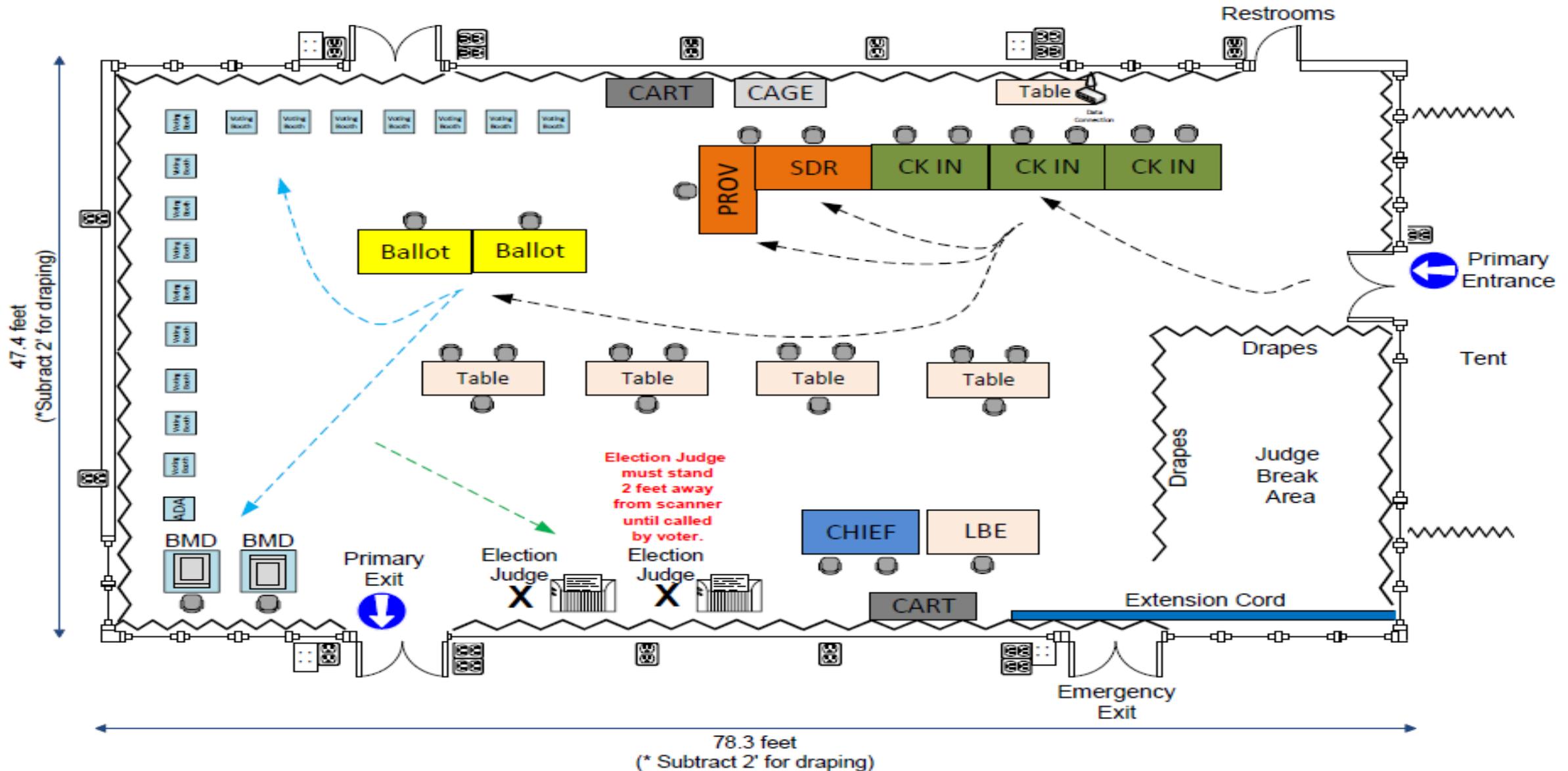


# EV 03 Towson University - SOUTH CAMPUS PAVILION

Auburn Drive, Towson, MD 21204

Baltimore County Board of Elections

Revised: 7/9/2019



# Baltimore County

Towson University - South Campus Pavilion

Arbutus Community Center

Honeygo Run Community Center

Sollers Point Multi-Purpose Center

Randallstown Community Center

Victory Villa Community Center

Center for MD Agriculture & Farm Park

Reisterstown Senior Center - Hannah More Campus

Woodlawn Community Center

Jacksonville Recreation Center at Sweet Air Park

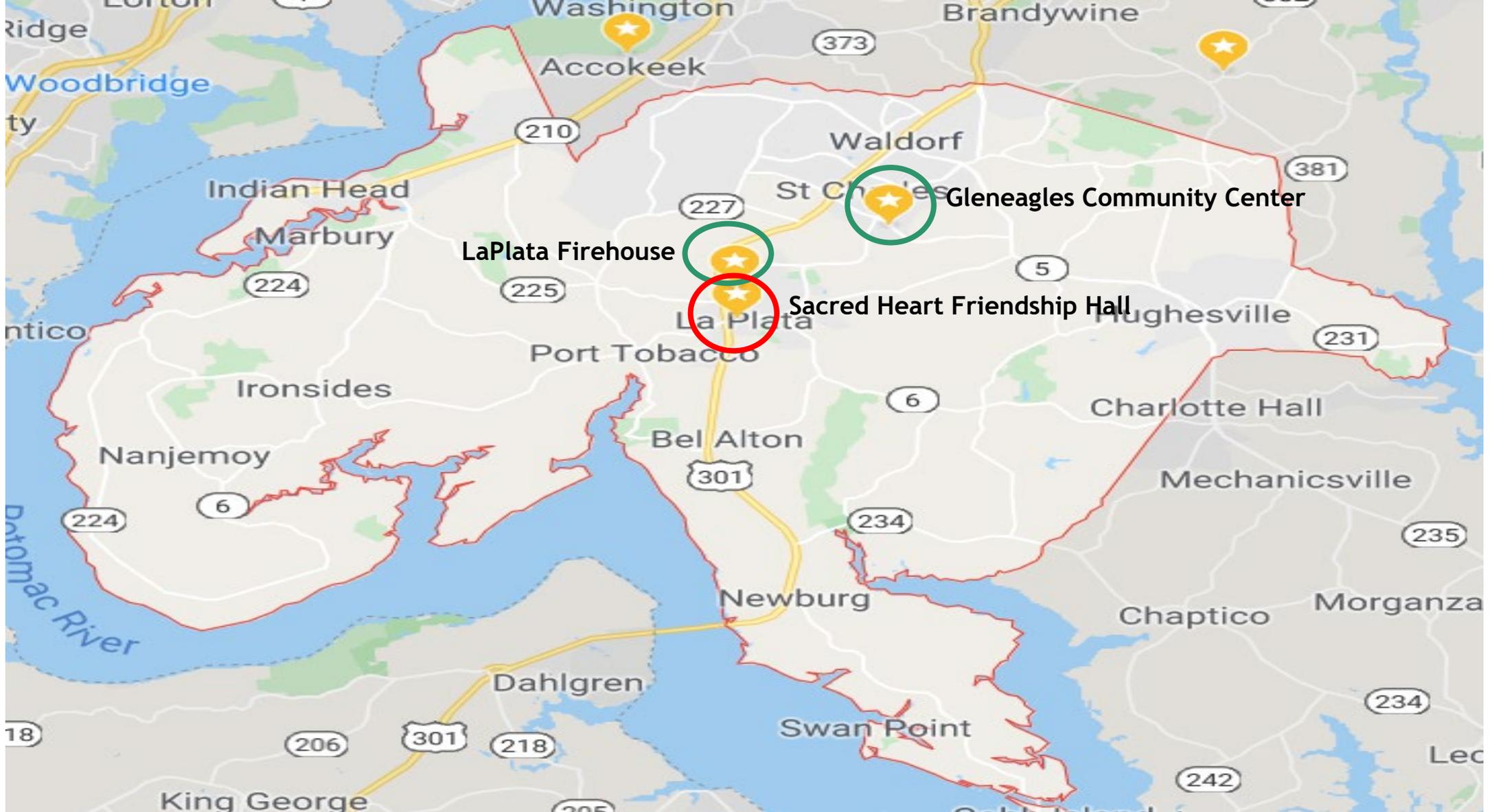
County Campus Metro Centre at Owings Mills

**Recommendation: Approve**

# Charles County- 2 early voting centers

## Sacred Heart Friendship Hall

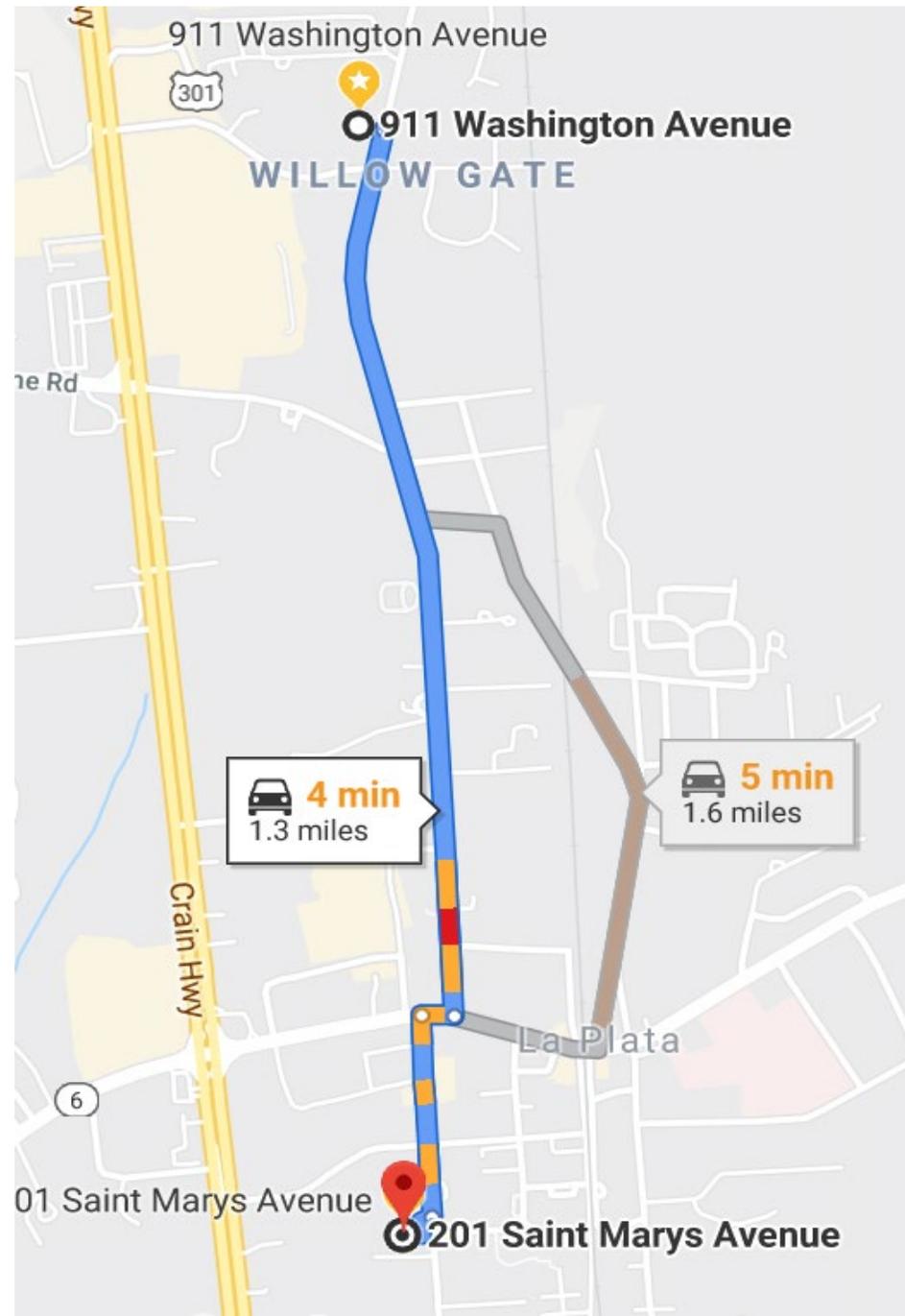
- ▶ Replacing LaPlata Firehouse
- ▶ 50% of voters live within 10 miles of one center
- ▶ Accessible for 2020 early voting
- ▶ Allows for electioneering
- ▶ Adequate parking
- ▶ Accessible by public transportation
- ▶ Adequate to handle estimated peak voting hour



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

Charles County is replacing one early voting center. They are using one of the same centers from the 2018 elections. At least 50% of the registered voters live within 10 miles of one of the early voting centers.

Distance from LaPlata Firehouse (existing center) to the Sacred Heart Friendship Hall (proposed new center)



Sacred Heart Friendship Hall  
Voter Entrance



CHARLES COUNTY

Early Voting Site 1

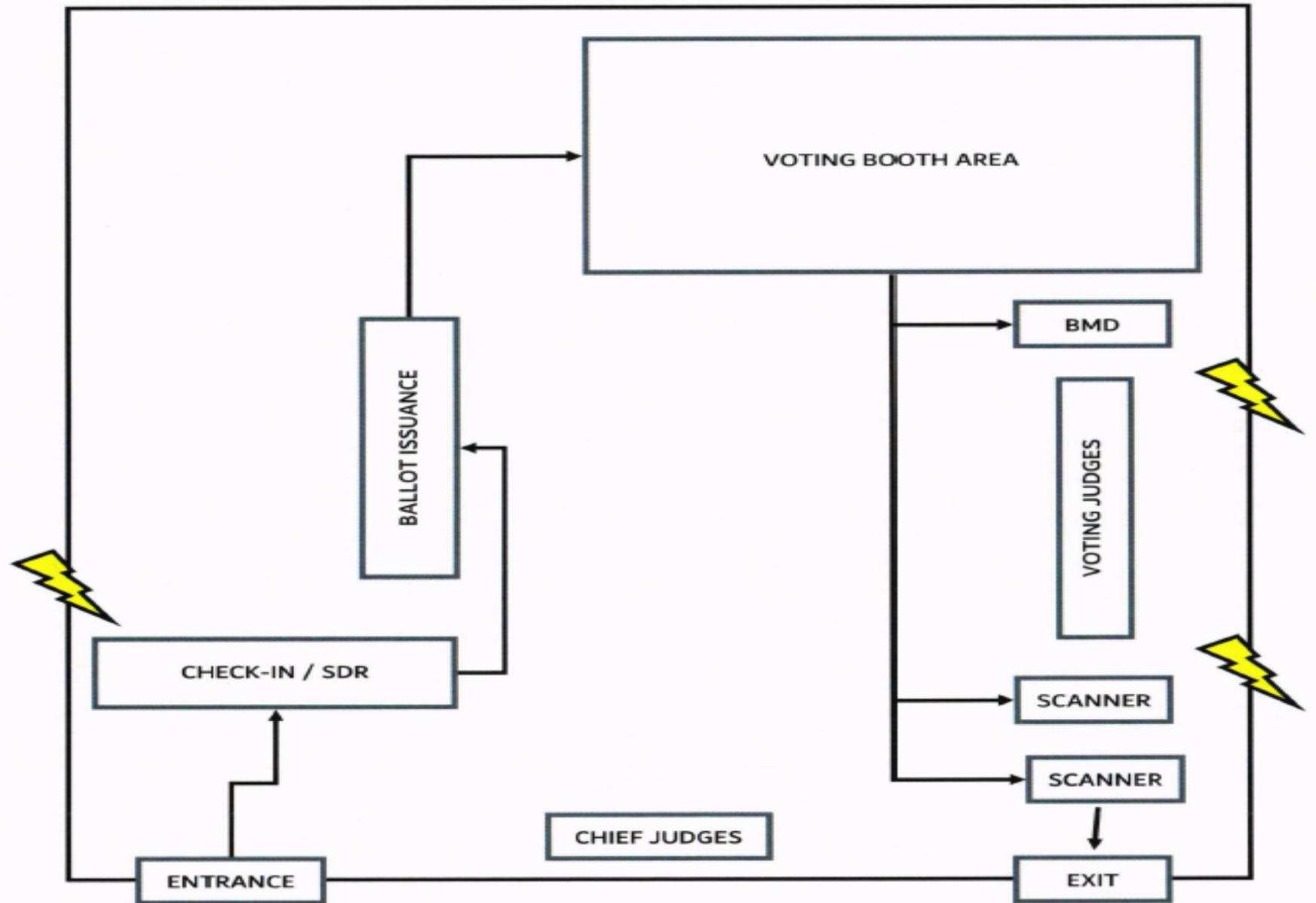
Sacred Heart Catholic Church:

Friendship Hall-Interior

201 St. Mary's Avenue

La Plata, Maryland

20646



 : Indicates AC Power

# Charles County

Gleneagles Neighborhood Center  
Sacred Heart Friendship Hall

**Recommendation: Approve**

# Harford County - 4 early voting centers

## Aberdeen Activity Center

## Jarrettsville Volunteer Fire Company

- ▶ Replacing two centers
- ▶ 80% of voters live within 5 miles of one center
- ▶ Accessible for 2020 early voting
- ▶ Allows for electioneering
- ▶ Adequate parking
- ▶ Accessible by public transportation (Aberdeen Activity Center)
- ▶ Adequate to handle estimated peak voting hour

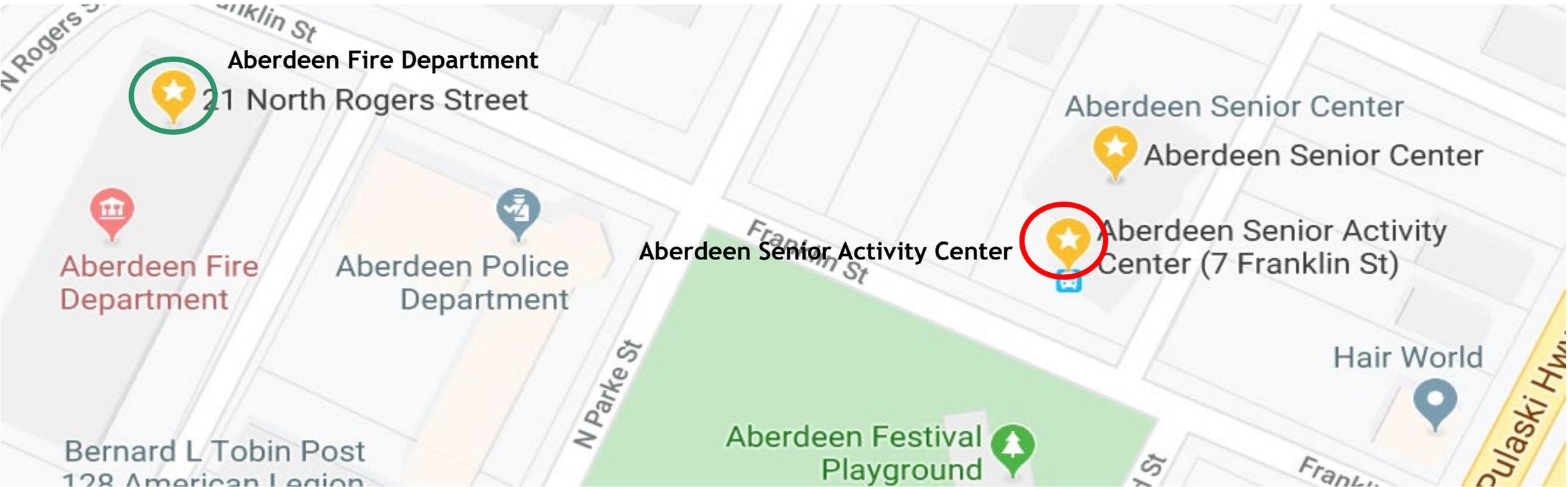


\* See the next slide for a close up of the area

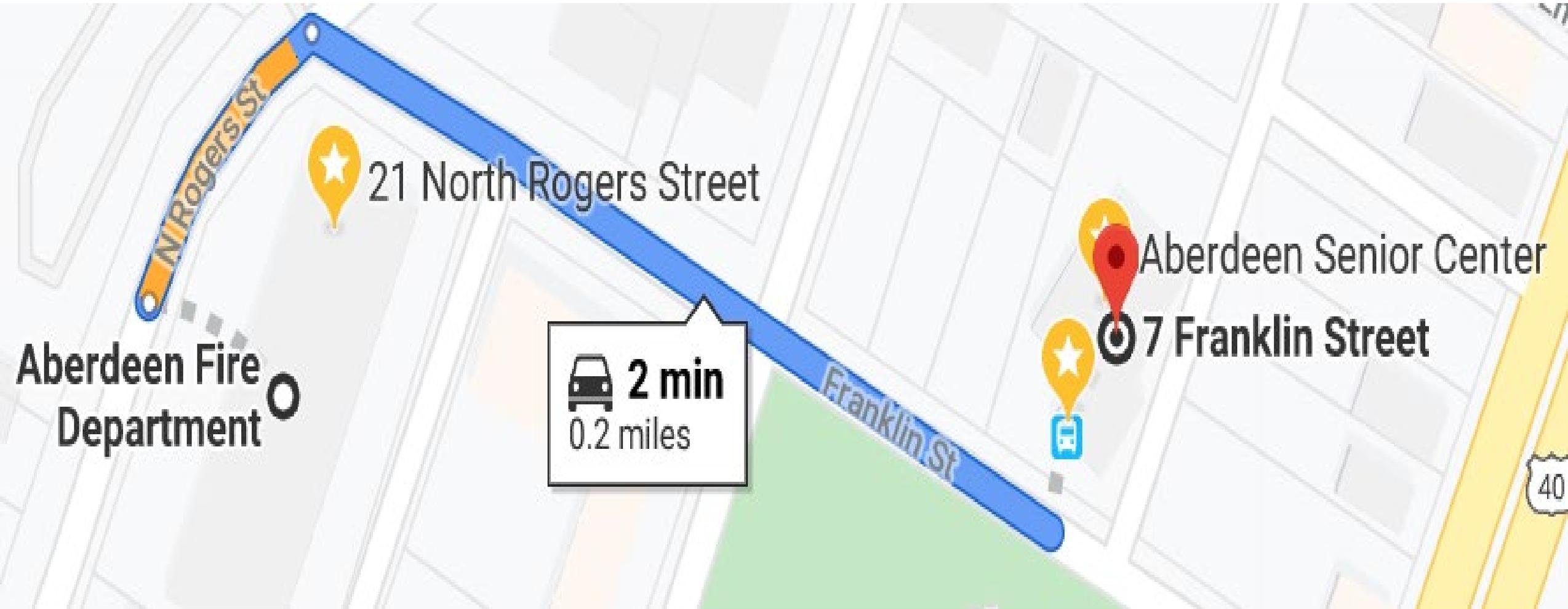
Location of all Early Voting Centers (RED - proposed new centers, GREEN - existing centers)

Harford County is replacing two early voting centers. They are using two of the same centers from the 2018 electins. At least 80% of the registered voters live within 5 miles of one of the early voting centers.

