

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
Kelley A. Howells
Gloria Lawlah



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

State Board of Elections' Meeting
151 West Street, Suite 200
Annapolis, Maryland 21401
September 29, 2017 – 2:00 pm

Agenda

1. Declaration of Quorum Present
2. Ratification of Minutes from August 2017 Meeting
3. Additions to the Agenda
4. Administrator's Report
5. Assistant Attorney General's Report
6. Approval of Proposed Regulations
7. Approval of Requests for Waivers of Campaign Finance Late Fees
8. Approval of Requests for Waivers of Title 14 Contribution Disclosure Reports
 - a. Late Fees
 - b. Contract Disclosure
9. Approval of Requests for Administrative Closures
10. Approval of Requests for Confidentiality
11. Use of ExpressVote Ballot Marking Device – 2018 Elections
12. Old Business
 - a. Approval of 2018 Absentee Ballot Application
 - b. Proposed Motion: Security Awareness
 - c. Potential Campaign Finance Enforcement Action
13. New Business
14. Disclosure of Campaign Contributions
15. Schedule Next Meeting
16. Adjournment

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

Public Participation: Members of the public may address the Board. Pursuant to §3.2B of the Board's bylaws, public participation at a meeting must be pre-scheduled and pre-approved by the Chairman. To request approval to speak at a board meeting, contact Nikki Charlson at 410-269-2843 or by email nikki.charlson@maryland.gov no later than 5 pm the day before the meeting.

1. Announcements & Important Meetings

Biennial Information

Preparation for the Monday, October 23, 2017 biennial meeting of Maryland election officials is underway. The meeting is mandatory for local board members, attorneys, election directors and deputy directors. The draft agenda is included in your folder. Please advise Donna or Mary if you plan to attend.

Joint Legislative Committee Briefing

On September 6th, the members of the Senate's Education, Health and Environmental Affairs and House's Ways and Means Committees held a joint hearing on cybersecurity in elections. Two representatives of the Office of Legislative Auditor briefed the committee members on the recent legislative audit report, and a panel of federal government, academic, and advocacy representatives discussed cybersecurity in elections and their recommendations for improving the security of election systems. After this panel, we updated the committee members on the legislative audit findings and provided an overview of how we protect the election systems used in Maryland. Representatives of ByteGrid, SBE's hosting vendor for critical election systems, and Cybraics, a firm who developed a tool ByteGrid uses to monitor systems, spoke about the election system infrastructure and how it is protected. The committee members were engaged in the presentation and asked questions about the Legislative Auditor's recommendation to change the requirements to obtain an absentee ballot, a simultaneous end-to-end cyber risk assessment, oversight of municipal elections, and the ability to detect fraud in the voting process.

In response to this hearing, the Capital News Service published and the Associated Press distributed an article stating that SBE told the General Assembly that a law change was necessary to strengthen computer security. This is **not** what we advised the members of the Senate's Education, Health and Environmental Affairs and the House's Ways and Means Committees at the September 6th briefing. As you may recall, the Legislative Auditor recommended in SBE's most recent audit report that voters using a paper form to request an absentee ballot be required to provide the last four digits of their Social Security Number. This recommendation and the advice we received from the Attorney General's Office - that a legislative change would be required to implement this new requirement to the absentee ballot request process - was discussed at the September 6th briefing. The reporter's representation that this change is a "security measure" is not accurate; it would be a change to the information required for certain absentee voters (i.e., voters using the paper request form) and is independent from the system used to manage the absentee voting process.

Technical Guidelines Development Committee Meeting

On September 11th and 12th, Linda Lamone participated in the Technical Guidelines Development Committee meeting in Washington, DC. At this meeting, the committee members voted to approve the next generation of voting system standards - Voluntary Voting System Guidelines 2.0 - and reflect changes proposed by the election community, the U.S. Election Assistance Commission, the National Institute of Standards and Technology, and TGDC members. These new standards are expected to be complete by 2018.

League of Women Voters of Montgomery County – Trending Topics Forum

On September 25th, Nikki Charlson participated in a forum hosted by the League of Women Voters of Montgomery County to discuss "*Facts Behind the Headlines: How Maryland Elections*

Operate.” Two members of the Montgomery County Board of Elections – Jim Shalleck and Mary Ann Keeffe – and Margaret Jurgensen, Election Director for the Montgomery County Board of Elections also participated in the forum. Topics discussed were roles of the State and local boards of elections, the voter registration process, how we protect our election systems, and how voting locations are chosen. Approximately 40 individuals attended the forum.

2. Election Reform and Management

Spanish Translation Committee

The Spanish Translation Committee's first meeting was September 13th. The purpose, goals, and tasks were outlined during the meeting and various documents were presented to the members. Before the next meetings, each member will review the Spanish translation of ballot information, and any recommended changes will be discussed at the next meeting.

Voter Privacy at the Scanning Unit

To ensure voter privacy at the scanning unit, a memo will be sent to the local election directors and deputy directors outlining various mandatory and optional actions for local boards. The mandatory actions include using a special type and color of folder for the scanning unit judge to shield the voter's ballot when assisting the voter, adding the location of the scanning unit judge to any voting room diagrams that are given to the election judges, and including specific instructions, text and diagrams to the *Election Judge Manual* and training classes. The optional actions include ordering "privacy screens" made of corrugated plastic to fit on both sides of the scanning unit and using tape on the floor of each voting location as a marker for the scanning unit judge.