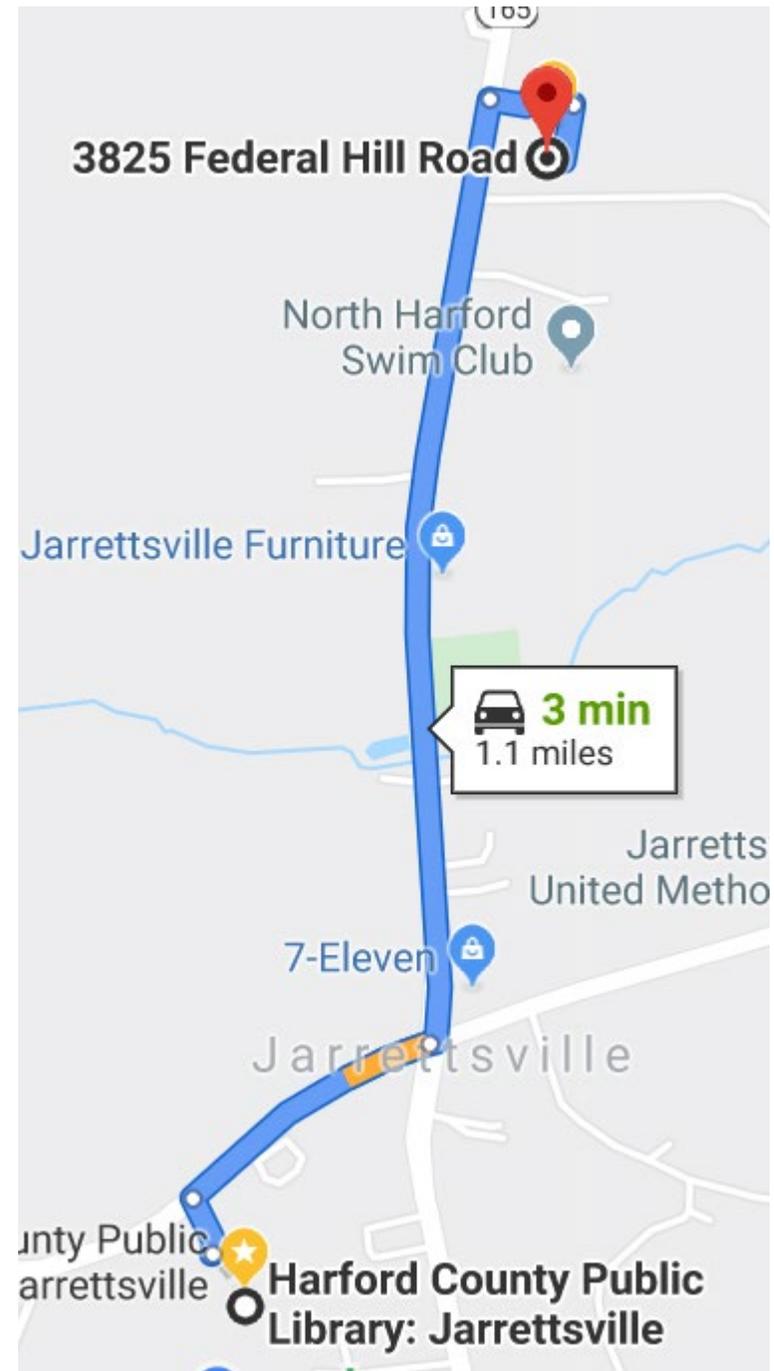
Close up of the Aberdeen area



Distance from Aberdeen Fire Department (existing center) to the Aberdeen Activity Center (proposed new center)



Distance from Jarrettsville Library (existing center) to the Jarrettsville VFC (proposed new center)



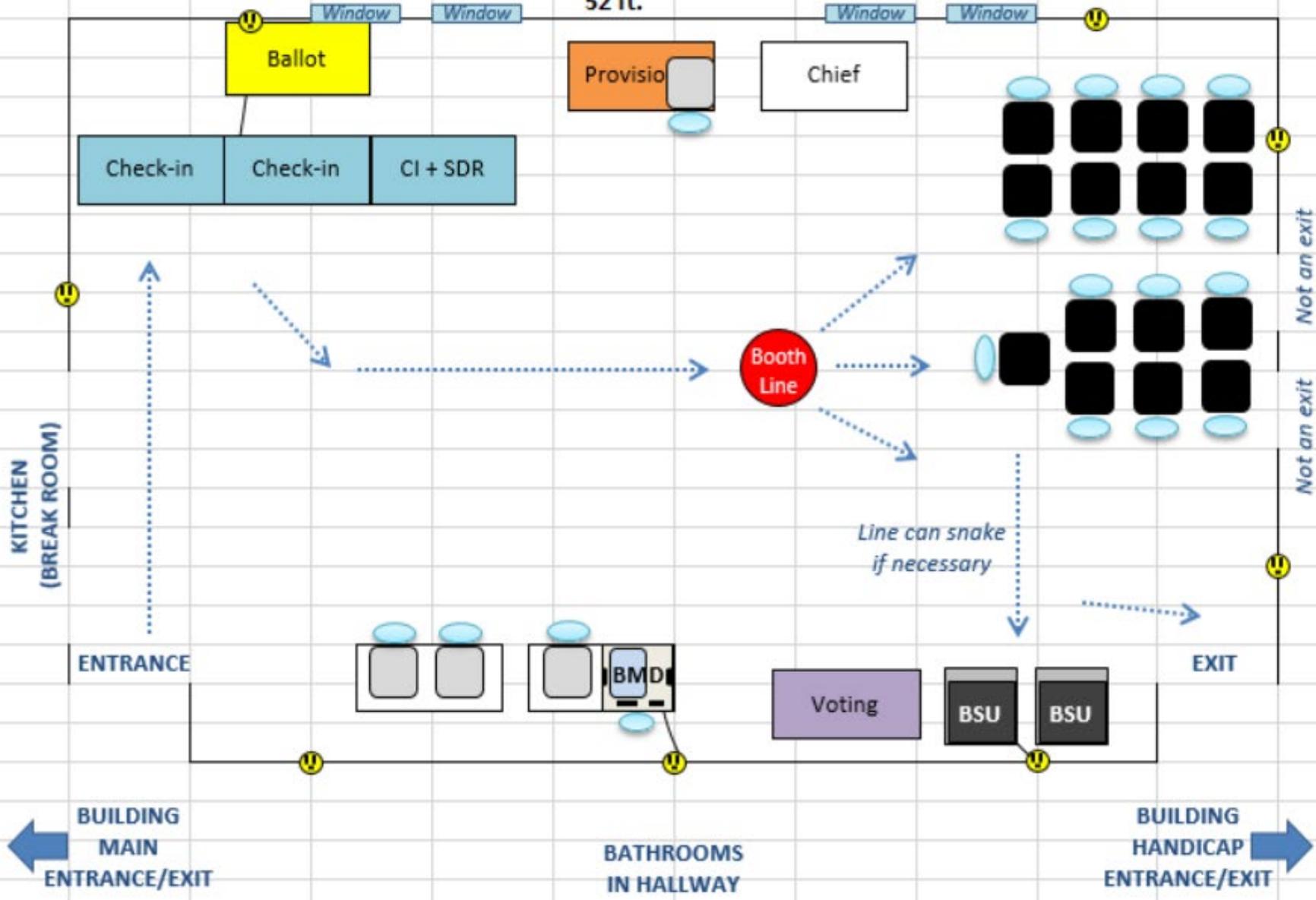
Aberdeen Activity Center  
Voter Entrance



# EV03: ABERDEEN ACTIVITY CENTER

52 ft.

31 ft.



Not an exit

Not an exit

VOTING BOOTHS	15
PRIVACY SCREENS	5
E-POLLBOOKS	6
BMD	1
BSU	2
EXTENSION CORDS	3
POWER STRIPS	5

Ballot  
Check-in  
Check-in  
CI + SDR

Provisio  
Chief

KITCHEN  
(BREAK ROOM)

ENTRANCE

EXIT

BATHROOMS  
IN HALLWAY

BUILDING  
HANDICAP  
ENTRANCE/EXIT

BUILDING  
MAIN  
ENTRANCE/EXIT

Line can snake  
if necessary

Booth  
Line

Voting

BSU

BSU

Provisio

Chief

Ballot

Check-in

Check-in

CI + SDR

Window

Window

Window

Window

Not an exit

Jarrettsville Volunteer Fire Company  
Voter Entrance



# EV04: JARRETTSVILLE FIRE HALL

KITCHEN (BREAK ROOM)

50 ft.

50 ft.

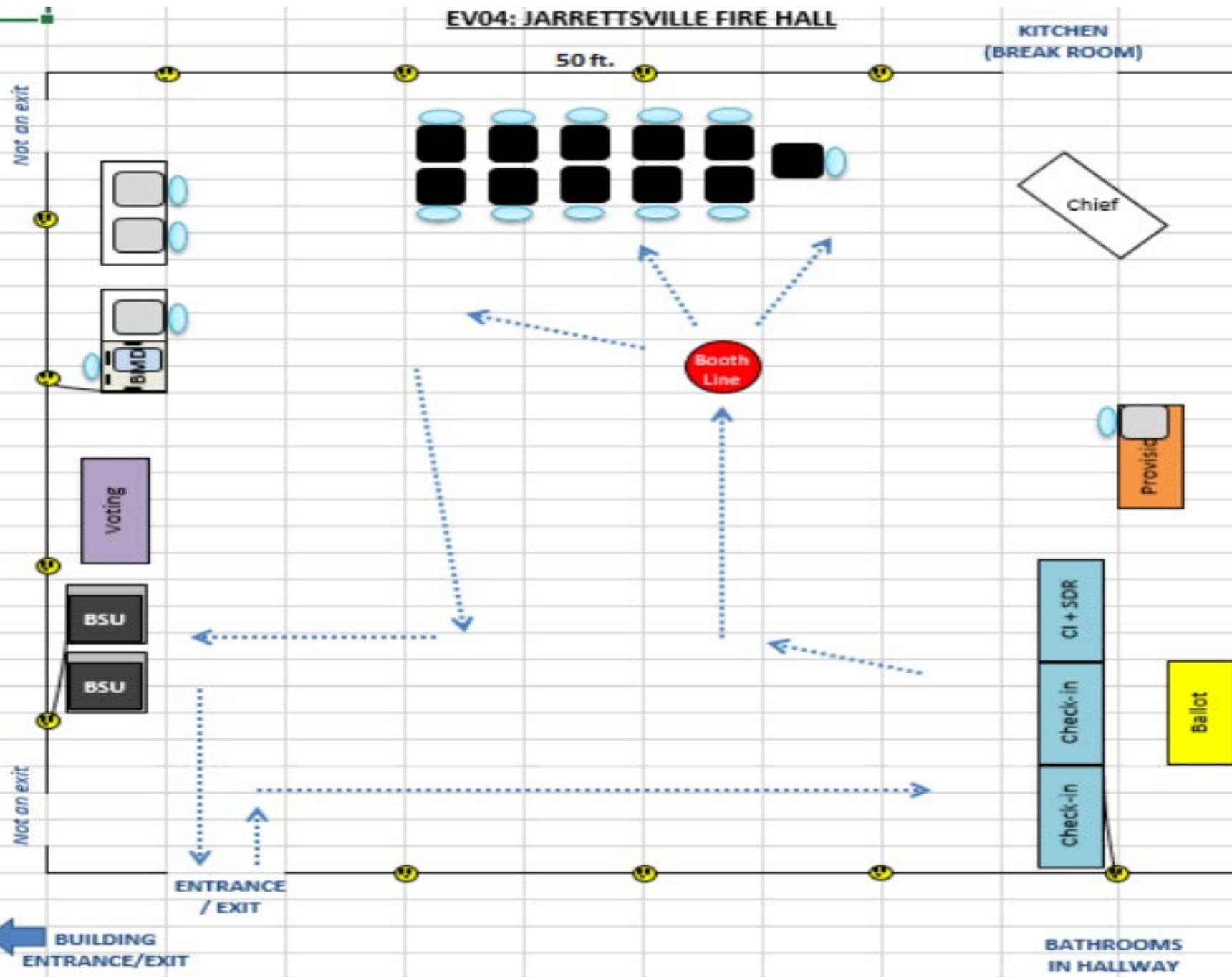
Not an exit

Not an exit

ENTRANCE / EXIT

BUILDING ENTRANCE/EXIT

BATHROOMS IN HALLWAY



VOTING BOOTHS	11
PRIVACY SCREENS	5
E-POLLBOOKS	5
BMD	1
BSU	2
EXTENSION CORDS	3
POWER STRIPS	3

# Harford County

McFaul Activity Center

Edgewood Library

Aberdeen Activity Center

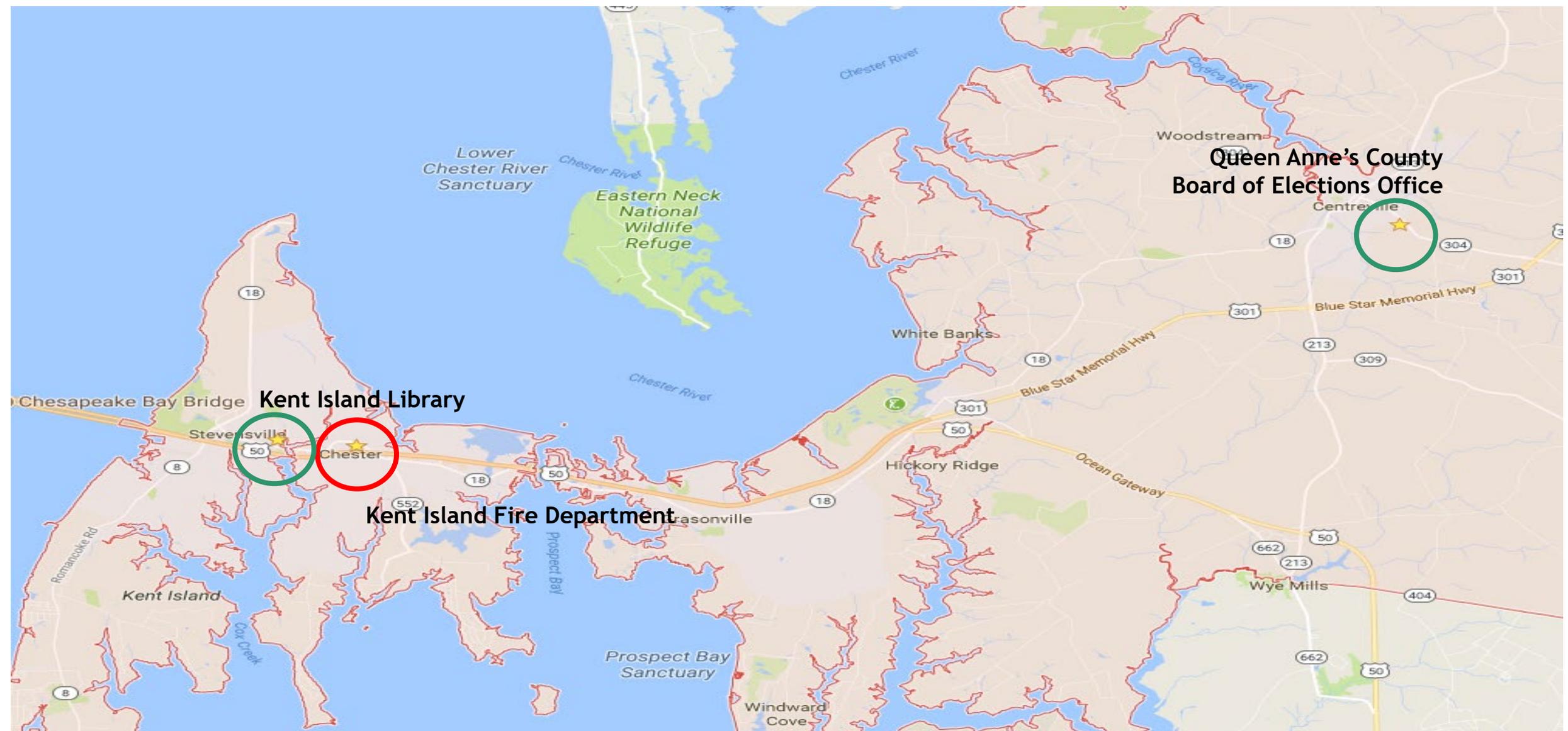
Jarrettsville Volunteer Fire Company

Recommendation: Approve

# Queen Anne's County- 2 early voting centers

## Kent Island Fire Department

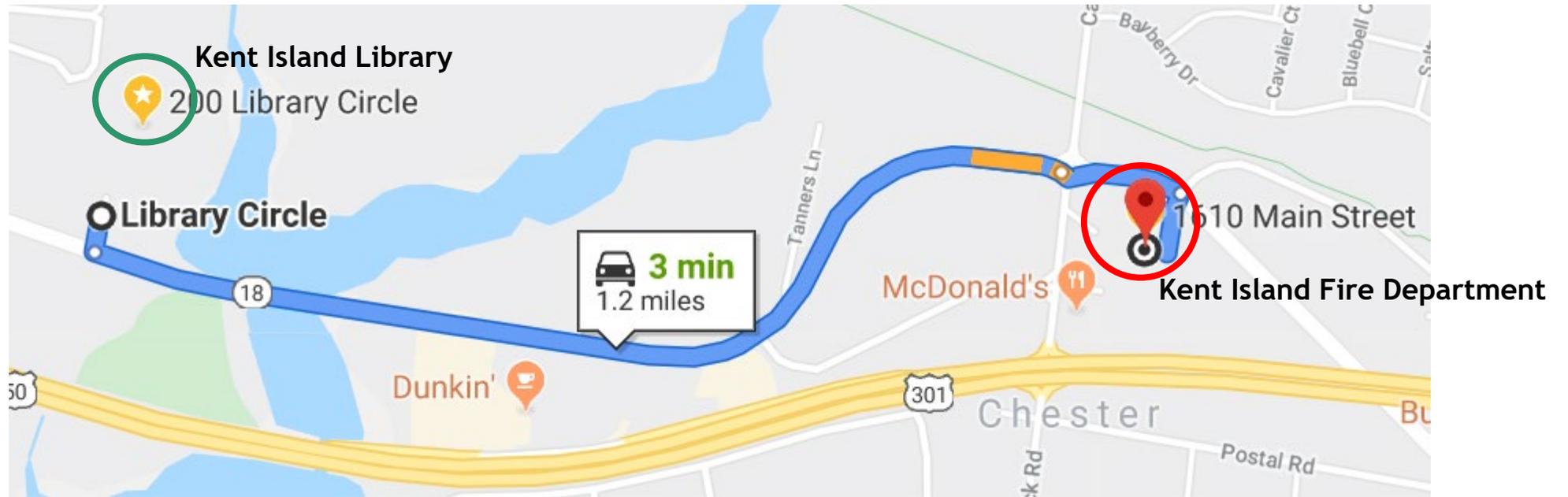
- ▶ Replacing Kent Island Library
- ▶ 50% of voters live within 10 miles of one center
- ▶ Accessible for 2020 early voting
- ▶ Allows for electioneering
- ▶ Adequate parking
- ▶ Accessible by public transportation
- ▶ Adequate to handle estimated peak voting hour



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

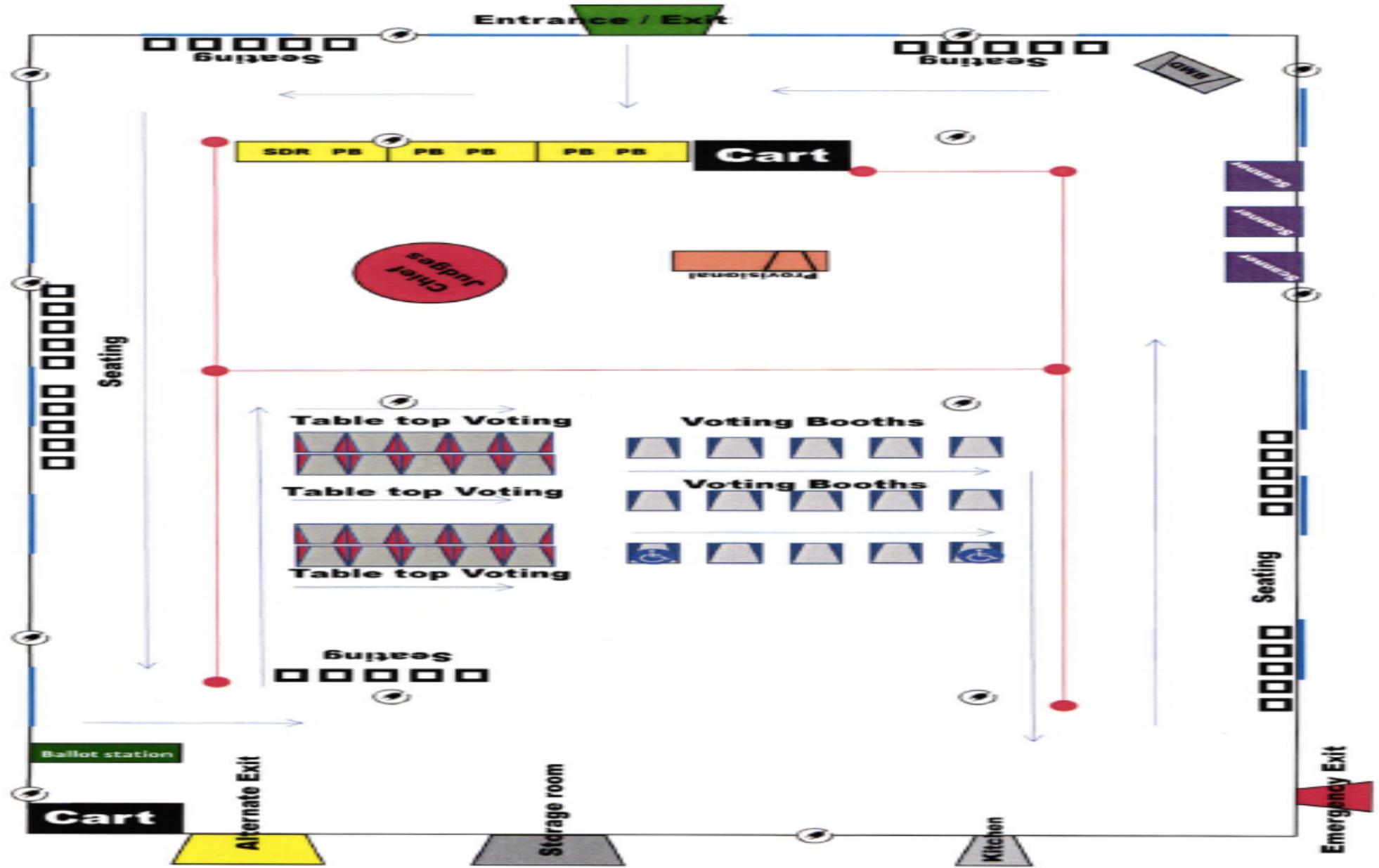
Queen Anne's County is replacing one early voting center. They are using one of the same centers from the 2018 elections. At least 50% of the registered voters live within 10 miles of one of the early voting centers.

Distance from Kent Island Library (existing center) to the Kent Island Fire Department (proposed new center)



Kent Island Fire Department  
Voter Entrance





Early Voting Center & Election Day Polling Place  
**EV02 & 4 - 2**  
**Kent Island Fire Hall**

# Queen Anne's County

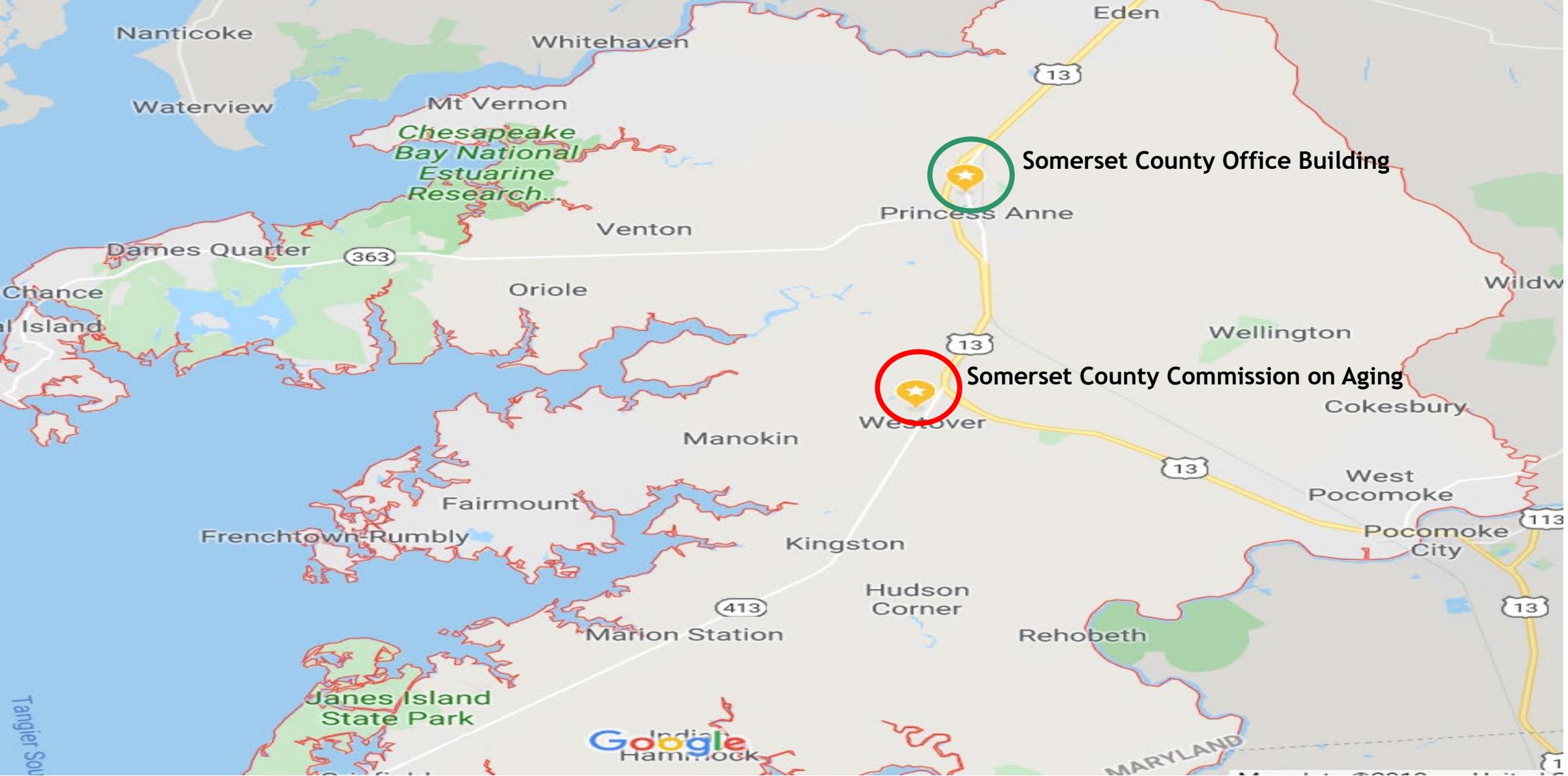
Kent Island Fire Department  
Queen Anne's Office Building, Conference Room

**Recommendation: Approve**

# Somerset County- 1 early voting center

## Somerset County Commission on Aging

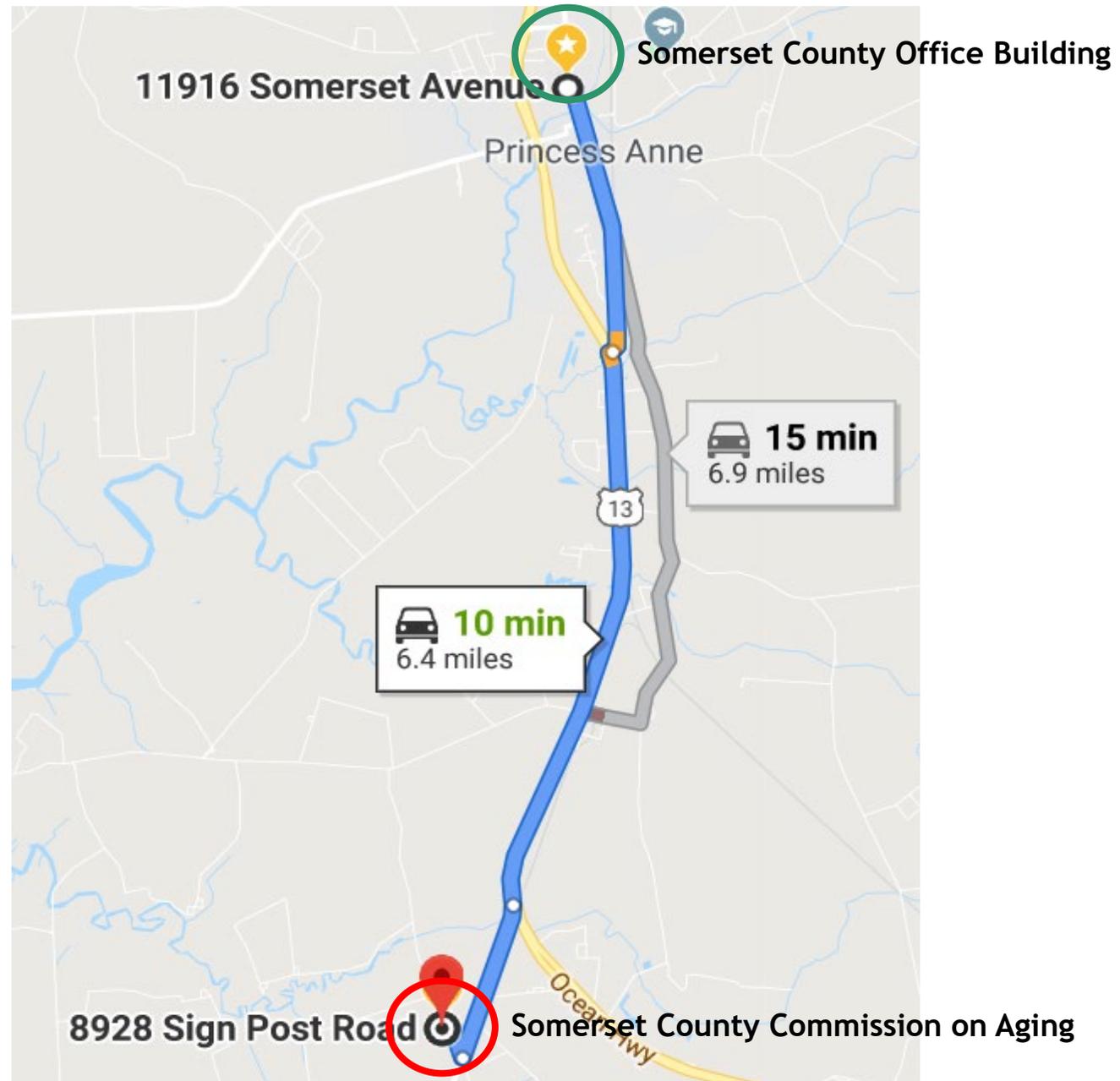
- ▶ Replacing Somerset County Office Building
- ▶ 50% of voters live within 10 miles of the center
- ▶ Accessible for 2020 early voting
- ▶ Allows for electioneering
- ▶ Adequate parking
- ▶ Accessible by public transportation
- ▶ Adequate to handle estimated peak voting hour



Location of Early Voting Center (RED - proposed new center, GREEN - existing center)

Somerset County is replacing their early voting center. At least 50% of the registered voters live within 10 miles of one of the early voting centers.

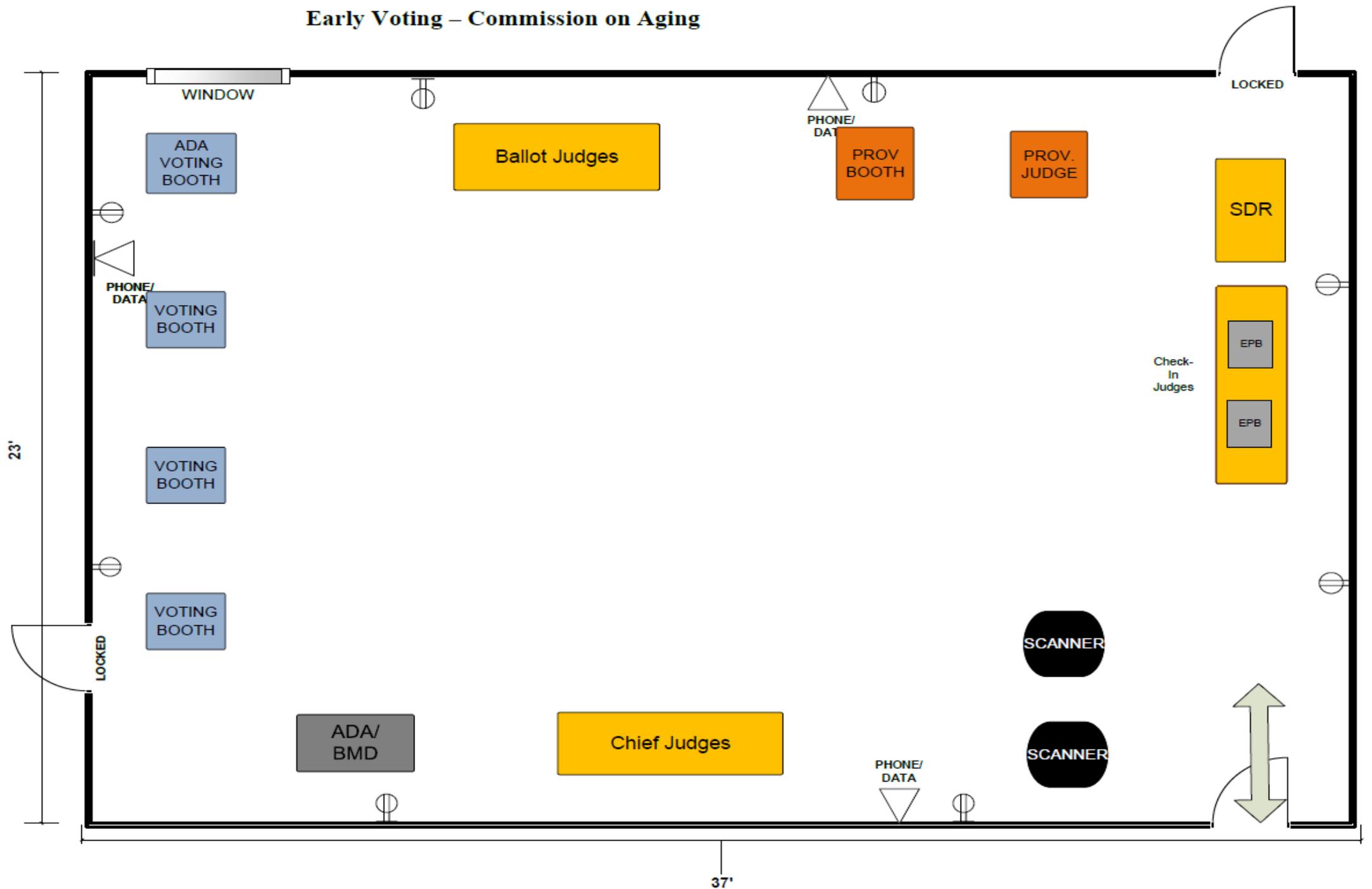
Distance from Somerset County Office Building (existing center) to the Somerset County Commission on Aging (proposed new center)



Somerset County Commission on Aging  
Voter Entrance



# Early Voting – Commission on Aging



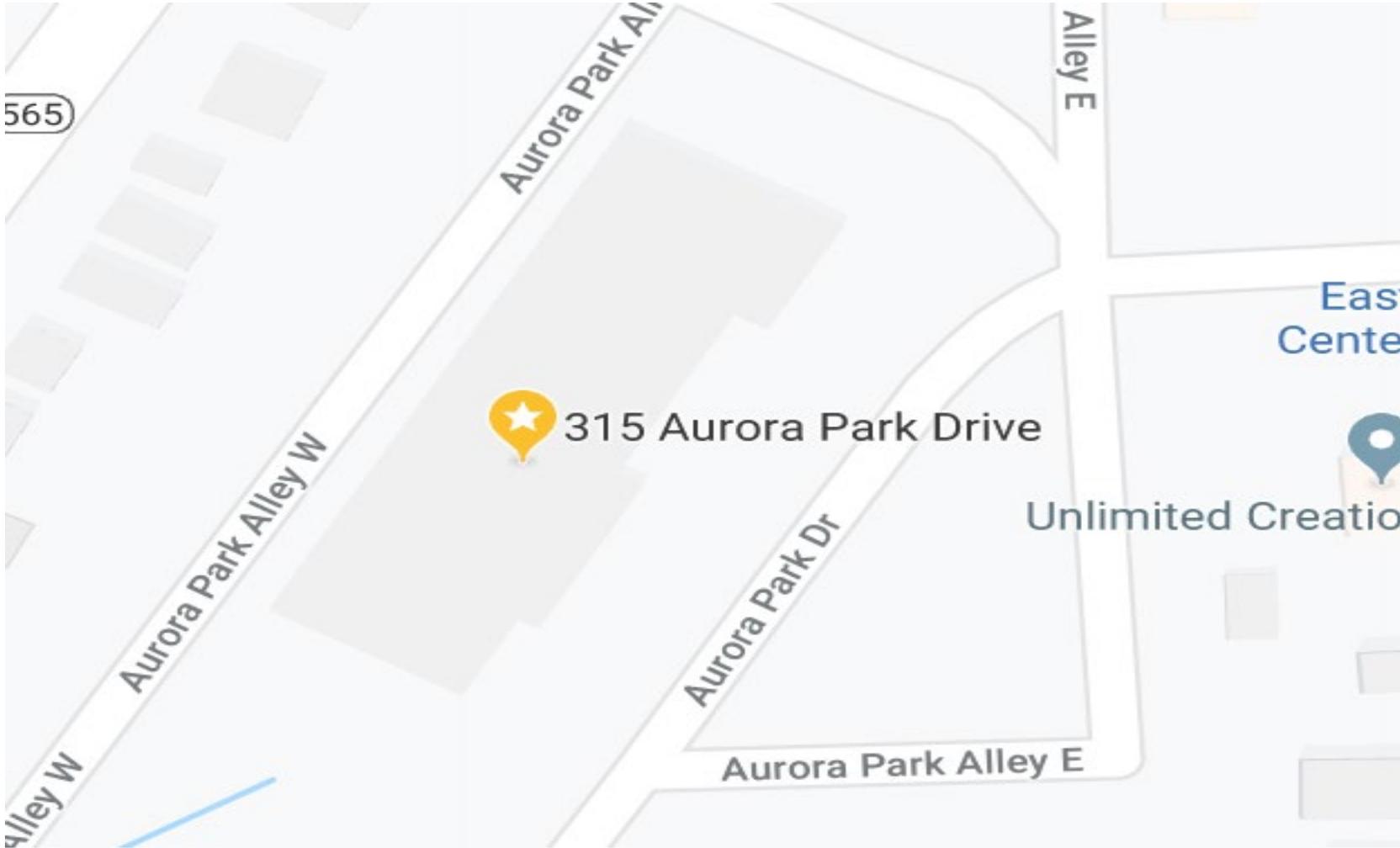
Somerset County

Somerset County Commission on Aging

Recommendation: Approve

# Talbot County- 1 early voting center Easton Fire Hall - Bingo Hall

- ▶ Replacing the bay area of the Easton Fire Hall
- ▶ 50% of voters live within 10 miles of one center
- ▶ Accessible for 2020 early voting
- ▶ Allows for electioneering
- ▶ Adequate parking
- ▶ Accessible by public transportation
- ▶ Adequate to handle estimated peak voting hour



Talbot County is staying at the Easton Fire Hall, but just moving to a different part of the building. At least 50% of the registered voters live within 10 miles of one of the early voting centers.

Easton Fire Hall - Bingo Hall  
Voter Entrance





Talbot County

Easton Fire Hall - Bingo Hall

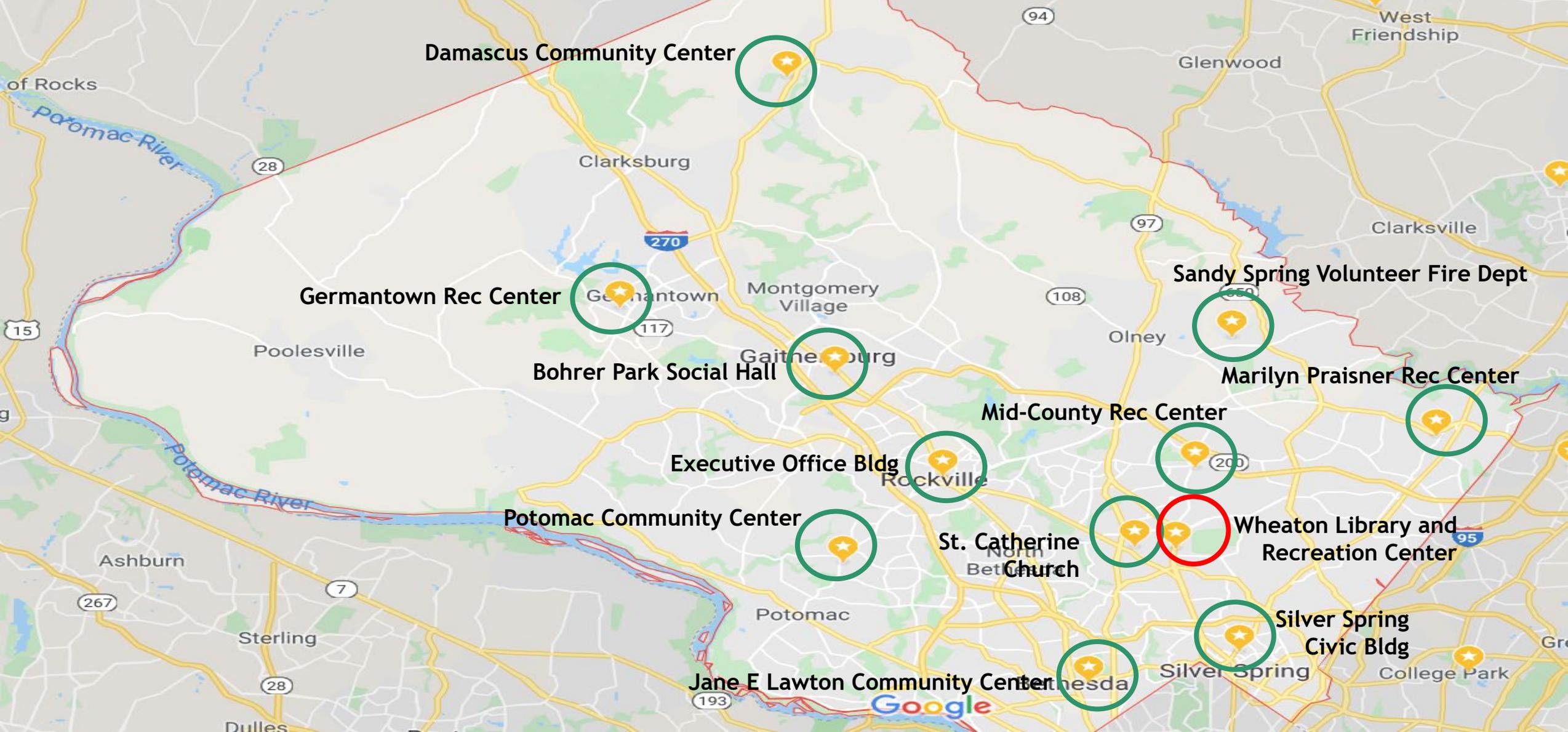
Recommendation: Approve

Montgomery County - 11 early voting centers

Bohrer Park Social Hall (Gymnasium)

Wheaton Library and Recreation Community Center (Social Hall or Gymnasium)

- ▶ Using the Bohrer Park Gymnasium the last two days of the primary election and the entire period of the general election
- ▶ Replacing St. Catherine Laboure Catholic Church with Wheaton Library and Recreation Community Center
- ▶ 80% of voters live within 5 miles of one center
- ▶ Accessible for 2020 early voting
- ▶ Allows for electioneering
- ▶ Adequate parking
- ▶ Accessible by public transportation
- ▶ Adequate to handle estimated peak voting hour



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

Montgomery County is replacing one center and proposing to use two different rooms in one existing early voting center. They are using ten of the same centers from the 2018 elections. At least 80% of the registered voters live within 5 miles of one of the early voting centers.

# Bohrer Park Social Hall

- ▶ Activity Room - First six days of early voting for the primary election
- ▶ Gymnasium - Last two days of early voting for the primary election and the entire duration for the general election

# Bohrer Park & Activity Center



# Activity Center at Bohrer Park

## 506 S. Frederick Avenue

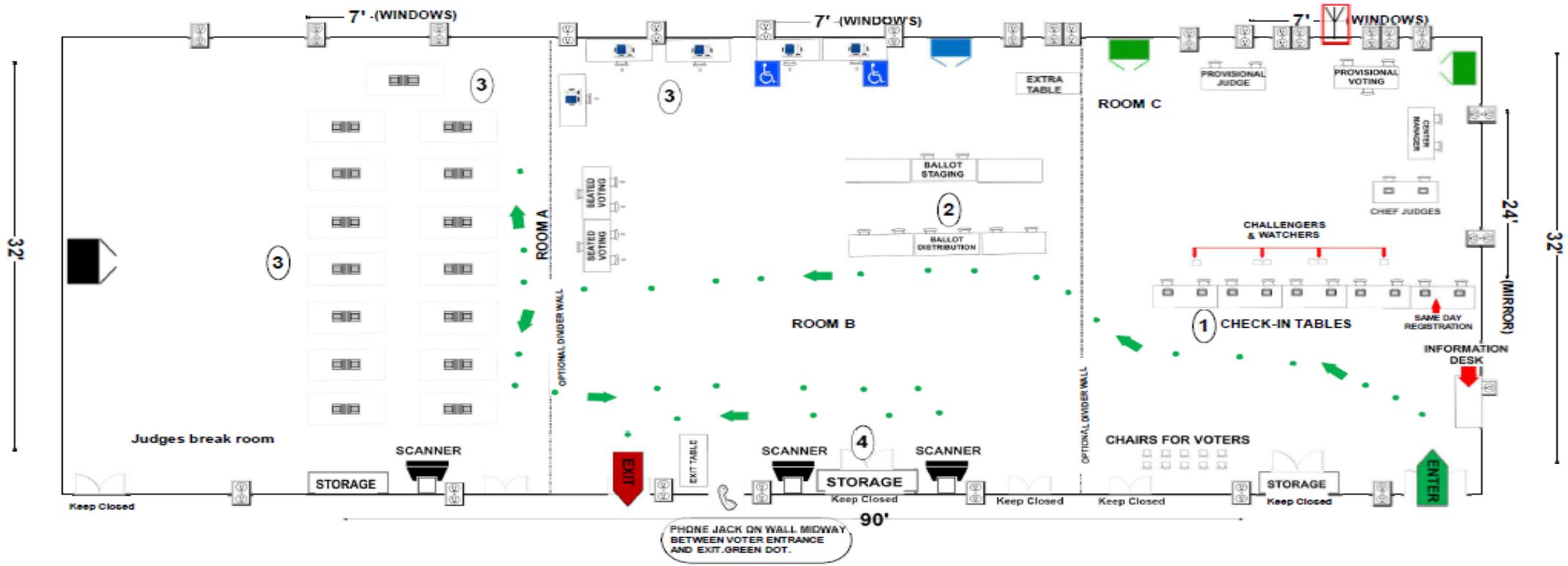
### Gaithersburg, MD 20877

**RECOMMENDED ROOM LAYOUT**

## SOCIAL HALL

(Thursday through Tuesday)

- |    |               |
|----|---------------|
| 30 | Voting Booths |
| 6  | Seated Voting |
| 12 | Poll Books    |
| 5  | BMDs          |
| 3  | Scanners      |



- |  |                        |  |   |  |                         |  |                                  |
|--|------------------------|--|---|--|-------------------------|--|----------------------------------|
|  | 6'x2 1/2' Table        |  | Voter Travel                                    |  | Supply Cart             |  | Ballot Cart                      |
|  | Voting station cluster |  | Electrical outlet                               |  | Equipment Transfer Cart |  | Accessible Ballot Marking Device |
|  | Electronic poll book   |  | Digital scanner reader                          |  | Modem                   |  |                                  |
|  | Fire alarm             |  | Scanner Judge stands<br>2 - 3 feet from scanner |  |                         |  |                                  |

Montgomery County  
Board of Elections  
9/25/2019

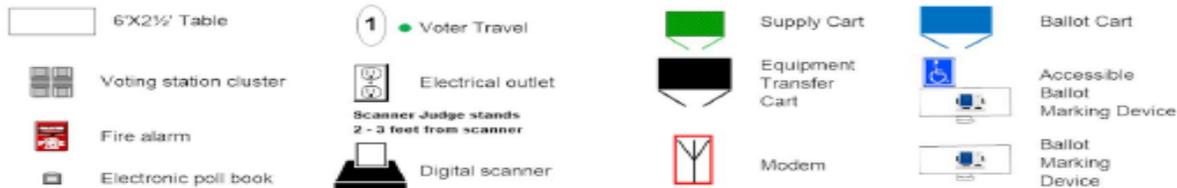
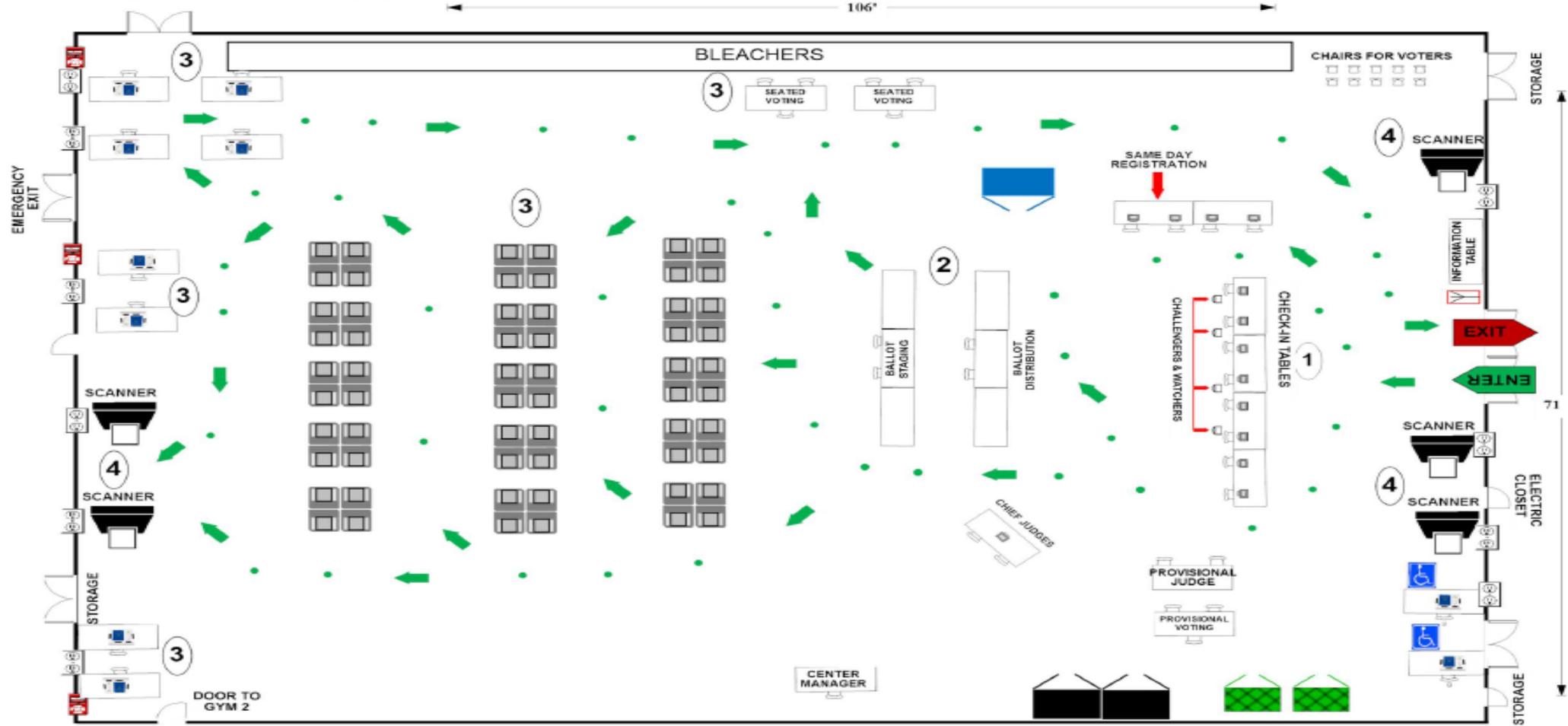
# Activity Center at Bohrer Park Gym

506 S. Frederick Avenue  
Gaithersburg, MD 20877

## Gym 1 (Wednesday and Thursday)

60	Voting Booths
6	Seated Voting
12	Poll Books
10	BMDs
5	Scanners

### RECOMMENDED ROOM LAYOUT



Montgomery County  
Board of Elections

9/25/2019

# Wheaton Community Recreation Center

Depending until a review of budgetary constraints, either the gymnasium or the social hall will be used.

# EV-9 WHEATON LIBRARY & COMMUNITY REC CENTER: Georgia Avenue Entrance

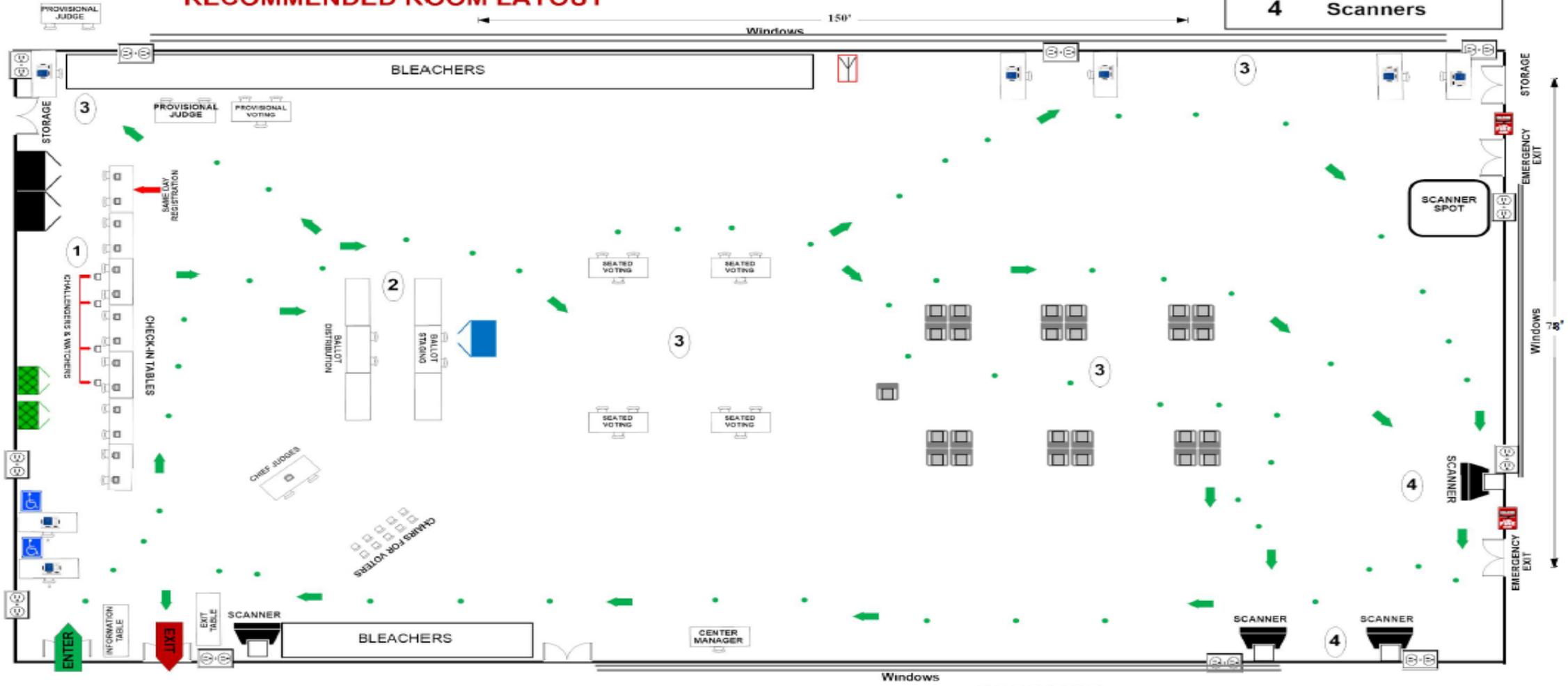


# Wheaton Community Recreation Center - Gym

11701 Georgia Avenue  
Wheaton, MD 20902

## RECOMMENDED ROOM LAYOUT

25	Voting Booths
12	Seated Voting
15	Poll Books
7	BMDs
4	Scanners



- 6'x2 1/2' Table
- Voting station cluster
- Fire alarm
- Electronic poll book
- 1 • Voter Travel
- Electrical outlet
- Scanner Judge stands  
2 - 3 feet from scanner
- Digital scanner
- Supply Cart
- Equipment Transfer Cart
- Modem
- Ballot Cart
- Accessible Ballot Marking Device
- Ballot Marking Device

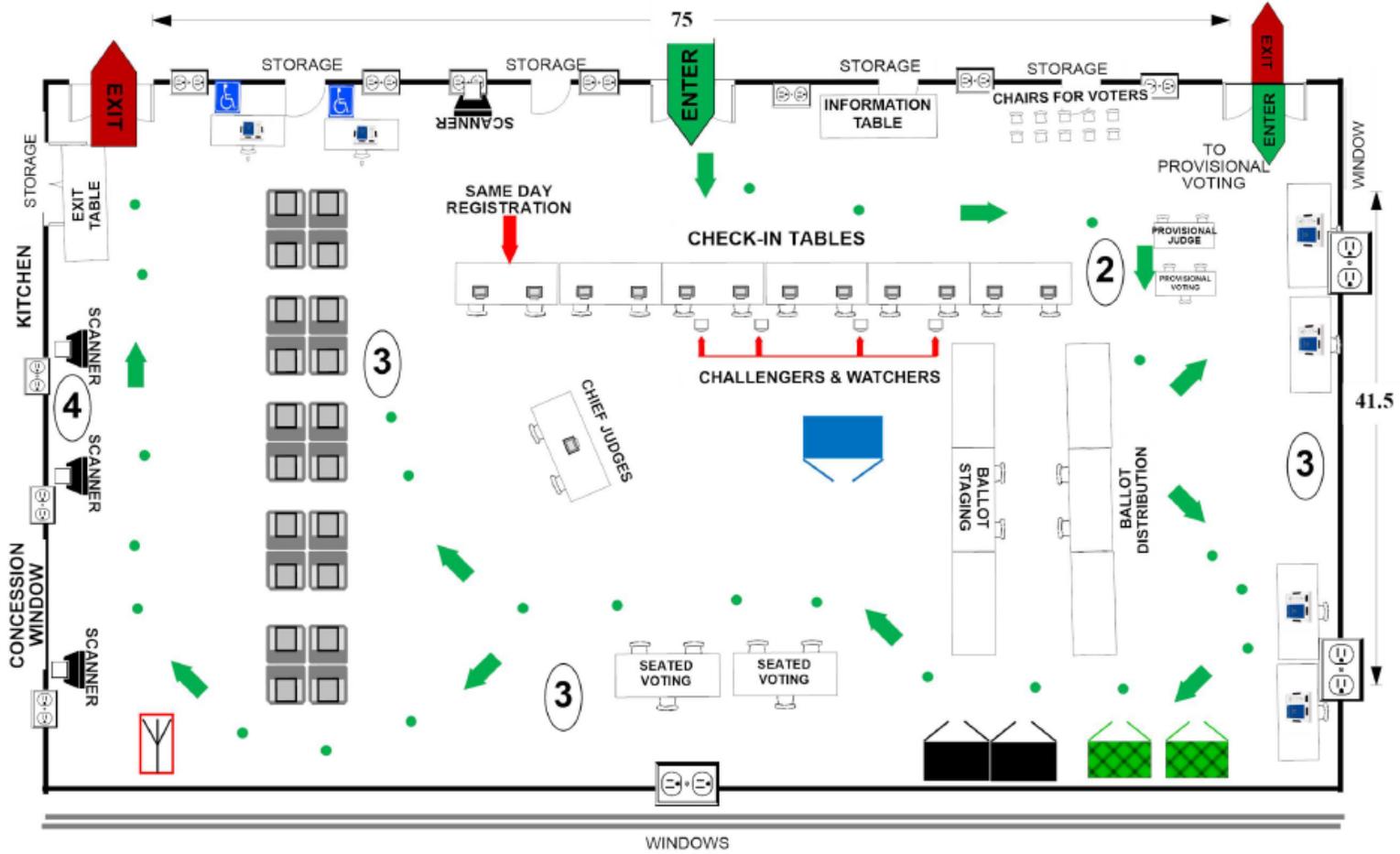
CORRIDOR  
RESTROOMS  
↓

Montgomery County  
Board of Elections  
9/25/2019

# Wheaton Community Recreation Center - Social Hall

11701 Georgia Avenue  
Wheaton, MD 20902  
**RECOMMENDED ROOM LAYOUT**

- |    |               |
|----|---------------|
| 20 | Voting Booths |
| 6  | Seated Voting |
| 13 | Poll Books    |
| 6  | BMDs          |
| 4  | Scanners      |



- |                        |   |                         |                                  |
|------------------------|---|-------------------------|----------------------------------|
| 6'x2 1/2' Table        | 1 • Voter Travel                                | Supply Cart             | Ballot Cart                      |
| Voting station cluster | Electrical outlet                               | Equipment Transfer Cart | Accessible Ballot Marking Device |
| Fire alarm             | Scanner Judge stands<br>2 - 3 feet from scanner | Modem                   | Ballot Marking Device            |
| Electronic poll book   | Digital scanner                                 |                         |                                  |

Montgomery County  
Board of Elections  
9/25/2019

# Montgomery County

Germantown Community Recreation Center

Marilyn J Praisner Community Recreation Center

Executive Office Building Auditorium

Silver Spring Civic Building at Veterans Plaza

Activity Center/Gymnasium at Bohrer Park Social Hall

Damascus Community Recreation Center Social Hall

Jane E Lawton Community Recreation Center

Mid-County Community Recreation Center Social Hall

Potomac Community Recreation Center

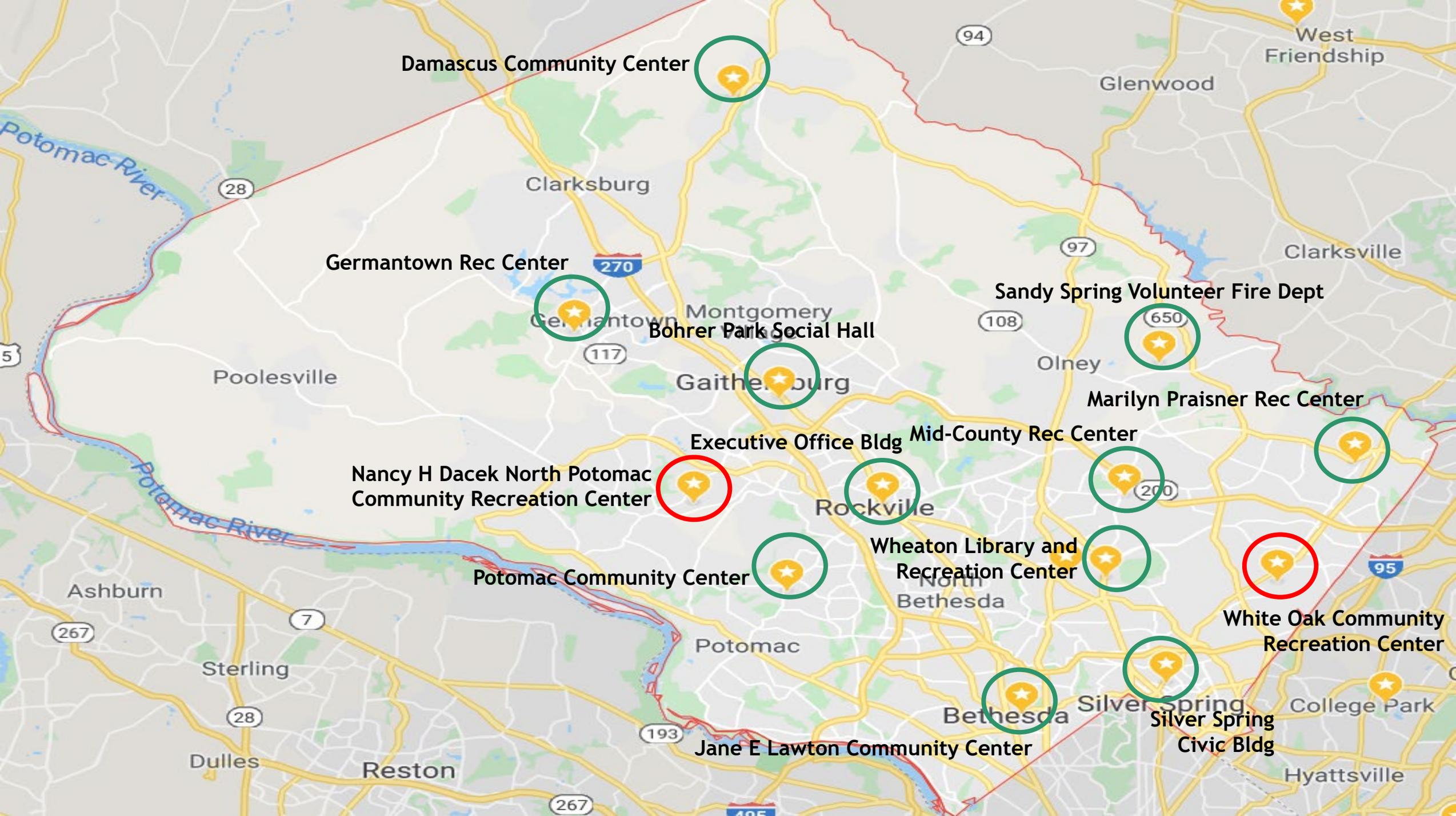
Wheaton Community Recreation Center (Social Hall or Gymnasium)

Sandy Spring Volunteer Fire Department

**Recommendation: Approve**

## Montgomery County - Potential 12th early voting center Nancy H Dacek North Potomac Community Recreation Center or White Oak Community Recreation Center

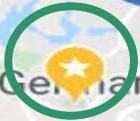
- ▶ Adding a potential 12th early voting center
- ▶ 80% of voters live within 5 miles of one center
- ▶ Accessible for 2020 early voting
- ▶ Allows for electioneering
- ▶ Adequate parking
- ▶ Accessible by public transportation
- ▶ Adequate to handle estimated peak voting hour



**Damascus Community Center**



**Germantown Rec Center**



**Bohrer Park Social Hall**



**Sandy Spring Volunteer Fire Dept**



**Marilyn Praisner Rec Center**



**Nancy H Dacek North Potomac Community Recreation Center**



**Executive Office Bldg**



**Mid-County Rec Center**



**Wheaton Library and Recreation Center**



**White Oak Community Recreation Center**



**Potomac Community Center**



**Jane E Lawton Community Center**



**Silver Spring Civic Bldg**



# EV-12 NANCY H. DACEK NORTH POTOMAC COMMUNITY RECREATION CENTER



Entrance

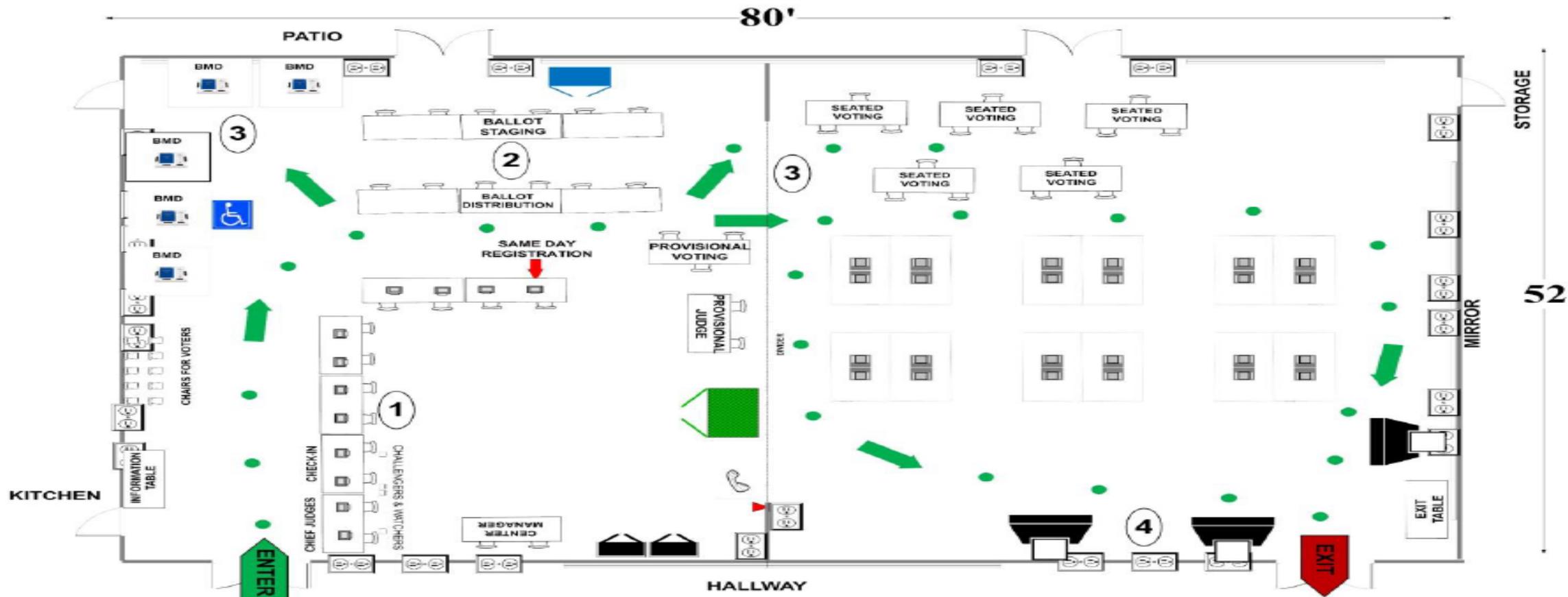


NANCY H. DACEK  
NORTH POTOMAC RECREATION CENTER

**Nancy H Dacek North Potomac  
Community Recreation Center**  
13850 Travilah Rd  
Rockville, MD 20850  
**RECOMMENDED ROOM LAYOUT**

**SOCIAL HALL**

<b>24</b>	Voting Booths
<b>15</b>	Seated Voting
<b>12</b>	Poll Books
<b>5</b>	BMDs
<b>3</b>	Scanners



	6'X2 1/2' Table		Voter Travel		Supply Cart		Ballot Cart
	Voting station cluster		Electrical outlet		Equipment Transfer Cart		Accessible Ballot Marking Device
	Electronic poll book		Digital scanner reader		Modem		Ballot Marking Device
	Fire alarm						

Montgomery County  
Board of Elections  
10/17/2019

# WHITE OAK COMMUNITY RECREATION CENTER

Entrance

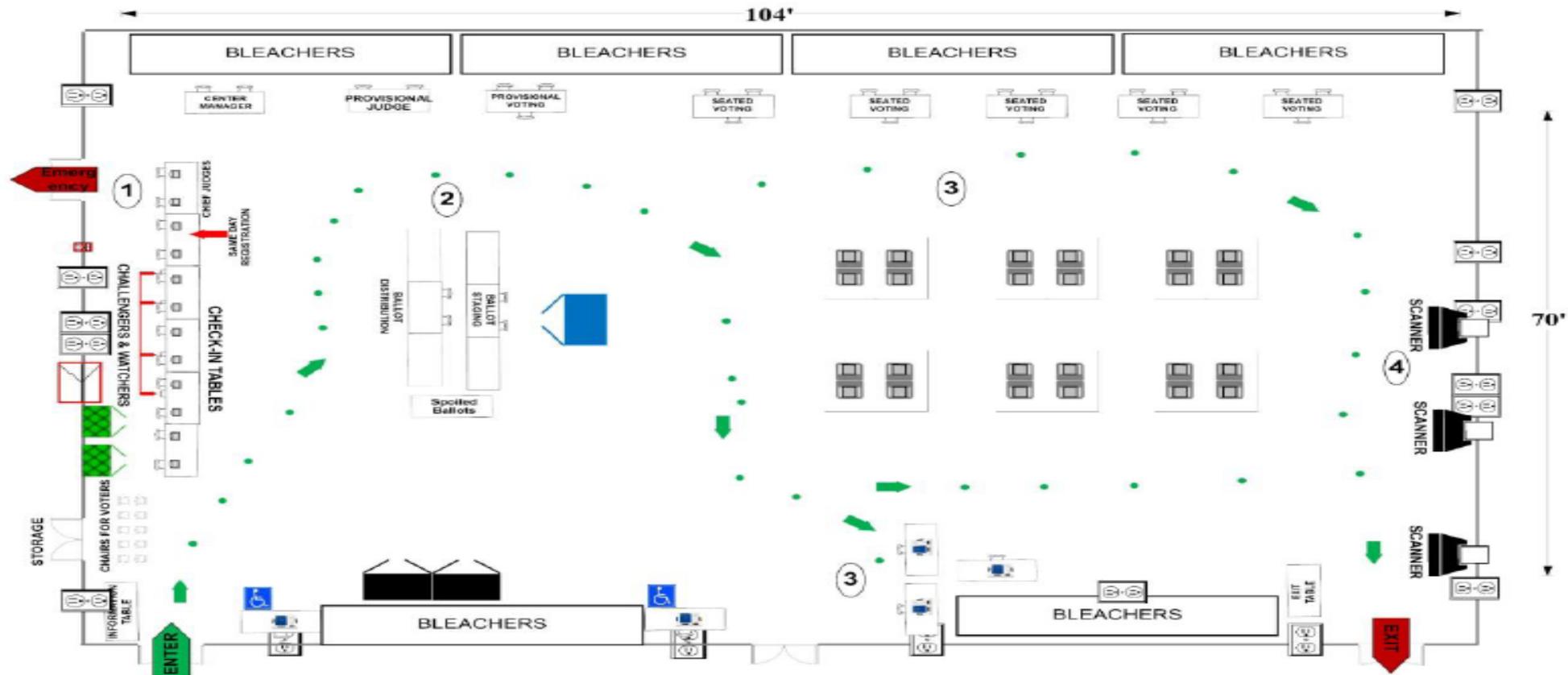


# White Oak Community Recreation Center 1700 April Lane Silver Spring MD 20904

## RECOMMENDED ROOM LAYOUT

GYM

- 24** Voting Booths
- 15** Seated Voting
- 12** Poll Books
- 5** BMDs
- 3** Scanners



- 6'X2 1/2' Table
- Voting station cluster
- Electronic poll book
- Fire alarm
- Voter Traut
- Electrical outlet
- Digital scanner reader
- Scanner Judge stands  
2 - 3 feet from scanner
- Supply Cart
- Equipment Transfer Cart
- Modem
- Ballot Cart
- Accessibility icon
- Ballot Marking Device

Montgomery County -  
Potential 12th early voting center

Nancy H Dacek North Potomac Community  
Recreation Center or

White Oak Community Recreation Center

Maryland State Board of Elections

151 West Street

Suite 200

Annapolis, MD 21401

US

RE: Recommend White Oak for Early Voting

Dear Chairman Cogan and Members of the Board:

Many of the polling places with the longest wait times for Montgomery County voters last November were along the U.S.29 and New Hampshire Avenue corridors. The Washington Post reported that some voters waited well over an hour —some up to two hours — to vote at the Marilyn J. Praisner Community Recreation Center in Burtonsville. Some people left before voting, including seniors and disabled individuals who could not stand in line that long, as well as parents and caregivers who had to leave to pick up their kids or run errands.

And many pundits are expecting an even greater turnout in next year's presidential election.

Nationally, the average wait time to vote in 2016 was 8 minutes, according to an MIT study. The Presidential Commission on Election Administration has committed to a national goal to limit the wait times for voting to no more than 30 minutes. Waiting an hour, or even more, to vote is simply unacceptable. Having early voting at the White Oak Recreation Center — which is more convenient to East County voters than the Burtonsville or Silver Spring early-voting sites — will relieve pressure, and reduce the long lines, at nearby polling places on Election Day.

It's also a matter of equity. Having closer and more convenient early-voting centers — particularly siting them on major transit corridors like U.S. 29 — is especially important in areas with low car ownership and high transit dependency like East County. About 35 percent of adults in that area do not own a car, despite limited transit availability.

Early voters in this area who rely on buses must spend an hour-and-a-half or more just to get to and from the nearest early-voting sites. And the bus doesn't even run to the Burtonsville site on weekends — the only days when many voters aren't working and can get to the polls.

In the eight years we've had early voting in Maryland, participation in Montgomery County has grown from 8.4 percent of the total votes cast in the general election to 27.8 percent last year — proving how popular early voting has become.

Voting is our precious and hard-won right and responsibility as Americans. We urge the members of the Montgomery County Board of Elections to make voting as easy as possible for all citizens by adding the White Oak Community Recreation Center as a 12th early-voting site in Montgomery County.

Sincerely,

Ms. Anne Sen

Maryland State Board of Elections

151 West Street

Suite 200

Annapolis, MD 21401

US

RE: Recommend White Oak for Early Voting

Dear Chairman Cogan and Members of the Board:

Many of the polling places with the longest wait times for Montgomery County voters last November were along the U.S.29 and New Hampshire Avenue corridors. The Washington Post reported that some voters waited well over an hour —some up to two hours — to vote at the Marilyn J. Praisner Community Recreation Center in Burtonsville. Some people left before voting, including seniors and disabled individuals who could not stand in line that long, as well as parents and caregivers who had to leave to pick up their kids or run errands.

And many pundits are expecting an even greater turnout in next year's presidential election.

Nationally, the average wait time to vote in 2016 was 8 minutes, according to an MIT study. The Presidential Commission on Election Administration has committed to a national goal to limit the wait times for voting to no more than 30 minutes. Waiting an hour, or even more, to vote is simply unacceptable.

Having early voting at the White Oak Recreation Center — which is more convenient to East County voters than the Burtonsville or Silver Spring early-voting sites — will relieve pressure, and reduce the long lines, at nearby polling places on Election Day. It's also a matter of equity. Having closer and more convenient early-voting centers — particularly siting them on major transit corridors like U.S. 29 — is especially important in areas with low car ownership and high transit dependency like East County. About 35 percent of adults in that area do not own a car, despite limited transit availability.

Early voters in this area who rely on buses must spend an hour-and-a-half or more just to get to and from the nearest early-voting sites. And the bus doesn't even run to the Burtonsville site on weekends — the only days when many voters aren't working and can get to the polls.

In the eight years we've had early voting in Maryland, participation in Montgomery County has grown from 8.4 percent of the total votes cast in the general election to 27.8 percent last year — proving how popular early voting has become. Voting is our precious and hard-won right and responsibility as Americans. We urge the members of the Montgomery County Board of Elections to make voting as easy as possible for all citizens by adding the White Oak Community Recreation Center as a 12th early-voting site in Montgomery County.

Sincerely,

Ms. Gina McNeal

Maryland State Board of Elections

151 West Street

Suite 200

Annapolis, MD 21401

US

RE: Recommend White Oak for Early Voting

Dear Chairman Cogan and Members of the Board:

Many of the polling places with the longest wait times for Montgomery County voters last November were along the U.S. 29 and New Hampshire Avenue corridors. The Washington Post reported that some voters waited well over an hour — some up to two hours — to vote at the Marilyn J. Praisner Community Recreation Center in Burtonsville. Some people left before voting, including seniors and disabled individuals who could not stand in line that long, as well as parents and caregivers who had to leave to pick up their kids or run errands. And many pundits are expecting an even greater turnout in next year's presidential election.

Nationally, the average wait time to vote in 2016 was 8 minutes, according to an MIT study. The Presidential Commission on Election Administration has committed to a national goal to limit the wait times for voting to no more than 30 minutes. Waiting an hour, or even more, to vote is simply unacceptable. Having early voting at the White Oak Recreation Center — which is more convenient to East County voters than the Burtonsville or Silver Spring early-voting sites — will relieve pressure, and reduce the long lines, at nearby polling places on Election Day. It's also a matter of equity. Having closer and more convenient early-voting centers — particularly siting them on major transit corridors like U.S. 29 — is especially important in areas with low car ownership and high transit dependency like East County. About 35 percent of adults in that area do not own a car, despite limited transit availability.

Early voters in this area who rely on buses must spend an hour-and-a-half or more just to get to and from the nearest early-voting sites. And the bus doesn't even run to the Burtonsville site on weekends — the only days when many voters aren't working and can get to the polls.

In the eight years we've had early voting in Maryland, participation in Montgomery County has grown from 8.4 percent of the total votes cast in the general election to 27.8 percent last year — proving how popular early voting has become.

Voting is our precious and hard-won right and responsibility as Americans. We urge the members of the Montgomery County Board of Elections to make voting as easy as possible for all citizens by adding the White Oak Community

Recreation Center as a 12th early-voting site in Montgomery County.

Sincerely,

Ms. Joanne Antoine

Maryland State Board of Elections

151 West Street

Suite 200

Annapolis, MD 21401

US

RE: Recommend White Oak for Early Voting

Dear Chairman Cogan and Members of the Board:

Many of the polling places with the longest wait times for Montgomery County voters last November were along the U.S. 29 and New Hampshire Avenue corridors. The Washington Post reported that some voters waited well over an hour — some up to two hours — to vote at the Marilyn J. Praisner Community Recreation Center in Burtonsville. Some people left before voting, including seniors and disabled individuals who could not stand in line that long, as well as parents and caregivers who had to leave to pick up their kids or run errands. And many pundits are expecting an even greater turnout in next year's presidential election.

Nationally, the average wait time to vote in 2016 was 8 minutes, according to an MIT study. The Presidential Commission on Election Administration has committed to a national goal to limit the wait times for voting to no more than 30 minutes. Waiting an hour, or even more, to vote is simply unacceptable. Having early voting at the White Oak Recreation Center — which is more convenient to East County voters than the Burtonsville or Silver Spring early-voting sites — will relieve pressure, and reduce the long lines, at nearby polling places on Election Day.

It's also a matter of equity. Having closer and more convenient early-voting centers — particularly siting them on major transit corridors like U.S. 29 — is especially important in areas with low car ownership and high transit dependency like East County. About 35 percent of adults in that area do not own a car, despite limited transit availability. Early voters in this area who rely on buses must spend an hour-and-a-half or more just to get to and from the nearest early-voting sites. And the bus doesn't even run to the Burtonsville site on weekends — the only days when many voters aren't working and can get to the polls.

In the eight years we've had early voting in Maryland, participation in Montgomery County has grown from 8.4 percent of the total votes cast in the general election to 27.8 percent last year — proving how popular early voting has become.

Voting is our precious and hard-won right and responsibility as Americans. We urge the members of the Montgomery County Board of Elections to make voting as easy as possible for all citizens by adding the White Oak Community

Recreation Center as a 12th early-voting site in Montgomery County.

Sincerely,

Ms. Joanna Silver

Maryland State Board of Elections

151 West Street

Suite 200

Annapolis, MD 21401

US

RE: Recommend White Oak for Early Voting

Dear Chairman Cogan and Members of the Board:

Many of the polling places with the longest wait times for Montgomery County voters last November were along the U.S. 29 and New Hampshire Avenue corridors. The Washington Post reported that some voters waited well over an hour — some up to two hours — to vote at the Marilyn J. Praisner Community Recreation Center in Burtonsville. Some people left before voting, including seniors and disabled individuals who could not stand in line that long, as well as parents and caregivers who had to leave to pick up their kids or run errands. And many pundits are expecting an even greater turnout in next year's presidential election.

Nationally, the average wait time to vote in 2016 was 8 minutes, according to an MIT study. The Presidential Commission on Election Administration has committed to a national goal to limit the wait times for voting to no more than 30 minutes. Waiting an hour, or even more, to vote is simply unacceptable. Having early voting at the White Oak Recreation Center — which is more convenient to East County voters than the Burtonsville or Silver Spring early-voting sites — will relieve pressure, and reduce the long lines, at nearby polling places on Election Day. It's also a matter of equity. Having closer and more convenient early-voting centers — particularly siting them on major transit corridors like U.S. 29 — is especially important in areas with low car ownership and high transit dependency like East County. About 35 percent of adults in that area do not own a car, despite limited transit availability.

Early voters in this area who rely on buses must spend an hour-and-a-half or more just to get to and from the nearest early-voting sites. And the bus doesn't even run to the Burtonsville site on weekends — the only days when many voters aren't working and can get to the polls.

In the eight years we've had early voting in Maryland, participation in Montgomery County has grown from 8.4 percent of the total votes cast in the general election to 27.8 percent last year — proving how popular early voting has become.

Voting is our precious and hard-won right and responsibility as Americans. We urge the members of the Montgomery County Board of Elections to make voting as easy as possible for all citizens by adding the White Oak Community Recreation Center as a 12th early-voting site in Montgomery County.

Sincerely,

Mr. Jordy Diaz

Maryland State Board of Elections

151 West Street

Suite 200

Annapolis, MD 21401

US

RE: Recommend White Oak for Early Voting

Dear Chairman Cogan and Members of the Board:

Many of the polling places with the longest wait times for Montgomery County voters last November were along the U.S. 29 and New Hampshire Avenue corridors. The Washington Post reported that some voters waited well over an hour — some up to two hours — to vote at the Marilyn J. Praisner Community Recreation Center in Burtonsville. Some people left before voting, including seniors and disabled individuals who could not stand in line that long, as well as parents and caregivers who had to leave to pick up their kids or run errands. And many pundits are expecting an even greater turnout in next year's presidential election.

Nationally, the average wait time to vote in 2016 was 8 minutes, according to an MIT study. The Presidential Commission on Election Administration has committed to a national goal to limit the wait times for voting to no more than 30 minutes. Waiting an hour, or even more, to vote is simply unacceptable. Having early voting at the White Oak Recreation Center — which is more convenient to East County voters than the Burtonsville or Silver Spring early-voting sites — will relieve pressure, and reduce the long lines, at nearby polling places on Election Day.

It's also a matter of equity. Having closer and more convenient early-voting centers — particularly siting them on major transit corridors like U.S. 29 — is especially important in areas with low car ownership and high transit dependency like East County. About 35 percent of adults in that area do not own a car, despite limited transit availability. Early voters in this area who rely on buses must spend an hour-and-a-half or more just to get to and from the nearest early-voting sites. And the bus doesn't even run to the Burtonsville site on weekends — the only days when many voters aren't working and can get to the polls.

In the eight years we've had early voting in Maryland, participation in Montgomery County has grown from 8.4 percent of the total votes cast in the general election to 27.8 percent last year — proving how popular early voting has become.

Voting is our precious and hard-won right and responsibility as Americans. We urge the members of the Montgomery County Board of Elections to make voting as easy as possible for all citizens by adding the White Oak Community

Recreation Center as a 12th early-voting site in Montgomery County.

Sincerely,

Linda Foley

Maryland State Board of Elections

151 West Street

Suite 200

Annapolis, MD 21401

US

RE: Recommend White Oak for Early Voting

Dear Chairman Cogan and Members of the Board:

Many of the polling places with the longest wait times for Montgomery County voters last November were along the U.S. 29 and New Hampshire Avenue corridors. The Washington Post reported that some voters waited well over an hour — some up to two hours — to vote at the Marilyn J. Praisner Community Recreation Center in Burtonsville. Some people left before voting, including seniors and disabled individuals who could not stand in line that long, as well as parents and caregivers who had to leave to pick up their kids or run errands. And many pundits are expecting an even greater turnout in next year's presidential election.

Nationally, the average wait time to vote in 2016 was 8 minutes, according to an MIT study. The Presidential Commission on Election Administration has committed to a national goal to limit the wait times for voting to no more than 30 minutes. Waiting an hour, or even more, to vote is simply unacceptable. Having early voting at the White Oak Recreation Center — which is more convenient to East County voters than the Burtonsville or Silver Spring early-voting sites — will relieve pressure, and reduce the long lines, at nearby polling places on Election Day. It's also a matter of equity. Having closer and more convenient early-voting centers — particularly siting them on major transit corridors like U.S. 29 — is especially important in areas with low car ownership and high transit dependency like East County. About 35 percent of adults in that area do not own a car, despite limited transit availability. Early voters in this area who rely on buses must spend an hour-and-a-half or more just to get to and from the nearest early-voting sites. And the bus doesn't even run to the Burtonsville site on weekends — the only days when many voters aren't working and can get to the polls.

In the eight years we've had early voting in Maryland, participation in Montgomery County has grown from 8.4 percent of the total votes cast in the general election to 27.8 percent last year — proving how popular early voting has become.

Voting is our precious and hard-won right and responsibility as Americans. We urge the members of the Montgomery County Board of Elections to make voting as easy as possible for all citizens by adding the White Oak Community Recreation Center as a 12th early-voting site in Montgomery County.

Sincerely,

Michael Solomon

Maryland State Board of Elections

151 West Street

Suite 200

Annapolis, MD 21401

RE: Recommend White Oak for Early Voting

Dear Chairman Cogan and Members of the Board:

Early voting locations should be selected based on need and use. According to reports from the last voting cycle, there is a great need along the US 29 and New Hampshire Avenue roads. Given this data, it makes sense to add an early voting site to this area. Please consider adding one in White Oak. Many of the polling places with the longest wait times for Montgomery County voters last November were along the U.S. 29 and New Hampshire Avenue corridors. The Washington Post reported that some voters waited well over an hour — some up to two hours — to vote at the Marilyn J. Praisner Community Recreation Center in Burtonsville. Some people left before voting, including seniors and disabled individuals who could not stand in line that long, as well as parents and caregivers who had to leave to pick up their kids or run errands. And many pundits are expecting an even greater turnout in next year's presidential election.

Nationally, the average wait time to vote in 2016 was 8 minutes, according to an MIT study. The Presidential Commission on Election Administration has committed to a national goal to limit the wait times for voting to no more than 30 minutes. Waiting an hour, or even more, to vote is simply unacceptable. Having early voting at the White Oak Recreation Center — which is more convenient to East County voters than the Burtonsville or Silver Spring early-voting sites — will relieve pressure, and reduce the long lines, at nearby polling places on Election Day.

It's also a matter of equity. Having closer and more convenient early-voting centers — particularly siting them on major transit corridors like U.S. 29 — is especially important in areas with low car ownership and high transit dependency like East County. About 35 percent of adults in that area do not own a car, despite limited transit availability. Early voters in this area who rely on buses must spend an hour-and-a-half or more just to get to and from the nearest early-voting sites. And the bus doesn't even run to the Burtonsville site on weekends — the only days when many voters aren't working and can get to the polls.

In the eight years we've had early voting in Maryland, participation in Montgomery County has grown from 8.4 percent of the total votes cast in the general election to 27.8 percent last year — proving how popular early voting has become.

Voting is our precious and hard-won right and responsibility as Americans. We urge the members of the Montgomery County Board of Elections to make voting as easy as possible for all citizens by adding the White Oak Community Recreation Center as a 12th early-voting site in Montgomery County.

Sincerely,

Ms. Rebecca Lavash

Maryland State Board of Elections

151 West Street

Suite 200

Annapolis, MD 21401

RE: Recommend White Oak for Early Voting

Dear Chairman Cogan and Members of the Board:

Many of the polling places with the longest wait times for Montgomery County voters last November were along the U.S. 29 and New Hampshire Avenue corridors. The Washington Post reported that some voters waited well over an hour —some up to two hours — to vote at the Marilyn J. Praisner Community Recreation Center in Burtonsville. Some people left before voting, including seniors and disabled individuals who could not stand in line that long, as well as parents and caregivers who had to leave to pick up their kids or run errands. And many pundits are expecting an even greater turnout in next year's presidential election. Nationally, the average wait time to vote in 2016 was 8 minutes, according to an MIT study. The Presidential Commission on Election Administration has committed to a national goal to limit the wait times for voting to no more than 30 minutes. Waiting an hour, or even more, to vote is simply unacceptable.

Having early voting at the White Oak Recreation Center — which is more convenient to East County voters than the Burtonsville or Silver Spring early-voting sites — will relieve pressure, and reduce the long lines, at nearby polling places on Election Day. It's also a matter of equity. Having closer and more convenient early-voting centers — particularly siting them on major transit corridors like U.S. 29 — is especially important in areas with low car ownership and high transit dependency like East County. About 35 percent of adults in that area do not own a car, despite limited transit availability. Early voters in this area who rely on buses must spend an hour-and-a-half or more just to get to and from the nearest early-voting sites. And the bus doesn't even run to the Burtonsville site on weekends — the only days when many voters aren't working and can get to the polls.

In the eight years we've had early voting in Maryland, participation in Montgomery County has grown from 8.4 percent of the total votes cast in the general election to 27.8 percent last year — proving how popular early voting has become. Voting is our precious and hard-won right and responsibility as Americans. We urge the members of the Montgomery County Board of Elections to make voting as easy as possible for all citizens by adding the White Oak Community Recreation Center as a 12th early-voting site in Montgomery County.

Sincerely,

Ms. Sandy Maldonado

Maryland State Board of Elections

151 West Street

Suite 200

Annapolis, MD 21401

US

RE: Recommend White Oak for Early Voting

Dear Chairman Cogan and Members of the Board:

Many of the polling places with the longest wait times for Montgomery County voters last November were along the U.S. 29 and New Hampshire Avenue corridors. The Washington Post reported that some voters waited well over an hour — some up to two hours — to vote at the Marilyn J. Praisner Community Recreation Center in Burtonsville. Some people left before voting, including seniors and disabled individuals who could not stand in line that long, as well as parents and caregivers who had to leave to pick up their kids or run errands. And many pundits are expecting an even greater turnout in next year's presidential election.

Nationally, the average wait time to vote in 2016 was 8 minutes, according to an MIT study. The Presidential Commission on Election Administration has committed to a national goal to limit the wait times for voting to no more than 30 minutes. Waiting an hour, or even more, to vote is simply unacceptable. Having early voting at the White Oak Recreation Center — which is more convenient to East County voters than the Burtonsville or Silver Spring early-voting sites — will relieve pressure, and reduce the long lines, at nearby polling places on Election Day. It's also a matter of equity. Having closer and more convenient early-voting centers — particularly siting them on major transit corridors like U.S. 29 — is especially important in areas with low car ownership and high transit dependency like East County. About 35 percent of adults in that area do not own a car, despite limited transit availability. Early voters in this area who rely on buses must spend an hour-and-a-half or more just to get to and from the nearest early-voting sites. And the bus doesn't even run to the Burtonsville site on weekends — the only days when many voters aren't working and can get to the polls.

In the eight years we've had early voting in Maryland, participation in Montgomery County has grown from 8.4 percent of the total votes cast in the general election to 27.8 percent last year — proving how popular early voting has become.

Voting is our precious and hard-won right and responsibility as Americans. We urge the members of the Montgomery County Board of Elections to make voting as easy as possible for all citizens by adding the White Oak Community Recreation Center as a 12th early-voting site in Montgomery County.

Sincerely,

Tracy Dhyani

I understand you are considering adding a twelfth early voting site. Please make it White Oak. That is the completely logical spot, where many many people are already accustomed to going for government services. And compared to other sites I understand are under consideration, White Oak is closer to hard working people who have a more difficult timetaking off time to get to the polls on Election Day.

Thanks for your consideration,

Alice Winkler

Special Elections for the 7<sup>th</sup> Congressional District  
Proposed Emergency Regulations  
Effective until May 1, 2020 (proposed date)

**Title 33 State Board of Elections**  
**Subtitle 17 Early Voting**  
**Chapter 01 Definitions; General Provisions**

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-102(i), 9-503, 10-301.1, and 12-106(a),  
Annotated Code of Maryland

**.02 Applicability to Elections.**

A. (text unchanged)

B. Early voting is not applicable for special primary and general elections, unless the special election is conducted by mail *or the special general election is scheduled for April 28, 2020 to fill a vacancy in the 7<sup>th</sup> Congressional District.*

*Explanation:* The Governor's proclamation combines the special general election for the 7<sup>th</sup> Congressional District and the 2020 Presidential Primary Election. To implement this requirement, we must offer early voting for the special general election for the 7<sup>th</sup> Congressional District. The early voting period for the special general election will coincide with the early voting period for the 2020 Presidential Primary Election.

**Title 33 State Board of Elections**  
**Subtitle 19 Same Day Registration and Address Changes**  
**Chapter 01 Definitions; General Provisions**

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), [and]3-305(e), and 3-306(a), Annotated Code of  
Maryland

**.01 Applicability to Elections.**

A. – B. (text unchanged)

C. *For special primary and general elections, [Same] same day registration [and address changes are not] is available on election day [for special primary and general elections].*

*Explanation:* House Bill 286 of the 2019 Legislative Session established the process for same day registration on election day. It is the advice of the Office of the Attorney General that this legislation requires same day registration on election day for all elections, including special elections. To ensure this is in the place for the special primary election on February 4, 2020, we propose this as an emergency change. We will request at a future meeting a motion to make these changes permanent.

# Title 33 STATE BOARD OF ELECTIONS

## Subtitle 16 PROVISIONAL VOTING

### Chapter 02 Provisional Voting Documents and Supplies

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-305(e), 3-306, 9-402, 9-403, 9-404, 9-406, and 11-303(c) and (e), Annotated Code of Maryland

#### .03 Same Day Registration and Address Change Documents.

A. Special Provisional Ballot Application. The special provisional ballot application for same day registration and address changes during early voting *and same day registration on election day* shall include a place to affix the voter's registration and oath document.

B. (text unchanged)

C. Instructions. The State Administrator shall provide a local board with instructions for election judges on the procedures for same day registration and address changes during early voting *and same day registration on election day*.

D. (text unchanged)

#### .06 Other Supplies.

A.-B. (text unchanged)

C. [During early voting, a] A local board may combine the provisional voting station with the same day registration and address change station *during early voting, and with the same day registration station on election day*.

# Title 33 STATE BOARD OF ELECTIONS

## Subtitle 16 PROVISIONAL VOTING

### Chapter 03 Issuance of Provisional Ballot

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-305(e), 9-402, 9-403, 9-404, 9-406, and 11-303(c) and (e), Annotated Code of Maryland

#### .01 In General.

A. A voter shall be issued a provisional ballot packet if:

(1)-(2) (text unchanged)

(3) The voter's registration status is pending because the voter's driver's license or full or partial social security number could not be verified or was not provided before the precinct register was created and, if the voter appeared to vote *at an early voting center* during early voting *or at a polling place on election day*, the voter did not provide the necessary information to complete the verification inquiry required by COMAR 33.05.04.[04B].05;

(4)-(6) (text unchanged)

B.-D. (text unchanged)

# Title 33 STATE BOARD OF ELECTIONS

## Subtitle 16 PROVISIONAL VOTING

### Chapter 04 Pre-Canvass Procedures

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-305, 3-306, 9-402, 9-403, 9-404, 9-406, and 11-303(c) and (e), Annotated Code of Maryland

#### .02 Pre-Canvass Review.

A. Before the Canvass.

(1) Complete Application.

(a)-(c) (text unchanged)

(d) A special provisional ballot application for same day registration or address change during early voting *or same day registration on election day* is complete if:

(i) The registration and oath document is affixed to the provisional ballot application; and

(ii) The voter signed the registration and oath document.

(2) The election director shall determine whether:

(a)-(f) (text unchanged)

(g) If the individual attempted to register and vote during early voting *or on election day* but was not a pre-qualified voter, the individual is eligible to register to vote and provided proof of residency as provided in §E of this regulation;

(h) If the individual attempted to register and vote during early voting *or on election day* but did not provide proof of residency, the individual provided proof of residency as provided in §E of this regulation; and

(i) (text unchanged)

(3)-(4) (text unchanged)

B.-E. (text unchanged)

# **Title 33 STATE BOARD OF ELECTIONS**

## **Subtitle 16 PROVISIONAL VOTING**

### **Chapter 05 Canvass of Ballots — Procedures**

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-305(e), 3-306, 9-402, 9-403, 9-404, 9-406, and 11-303(c) and (e), Annotated Code of Maryland

#### **.03 Disposition of Provisional Ballot Application.**

A.-B. (text unchanged)

C. Acceptance of Provisional Ballot Application. The local board shall accept a provisional ballot application only if:

(1)-(7) (text unchanged)

(8) An individual who was not a pre-qualified voter during early voting *or on election day* was determined to be eligible to vote and satisfied the proof of residency requirement under COMAR 33.16.04.02E.

D.-E. (text unchanged)

LINDA H. LAMONE  
STATE ADMINISTRATOR

# Title 33 STATE BOARD OF ELECTIONS

## Subtitle 19 SAME DAY REGISTRATION AND ADDRESS CHANGES

### Chapter 01 Definitions; General Provisions

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), [and]3-305(e), 3-306(a), and 3-306(d)-(e), Annotated Code of Maryland

#### .01 Applicability to Elections.

A. Same day registration [and address changes are] *is* available during early voting *and election day* for the following regularly scheduled elections:

- (1) Presidential primary and general elections; and
- (2) Gubernatorial primary and general elections.

B. *Same day address change is available during early voting for the following regularly scheduled elections:*

- (1) *Presidential primary and general elections; and*
- (2) *Gubernatorial primary and general elections.*

C. ~~B.~~ Same day registration and address changes are not available for special primary and general elections.

#### .02 Prohibited Changes.

Same day party affiliation changes are not permitted during early voting *or on election day*.

### Chapter 03 Election Judges

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), [and] 3-305(e), and 3-306(a), Annotated Code of Maryland

#### .01 In General

A. Number of Election Judges - *Early Voting*. For each early voting center, [A] a local board shall designate:

- (1) One election judge who will be primarily responsible for same day registration and address changes;
- (2) One election judge who will serve as a back-up to the primary election judge; and
- (3) Except as provided in §[C]D of this regulation, one election judge who greets voters as they arrive and directs them to the appropriate check-in line.

B. *Number of Election Judges - Election Day*.

(1) For each polling place, a local board shall designate:

- (a) One election judge who will be primarily responsible for same day registration; and
- (b) One election judge who will serve as a back-up to the primary election judge.

(2) A local board may assign the same day registration duties to an election judge already assigned to that precinct or appoint an election judge whose sole duties are to facilitate the same day registration process.

C. [B.] (text unchanged)

D. [C.] (text unchanged)

### Chapter 04 Processing New Registrants and Address Changes

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), [and] 3-305(e), and 3-306(a), Annotated Code of Maryland

#### .01 Same Day Registration.

A. Issuance of Regular Ballot - *Early Voting*. An election judge *at an early voting center* shall issue an individual a regular ballot if the individual:

- (1) Is a pre-qualified voter; and
- (2) Provides proof of residency in the county where the individual is attempting to register and vote.

B. Issuance of Provisional Ballot - *Early Voting*. An election judge *at an early voting center* shall issue an individual a provisional ballot if the individual:

- (1) Is not a pre-qualified voter; or
- (2) *Is a pre-qualified voter but cannot* [Cannot] provide proof of residency in the county where the individual is attempting to register and vote.

C. *Issuance of Regular Ballot - Election Day*. An election judge *at a polling place* shall issue an individual a regular ballot if the individual:

- (1) *Is a pre-qualified voter; and*
- (2) *Provides proof of residency in the precinct where the polling place is located.*

D. *Issuance of Provisional Ballot - Election Day*. An election judge *at a polling place* shall issue an individual a provisional ballot if the individual:

- (1) *Is not a pre-qualified voter; or*

*(2) Is a pre-qualified voter but cannot provide proof of residency in the precinct where the individual is attempting to register and vote.*

**.02 Same Day Address Changes.**

A. Issuance of Regular Ballot. *During early voting,* [An] an election judge shall issue a voter a regular ballot if the voter provides proof of residency in the county where the voter is attempting to vote.

B. Issuance of Provisional Ballot. *During early voting,* [An] an election judge shall issue a voter a provisional ballot if the voter cannot provide proof of residency in the county where the voter is attempting to register and vote.

C. *Address changes are not permitted on election day.*

STATE BOARD OF ELECTIONS

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

David J. McManus, Jr, Chairman  
Patrick J. Hogan, Vice Chairman  
Michael R. Cogan  
Malcolm L. Funn  
Kelley A. Howells



Linda H. Lamone  
Administrator  
  
Nikki Charlson  
Deputy Administrator

## Memorandum

**To:** State Board Members  
**From:** Erin Perrone  
**Date:** October 22, 2019  
**Re:** Final Adoption of Various Regulations

At the upcoming board meeting, I will present for final adoption the regulations approved for publication at the June 2019 meeting (See attached). These proposed regulations were published in the August 30, 2019, edition of the *Maryland Register* (Vol. 46, Issue 18). The public comment period closed on September 30, 2019, and we received no comments.

The specific regulations ready for final adoption at the October 2019 meeting are:

1. **33.16.02.03 and 33.16.02.06- Provisional Voting Documents and Supplies:** No comments were received. *Recommend adopting as published.*
2. **33.16.03.01- Issuance of Provisional Ballot:** No comments were received. *Recommend adopting as published.*
3. **33.16.04.02- Pre-Canvass Procedures:** No comments were received. *Recommend adopting as published.*
4. **33.16.05.03- Canvass of Ballots – Procedures:** No comments were received. *Recommend adopting as published.*

If you have any questions about the published regulations or comments before the meeting, please do not hesitate to contact me. I will, of course, be at the next meeting to answer any questions.

STATE BOARD OF ELECTIONS

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

David J. McManus, Jr, Chairman  
Patrick J. Hogan, Vice Chairman  
Michael R. Cogan  
Malcolm L. Funn  
Kelley A. Howells



Linda H. Lamone  
Administrator  
  
Nikki Charlson  
Deputy Administrator

## Memorandum

**To:** State Board Members  
**From:** Tracey Hartman  
**Date:** October 22, 2019  
**Re:** Final Adoption of Various Regulations

At the upcoming board meeting, I will present for final adoption the regulations approved for publication at the July 2019 meeting (See attached). These proposed regulations were published in the September 13, 2019, edition of the *Maryland Register* (Vol. 46, Issue 19). The public comment period closed on October 15, 2019, and we received no comments.

The specific regulations ready for final adoption at the October 2019 meeting are:

1. 33.19.01.01- 33.19.01.02- Definitions; General Provisions: No comments were received. *Recommend adopting as published.*
2. 33.19.03.01- Election Judges: No comments were received. *Recommend adopting as published.*
3. 33.19.04.01- 33.19.04.02- Processing New Registrants and Address Changes: No comments were received. *Recommend adopting as published.*

At the July meeting, the Board also adopted amendments to regulations for publication to 33.19.02.01(A). These regulations were not submitted for publication with the above stated regulations, as after further discussion, SBE felt that this language was limiting. In lieu of the regulations approved for 33.19.02.01(A) at the July meeting, an alternate proposed regulation for 33.19.02.01(A) was adopted by the State Board at its September meeting, along with other proposed regulations, which will be submitted for publication after the above listed regulations become final.

If you have any questions about the published regulations or comments before the meeting, please do not hesitate to contact me. I will, of course, be at the next meeting to answer any questions.

STATE OF MARYLAND



# Proclamation

---

Special Election – Vacancy in the Seventh Congressional District

WHEREAS, United States Congressman Elijah Cummings served in the United States House of Representatives for Maryland's Seventh Congressional District from 1996 until his death on October 17, 2019;

WHEREAS, The death of Congressman Cummings created a vacancy in the Seventh Congressional District of Maryland; and

WHEREAS, The vacancy must be filled to ensure that the citizens of Maryland have full representation in Congress;

NOW THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF THIS STATE, AND ARTICLE 1, SECTION 2, CLAUSE 4 OF THE CONSTITUTION OF THE UNITED STATES, HEREBY PROCLAIM, EFFECTIVE IMMEDIATELY:

1. Special Elections to Fill the Vacancy
  - A. A special primary election shall be held on February 4, 2020, to fill the vacancy in the office of the Representative of Congress for the Seventh Congressional District of Maryland.
  - B. A special general election shall be held on April 28, 2020, to fill the vacancy in the office of the Representative of Congress for the Seventh Congressional District of Maryland.

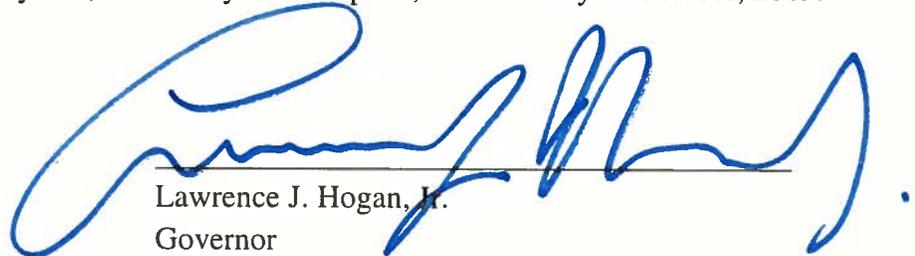
2. Declarations of Intent and Certificates of Candidacy

- A. A candidate for the office who seeks nomination by principal political party shall, in the manner prescribed by the State Board of Elections (the “State Board”), file a certificate of candidacy in the office of the State Board not later than November 20, 2019, at 5 p.m. Certificates of candidacy may be filed beginning on October 30, 2019, at 9 a.m.
- B. A candidate for the office who seeks nomination of a political party not required to nominate its candidates by party primary shall file a declaration of intent to seek political party nomination no later than January 13, 2020, at 5 p.m.
- C. A candidate for the office who seeks nomination by petition shall file a declaration of intent to seek nomination by petition by January 13, 2020, at 5 p.m.
- D. A candidate for the office who seeks nomination of a political party not required to nominate its candidates by party primary shall, in the manner prescribed by the State Board, file a certificate of candidacy no later than February 4, 2020, at 5 p.m.
- E. A candidate for the office who seeks nomination by petition shall, in the manner prescribed by the State Board, file a certificate of candidacy not later than February 4, 2020, at 5 p.m.
- F. A certificate of candidacy for the election of a write-in candidate shall be filed, in the manner prescribed by the State Board, by the earlier of:
  - i. 7 days after a total expenditure of at least \$51 is made to promote a candidacy by a campaign finance entity of the candidate; or
  - ii. April 9, 2020, at 5 p.m.

3. An individual who has filed a certificate of candidacy may withdraw the certificate on a form prescribed by the State Board within 2 days following the applicable filing date.

4. The State Board shall certify and publicly display the content and arrangement of each ballot for the special general election by February 24, 2020.
5. The special primary and general elections shall be conducted in accordance with:
  - A. All applicable provisions of Maryland law;
  - B. All applicable regulations of the State Board, unless the regulation conflicts with Maryland law; and
  - C. Any instructions that the State Administrator provides in accordance with Maryland law.

GIVEN Under My Hand and the Great Seal of the State of  
Maryland, in the City of Annapolis, this 28th day of October, 2019.



Lawrence J. Hogan, Jr.  
Governor

ATTEST:



John C. Wobensmith  
Secretary of State

### FY2020 Annual School Test - Service Area Status

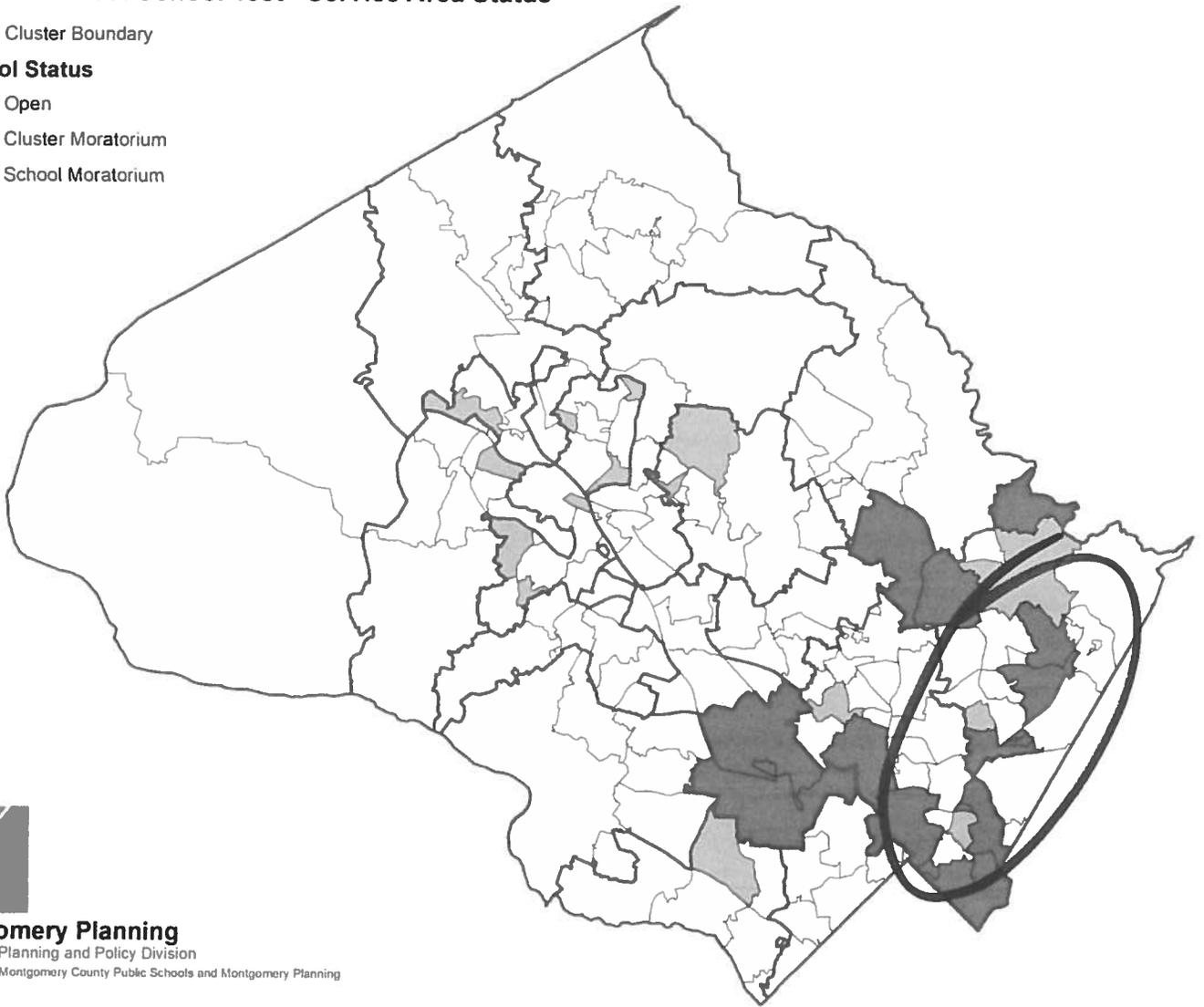
 Cluster Boundary

#### School Status

 Open

 Cluster Moratorium

 School Moratorium



### Montgomery Planning

Functional Planning and Policy Division

Data Source: Montgomery County Public Schools and Montgomery Planning  
June 20, 2019

*The areas above are under the moratorium. (Courtesy Montgomery County Planning)*

Thurs. 11/1/18 7:44 PM outside Silver Spring Civic Building, from Silver Spring resident Ari Natter:  
<https://twitter.com/AriNatter/status/1058142884442980353>



**Ari Natter** ✓

@AriNatter

Following



Line for last day early voting is out the door and around the corner in Silver Spring, Md.



7:44 PM - 1 Nov 2018

Thurs. 11/1/18 8:15 PM inside Silver Spring Civic Building, photos by Paul B. Ellis:





Councilman Tom Hucker, from Twitter 11/6/18 at the Praisner Center:



**Tom Hucker** @tomhucker · 6 Nov 2018

Update on the voting problems at #Praisner: I've spoken to MoCoBd of Elxns Chief Margaret Jurgensen and Counsel Kevin Karpinski. They agreed to send one more scanner to Praisner and sent BOE member David Naimon to work the line and pull out voters who are at the wrong precinct.

STATE BOARD OF ELECTIONS

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

Michael R. Cogan, Chairman  
Patrick J. Hogan, Vice Chairman  
Malcolm L. Funn  
Kelley Howells  
William G. Voelp



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 31, 2019  
**SUBJECT:** Waiver of late filing fees standards

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

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

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

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

Pursuant to Election Law Article §13-337 (b) (3), the State Administrator has denied 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 \$24,150.00

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

## Waiver Request Information Page

### General

<b>Account Name</b>	Baltimore Teachers Union - COPE PAC, The	
<b>CCF ID:</b>	03008487	<b>Status: Active</b>
<b>Date Established</b>	11/17/1997	
<b>Date Waiver Requested</b>	9/30/19	
<b>Account Type</b>	PAC Account	

### Officers

<b>Current Treasurer</b>	James Blanchard	<b>Start Date: 9/16/13</b>
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Corey Debnam	5/17/07
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report (Audits)	Affidavit	Date Received	Fees	Total Fees	Prior waiver and fees	Referred to OSP
2019 Annual		9/26/19	\$500	\$500		
Post General		9/26/19	\$500	\$500		
Pre-General 2		9/26/19	\$500	\$500		
Pre General 1		9/26/19	\$500	\$500		
2018 Annual		9/26/19	\$500	\$500		
Pre- Primary 2		9/26/19	\$500	\$500		
Pre-Primary 1		9/26/19	\$500	\$500		
				Total:\$3,500		

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

### Recent Financial Activity History

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

### Reason for Waiver

The Union recently had a internal election of officers and completed its annual audit. We are requesting the late fees be waived in reference to the filing of the aforementioned.

### Division Comments

Reduced to \$1,750

### Administrator's Decision

# The Baltimore Teachers Union

---



AFT 340 AFL-CIO  
Seton Business Park  
5800 Metro Drive, 2nd Floor  
Baltimore, MD 21215-3209

September 25, 2019

RECEIVED  
SEP 30 2019  
STATE BOARD OF ELECTIONS

**CERTIFIED MAIL  
RECEIPT REQUESTED**

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

Dear Mr. DeMarinis:

We are in receipt of your request to amend our **January 17, 2018 Annual Report, May 22, 2018 Pre-Primary1; June 15, 2018 Pre-Primary2, August 28, 2018 Pre-General1 Report, October 26, 2018 Pre-General Report, November 20, 2018 Post-General Report and January 16, 2019 Annual Report** in reference to a “**discrepancy in cash balances**” in the amount of \$41.35. The amendment reports were due on July 22, 2019. However, the Baltimore Teachers Union recently had an Internal Election of Officers and completed its annual audit.

We are requesting that the late fees be waived in reference to the filing of the aforementioned amendment reports and to take into consideration that past reports have been submitted on time.

If there are further questions regarding this matter, please feel free to contact Angela Knight in our Finance Department on 410-358-6600.

Sincerely,

Corey Debnam  
Chairman  
BTU-COPE Committee

C: Ms. Angela Knight

## Waiver Request Information Page

### General

<b>Account Name</b>	OShea, Bob Committee to Elect	
<b>CCF ID:</b>	01012636	<b>Status:</b> Active
<b>Date Established</b>	2/27/18	
<b>Date Waiver Requested</b>	9/16/19	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Michael Leys	<b>Start Date:</b> 2/27/18
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Brandon Wright	2/27/18
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report (Audit)	Affidavit	Date Received	Fees	Total Fees	Prior waiver and fees	Referred to OSP
Pre-Primary 2		7/29/19	\$70	\$70		
			\$	\$		
				Total:\$70		

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

### Recent Financial Activity History

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

### Reason for Waiver

We corrected the 1 defincany, however we were unaware of the other reports that needed to be corrected. When we realized our mistake we corrected the other reports.

### Division Comments

Grant

### Administrator's Decision

September 12, 2019

Maryland State Board of Elections  
ATTN: Audit Committee  
151 West Street  
Suite 200  
Annapolis, MD 21401

RECEIVED

SEP 16 2019

STATE BOARD OF ELECTIONS

RE: Waiver Request of Late Fee for OShea, Bob Committee to Elect

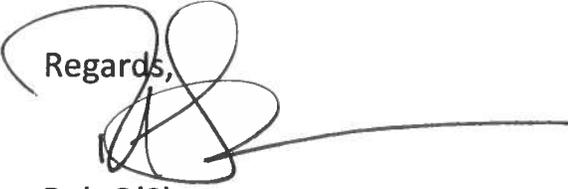
Dear Audit Board,

If you could please waive the Late Fee for the Oshea, Bob Committee to Elect. As you can see in June when we received the Non-Compliance for report we immediately corrected and electronically amended the report. Unfortunately, there were 3 more Non-Compliance's that we were not aware of. As soon as we got the notice of these 3 deficiencies they were corrected, and the report was amended.

I called into the Board of Election Office and as always EVERYONE was extremely helpful in resolving the issue. I spoke with Vicki, Ebony, Erin and Mequanenet and they spotted what I had corrected but also made us aware of the final 3 that needed – (1) Employer and (2) County. Sorry for missing these on original submission but we had most detail somehow missed adding these needed fields.

Any consideration is appreciated on this matter.

Regards,

  
Bob O'Shea

Robert Alan O'Shea, Candidate  
129 Granville Avenue  
Annapolis, MD 21401  
(443) 831-0596

THANKS FOR  
CONSIDERATION!!  
Bob

## Waiver Request Information Page

### General

<b>Account Name</b>	Valentino-Smith, Geraldine Friends for	
<b>CCF ID:</b>	01005524	<b>Status:</b> Active
<b>Date Established</b>	2/09/10	
<b>Date Waiver Requested</b>	10/08/19	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Elizabeth Ryan	<b>Start Date:</b> 2/09/10
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Phillip Smith	2/09/10
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report (Audit)	Affidavit	Date Received	Fees	Total Fees	Prior waiver and fees	Referred to OSP
Post- General		8/16/19	\$250	\$250		
Pre-General 2		8/16/19	\$250	\$250		
Pre-General 1		8/16/19	\$250	\$250		
Pre-Primary 1		8/16/19	\$250	\$250		
2018 Audit		8/16/19	\$250	\$250		
				Total:\$1,250		

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

### Recent Financial Activity History

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

### Reason for Waiver

A dear friend and his family were involed in a tragic accident, as we were assisting in the recovery we missed filing the report. Due to the extenuating circumstance we are asking for a waiver of the fees.

### Division Comments

Grant

### Administrator's Decision

August 16, 2019

Jared DeMarinis, Director  
Division of Candidacy and Campaign Finance  
State Board of Elections

Re: Friends for Geraldine Valentino- Smith, CCF ID 01005524 - Late filing of Amendments

Mr. DeMarinis,

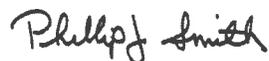
This letter will serve as an official request to waive late filing fees for several required amendments to previously filed campaign reports.

Delegate Geraldine Valentino-Smith takes these campaign reports very seriously as do I, her Chairman and husband. I don't believe we have been late on any previous required campaign finance report.

We had intended to file the amendments the weekend of July 20th ahead of the required July 22, 2019 deadline. On the evening of July 19, 2019, our very dear friend and his family were involved in a tragic float plane crash in Alaska and our friend was killed and his entire family was hospitalized in Anchorage. I traveled to Anchorage on July 20th to assist the family and remained in Alaska until July 29th. It has been a very difficult period as we had a medical transport for one of his sons and wife back to Maryland, and subsequently a second son was medevaced to Children's Hospital and remained in the hospital until August 13th. The funeral was August 14th. We were able to file all the necessary Amendments today August 16th which mostly related to employer information and addresses..

We recognize that we were late in filing the amended reports and that personal matters are no excuse for falling out of compliance with our obligations. We respectfully, however, request a waiver of the late filing fees and will remain diligent to keep current on all future filings.

Thank you for your consideration.



Phillip J. Smith  
Chairperson  
Friends for Geraldine Valentino-Smith



**MONTGOMERY COUNTY**  
**ROCKVILLE, MARYLAND**

October 21, 2019

Montgomery County Board of Elections  
18753 N. Frederick Ave, Suite 210  
Gaithersburg, MD 20879

Dear Chair Shalleck and Members of the Board:

After following the discussion at the September 16 County Board of Elections meeting as well as the October 8 Maryland State Board of Elections meetings, we are writing this joint letter to clarify our position. **We strongly urge the Montgomery County Board of Elections to recommend adding a 12th early-voting site for the 2020 primary and general election in White Oak.** We commit to funding of this site for the 2020 primary and general elections.

Having closer and more convenient early-voting centers — as well as early-voting centers that are sited on major transit corridors like U.S. 29 — is especially important in areas with low car ownership and high transit dependency like East County, where around 35 percent of adults do not own a car despite limited transit availability in that area.

That's why we believe that the White Oak Recreation Center — which is more convenient to East County voters than the Burtonsville or Silver Spring early-voting sites — should be designated as the county's 12th early-voting site for the upcoming General election. Having early voting at White Oak will relieve pressure, and reduce the long lines, at nearby polling places on Election Day.

Voting is our precious and hard-won right and responsibility as Americans. We hope the Montgomery County Board of Elections would collaborate with us to make it as easy as possible for these voters to access early voting.

Sincerely,

Handwritten signature of Marc Elrich in black ink.

Marc Elrich, County  
Executive

Handwritten signature of Nancy Navarro in black ink.

Nancy Navarro, Council  
President

Handwritten signature of Sidney Katz in black ink.

Sidney Katz, Council  
Vice-President



Gabe Albornoz  
Councilmember At-Large



Evan Glass  
Councilmember At-Large



Will Jawando  
Councilmember At-Large



Hans Riemer  
Councilmember At-Large



Craig Rice  
Councilmember District 2



Tom Hucker  
Councilmember District 5

cc: Maryland State Board of Elections

David J. McManus, Chairman  
Patrick J. Hogan, Vice Chairman  
Michael R. Cogan  
Malcolm L. Funn  
Kellew Howells



Linda H. Lamone  
Administrator  
  
Nikki Charlson  
Deputy Administrator

## Memorandum

**To:** State Board Members  
**From:** Erin Perrone  
**Date:** June 10, 2019  
**Re:** Proposed Regulations – Subtitle 16

---

At the next board meeting, I will propose changes to Subtitle 16 – Provisional Voting. Under Election Law Article §9-403 (c), SBE is required to review before each primary election the regulations governing provisional voting. SBE staff and local board representatives reviewed the existing provisional voting regulations and proposed changes. The proposed changes to 33.16 are attached, and this memo summarizes the proposed changes and deletions.

The new or deleted language in the following regulations includes same day registration on election day enacted under Article II, Section 17(c) of the Maryland Constitution – Chapter 755.

***Provisional Voting – Provisional Voting Documents and Supplies (33.16.02.03A)***

A special provisional ballot application is used during early voting for individuals who register to vote during early voting and are not eligible to receive a regular ballot. The same application will need to be used for individuals who register to vote on election day and are not eligible to receive a regular ballot.

***Provisional Voting – Provisional Voting Documents and Supplies (33.16.02.03C)***

The State Administrator provides a local board with instructions for election judges on the procedures for same day registration and address changes during early voting. Instructions for election judges on the procedures for same day registration on election day will also need to be provided to the local boards.

***Provisional Voting – Provisional Voting Documents and Supplies (33.16.02.06C)***

During early voting, a local board may combine the provisional voting station with the same day registration and address change station. This proposed change allows a local board to combine the provisional voting station with the same day registration station on election day as well.

***Provisional Voting – Pre-Canvass Procedures (33.16.04.02A(1)(d))***

Special provisional ballot applications used during early voting are reviewed for completeness by the local board prior to the provisional canvass. Local boards will have to

review special provisional ballot applications used on election day prior to the provisional canvass.

***Provisional Voting – Pre-Canvass Procedures (33.16.04.02A(2)(g))***

The local board must determine whether an individual's provisional ballot application can be accepted if that individual was not a pre-qualified voter. The local board will have to determine the same for provisional ballot applications for individuals who use same day registration on election day.

***Provisional Voting – Pre-Canvass Procedures (33.16.04.02A(2)(h))***

The local board must determine whether an individual's provisional ballot application can be accepted if that individual was not able to provide proof of residency. The local board will have to determine the same for provisional ballot applications for individuals who use same day registration on election day and could not provide proof of residency.

***Provisional Voting – Canvass of Ballots - Procedures (33.16.05.03C(8))***

The local board must determine whether an individual's provisional ballot application can be accepted if that individual was not a pre-qualified voter during early voting. The local board will have to determine the same for provisional ballot applications for individuals who use same day registration on election day.

The proposed change in the following regulation is for clarification and to address an incorrect reference to another section of COMAR.

***Provisional Voting – Issuance of Provisional Ballot (33.16.03.01A(3))***

If a voter's driver's license or full or partial social security number could not be verified, the voter's registration status is pending. If that voter appears at an early voting center during early voting or a polling place on election day, the voter needs to provide the necessary information for his or her registration status to become active. By deleting the reference to early voting, the regulation covers voters who appear to vote during early voting or on election day.

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

Enclosures: Proposed Regulations

**STATEMENT BY DAVID NAIMON, Member, Montgomery County Board of Elections  
BEFORE THE MARYLAND STATE BOARD OF ELECTIONS, October 31, 2019**

Good afternoon. It's nice to see all of you again. Thank you for the time that all of you have spent considering the location of early voting centers in Montgomery County. I'm here to ask you to support the recommendation of our local governing body and three of the seven members of the local board of elections to make White Oak Recreation Center the 12<sup>th</sup> early voting site in Montgomery County.

In an October 21<sup>st</sup> letter, **the governing body of Montgomery County (both the County Executive and County Council) said that they now support White Oak as the 12<sup>th</sup> early voting site for both the primary and general elections and promised to fund it.** I'm urging you to reach agreement with the governing body to establish that early voting site at that location.

They say "a picture's worth a thousand words" but I think a map must be worth at least ten thousand words. I call your attention to a series of maps I've provided you.

**First, the map of Election Day 2018 peak wait times shows that locating the early voting site in White Oak will help us with Election Day waiting times, which was a significant problem in the precincts on the Route 29 corridor. By contrast, North Potomac (the preferred site of four Montgomery County Board members) is located in an area of the county where Election Day wait times were in line with or less than the national standard. (See attached map, with White Oak and North Potomac highlighted.)**

**Second, the map of early voting utilization by precinct shows that the more that voters in precincts in the Route 29 corridor near White Oak utilized early voting in 2018, the lower their Election Day wait times. By contrast, voters in the North Potomac area utilized early voting far less and still didn't have significant Election Day wait times.**

Third, a map of Montgomery County's population density that was recently developed by the Fire and Rescue Service shows one of the reasons that's the case – **the White Oak Recreation Center is near a high population density area, while the North Potomac site is near a low population density area.** In addition, we already have 4 early voting sites along the I-270 corridor (Potomac, Rockville, Gaithersburg, and Germantown), and only two along the Route 29 corridor (Silver Spring and Burtonsville). We need the 3<sup>rd</sup> early voting site along the Route 29 corridor more than a 5<sup>th</sup> along the I-270 corridor.

**Fourth, a new early voting site in White Oak more evenly spreads early voting sites across the county's state legislative districts, while North Potomac would contribute to an imbalance of early voting sites by state legislative district.** As you know, State legislative districts, like early voting sites, are allocated based on both population and geography. The map of Montgomery County's state legislative districts, with the 2020 early voting sites (and the two proposed 12<sup>th</sup> sites) marked, shows this

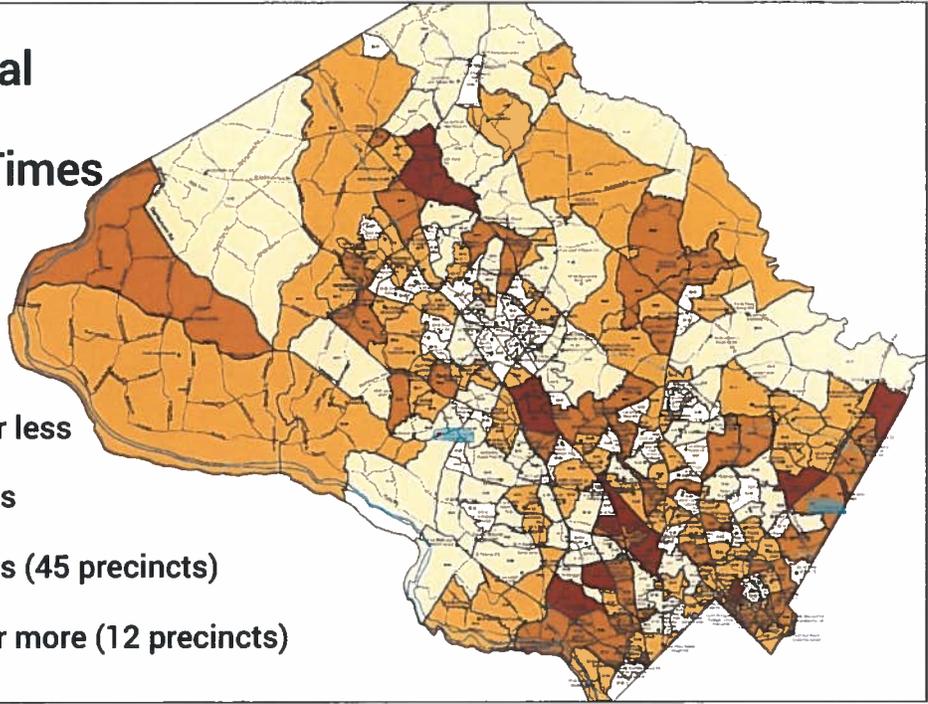
imbalance. Montgomery County has 8 state legislative districts that are entirely within its borders. Therefore, you would expect to see one early voting site in each of 8 districts and a second one in 4 of the 8 districts if the 12 proposed sites were evenly distributed. Yet, currently there are 3 early voting sites in Legislative District 14, and the majority's plan to locate the 12th early voting site in North Potomac would add a 3<sup>rd</sup> early voting site in Legislative District 15. By contrast, White Oak Recreation Center would be the 2<sup>nd</sup> early voting site in Legislative District 20. **The majority's proposal to have ½ of Montgomery County's 12 early voting sites in ¼ of our 8 legislative districts is imbalanced.**

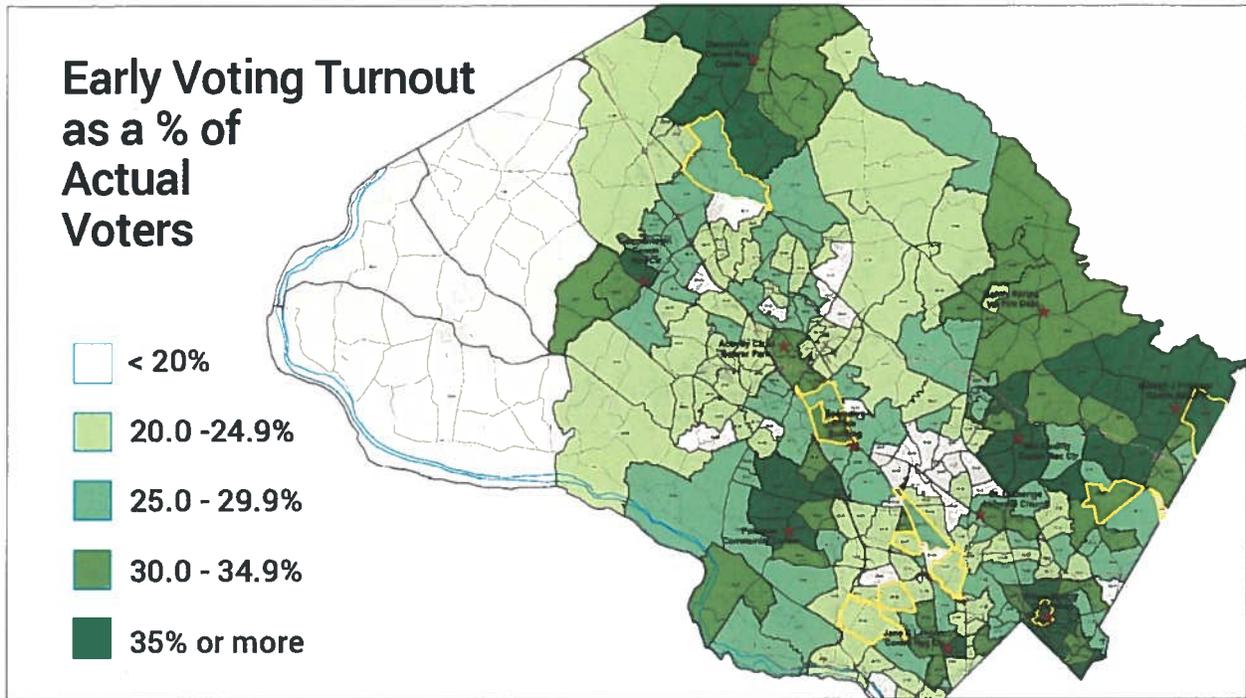
**Finally, adding an early voting site in White Oak would help to address inequities within Montgomery County, while an early voting site in North Potomac could exacerbate them.** While the distance from North Potomac and White Oak to other neighboring early voting sites is roughly the same, **White Oak residents own fewer cars and so are far more likely to use public transportation, which means it will take them longer to get to the two closest early voting sites (and due to the absence of bus service to Burtonsville on weekends, it may be impossible).** By contrast, **North Potomac residents are much more likely to own multiple cars – recent U.S. Census data indicates that almost 40% of North Potomac residents own 3 or more cars -- making it easier for them to get to their closest early voting center or Election Day polling place.** By locating early voting in White Oak, we have a chance to help make the time it takes an eligible voter to vote more equitable.

Thank you for your attention to this important issue. I'd be happy to try to answer any questions you may have.

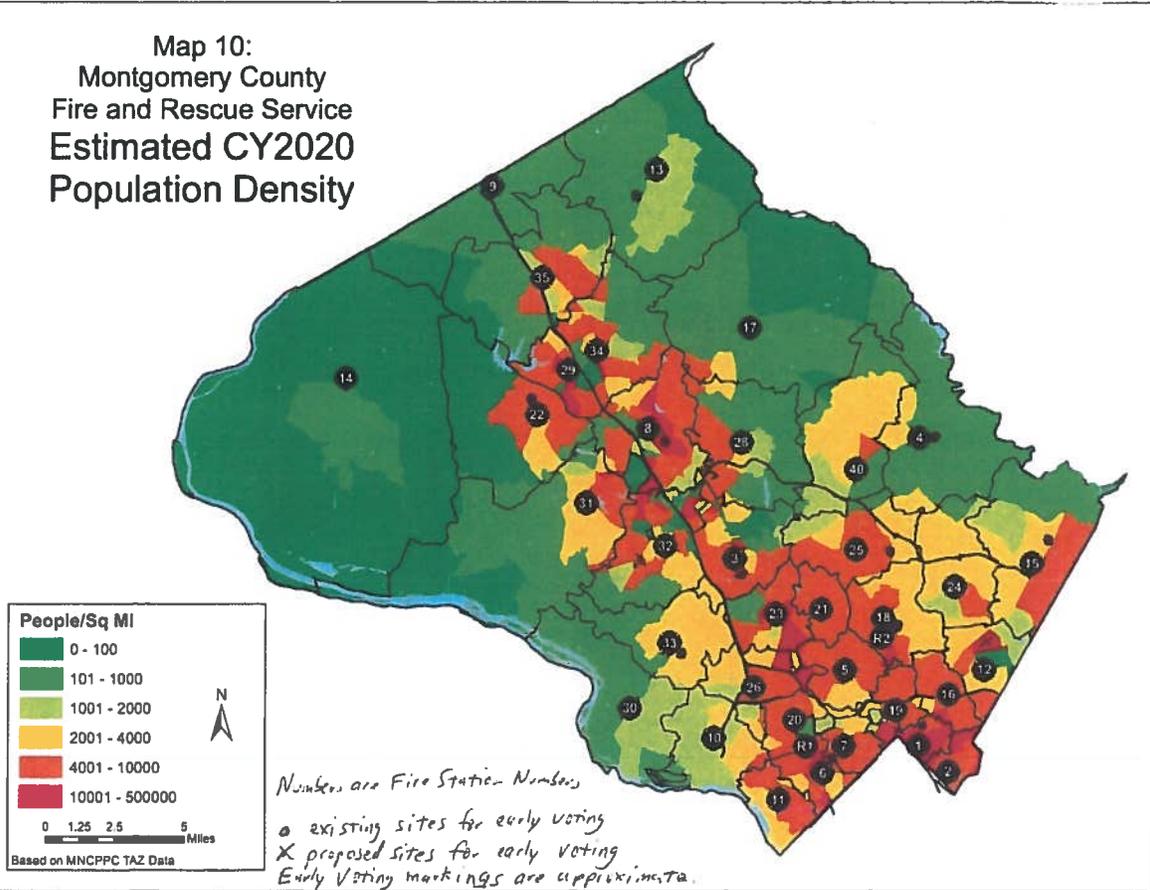
# 2018 General Election Peak Wait Times By Precinct

- 15 minutes or less
- 20-30 minutes
- 35-55 minutes (45 precincts)
- 60 minutes or more (12 precincts)



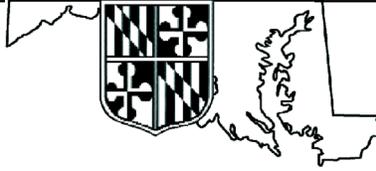


Map 10:  
Montgomery County  
Fire and Rescue Service  
Estimated CY2020  
Population Density



Path: P:\Planning\GIS\Masterplan2014\Population\PopDens\_2020.mxd Date: 7/16/2015

David J. McManus, Chairman  
Patrick J. Hogan, Vice Chairman  
Michael R. Cogan  
Malcolm L. Funn  
Kellew Howells



Linda H. Lamone  
Administrator  
  
Nikki Charlson  
Deputy Administrator

## Memorandum

**To:** State Board Members  
**From:** Tracey Hartman  
**Date:** July 11, 2019  
**Re:** Proposed Regulations – Subtitle 19

At the next board meeting, I will propose changes to Subtitle 19 – Same Day Registration and Address Changes. Enacted under Article II, Section 17(c) of the Maryland Constitution – Chapter 755, Election Law Article §3-306 allows for an individual to register to vote on election day, as well as sets forth the documents required by an applicant that the election judge shall use to determine if proof of residency is met. §3-306 also states that the State Board shall take appropriate measures to notify potential registrants of their correct polling place and that the State Board shall adopt regulations and procedures in accordance with §3-306 for the administration of voter registration on election day.

The proposed changes to 33.16 are attached, and this memo summarizes the proposed changes, additions, and deletions.

***Same Day Registration and Address Changes – Definitions; General Provisions***  
***(33.19.01.01(A))***

Deletion of the words “and address changes are” and adds the words “and election day” to the listed regularly scheduled elections.

***Same Day Registration and Address Changes – Definitions; General Provisions***  
***(33.19.01.01(B))***

This new section specifies that same day address change is available during early voting for the listed regularly scheduled elections. Same day address change was removed from 33.19.01.01(A), as same day address changes are only allowed during early voting.

***Same Day Registration and Address Changes – Definitions; General Provisions***  
***(33.19.01.02)***

Addition of “or on election day” to same day party affiliation changes, which are prohibited.

***Same Day Registration and Address Changes – Public Notice (33.19.02.01(A))***

This proposed amendment increases the minimum requirements for public notice from SBE, stating that the pre-election mailing for each pre-qualified voter shall include the correct polling place for the pre-qualified voter’s address.

***Same Day Registration and Address Changes – Election Judges (33.19.03.01(A))***

Addition of the words “*Early Voting. For each early voting center...*” clarifies that this subsection refers only to early voting and early voting centers.

***Same Day Registration and Address Changes – Election Judges (33.19.03.01(B))***

Like Section A, Section B of Chapter 3 specifies the number of election judges required on election day at each polling place who will be responsible for same day registration, including one primary and one backup election judge, as is the same for early voting. However, because adding two additional election judges at each polling place may cause an undue burden to the local boards, 33.19.03.01(B)(2) specifies that the a local board may assign the same day registration duties an election judge already assigned to that precinct, or to an election judge or judges whose sole duties are same day registration.

***Same Day Registration and Address Changes – Processing New Registrants and Address Changes (33.19.04.01(A) and 33.19.04.01(B))***

Addition of the words “*Early Voting*” and “*at and early voting center*” in the Section heading specify that these instructions regarding the issuance of regular or provisional ballot apply only to early voting.

***Same Day Registration and Address Changes – Processing New Registrants and Address Changes (33.19.04.01(B)(2))***

Addition of the words “*Is a pre-qualified voter but cannot*” to the remainder of the Subsection clarifies that a voter who is prequalified but cannot provide proof of residency in the county in which the individual is attempting to register must receive a provisional ballot.

***Same Day Registration and Address Changes – Processing New Registrants and Address Changes (33.19.04.01(C) and 33.19.04.01(D))***

Like Sections A and B , Sections C and D of Chapter 4 specifies, for individuals registering to vote on election day, who should receive a regular ballot and who should receive a provisional ballot. Section C specifies the requirements for a regular ballot: that the individual be pre-qualified and that they provide proof of residency in the precinct in which they are registering. Section D specifies that anyone who wants to register to vote on election day but is not pre-qualified, or is pre-qualified but cannot provided proof of residency in the precinct where the individual is attempting to register will receive a provisional ballot.

***Same Day Registration and Address Changes – Processing New Registrants and Address Changes (33.19.04.02(A) and 33.19.04.02(B))***

Addition of the words “*During early voting*” in Sections A and B clarifies that the circumstances described in which an election judge should issue a regular or provisional ballot apply only to early voting.

***Same Day Registration and Address Changes – Processing New Registrants and Address Changes (33.19.04.02(C))***

This new section specifies that address changes are not permitted on election day.

Memo to State Board members

Page 3 of 3

July 11, 2019

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

Enclosures: Proposed Regulations