3. Voter Registration

Electronic Registration Information Center (ERIC)

New reports will be distributed to the local boards at the beginning of October for processing. On October 2nd, Mary Wagner will attend a meeting in Denver, Colorado to discuss the first 5 years of ERIC and moving forward.

MDVOTERS

Release 6.6 has been thoroughly tested and is scheduled to be moved into production on September 30th. The release deals largely with the candidacy module.

Federal Jury Commission

At the request of the board, Mary Wagner sent a letter to the federal jury commissioners requesting information regarding individuals who responded they were unable to serve due to not being a U.S. citizen. The letter is included in the board folder.

Non-Citizens

Removal of non-citizens – 3

Removal of non-citizens who voted – 3

Removal of non-citizens who voted multiple times – 3

Non-citizens forwarded to the Office of the State Prosecutor – 3 in process.

Razed or condemned building

An inquiry of the local boards found that only 3 or 4 receive reports from their county of buildings that have been razed or condemned.

4. Candidacy and Campaign Finance (CCF) Division

Candidacy

As of September 22, 2017, 205 candidates have filed a certificate of candidacy at SBE for the 2018 General Election.

Campaign Finance

On September 12th, a committee named Bill Conway for Council qualified for public matching funds under the Montgomery County public finance program. The committee submitted 286 individual qualifying contributions with a monetary aggregate of \$32,224.00 on September 5, 2017. The committee is eligible to receive \$100,746.00 in public matching funds.

On September 19th, a committee named Hoan Dang for County Council filed an initial request for Montgomery County public matching funds. The committee submitted 293 qualifying contributions with a monetary aggregate of \$21,696.00 and is eligible to receive \$73,814.00 in public matching funds.

On September 19th, a committee named Marc Elrich for County Executive submitted an initial request for \$273,110.00 public funds. The request is currently under review for compliance.

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

Enforcement

We the People for Cupid Gersham made disbursements from the campaign account by an unauthorized method- cash. On September 20, 2017, the candidate paid the \$100.00 civil penalty that was issued due to the unauthorized disbursement.

Project Management Office (PMO)

Inventory: Excess Equipment Disposal

During this reporting period, SBE continued the TS-R6 voting system disposal planning work with the Department of General Services (DGS) and the State's contract recycler. To date, 2,622 TS-R6 units have been picked up by the recycler.

The Excess Property Declaration (EPD) forms for the TSX and Optical Scan units were submitted to DGS. This is the first step for either selling the equipment to election officials or recycling the equipment.

Inventory: FY 2017 Annual Inventory

SBE submitted its FY 2017 annual equipment and supply reports to the Department of General Services. The inventory reconciliation process continues for the equipment and supply inventory.

Other

SBE is working with the Worcester County Board of Elections and the Worcester County administration to find new warehouse space for the local board. Mold issues were reported in the current warehouse facility which is requiring the relocation of the warehouse.

5. **Voting Systems**

Electronic Pollbooks

Work continues on pollbook software updates with SBE performing testing of individual cases. Testing will continue with local boards next month. It is anticipated that the final release will be in early December.

The local boards continue installing new CMOS batteries in the pollbooks. The second battery shipment arrived last week. A final small shipment is scheduled to arrive next month, and this task is scheduled to be completed by the end of January.

SBE is awaiting the final prototype for updated pollbook hardware that will be used for two counties in 2018. It is on track to arrive in Maryland next week. SBE will use this to determine the acceptance test process and documentation.

Pre-Election Testing

Planning continues for the pre-election testing. This involves putting together schedules for the testing, documentation of new and changed procedures, and determining the equipment and data required. SBE has also sought and received feedback from the local boards and is incorporating this feedback into the process.

Upcoming Server Updates

Server updates are scheduled to take place next month. The first update is an update to the network driver for increased upload speed. This second update is hard drive space reallocation. We are awaiting formal EAC approval for the second update.

Municipal Elections

The voting equipment was used in both the Annapolis and Frederick municipal primary elections this month. Both elections had a turnout of approximately 25%, with no major issues reported. Both cities will have the general election on November 7th.

DRAFT Agenda
2017 Biennial Meeting
Maryland Election Officials
Monday, October 23, 2017

- | | |
|------------------------|--|
| 8:00 – 9:30 a.m. | Continental Breakfast |
| 9:15 – 9:30 a.m. | Welcome |
| 9:30 – 11:45 a.m. | <i>Be Secure</i>

Information Security Training |
| 12:00 – 1:15 p.m. | Buffet Lunch and Awards

Speaker – Matthew Masterson, Election Assistance Commission, Chairman |
| 12:00 p.m. – 4:00 p.m. | Attorney Breakout

Heinrich J. Losemann, Jr.
Director Employee and Labor Relations Division
of the Department of Budget & Management |
| 1:30 – 3:00 p.m. | <i>Be Inspired</i>

Create useable and simple forms and materials.

Kathryn Summers, University of Baltimore |
| 3:00 – 3:15 p.m. | Break |
| 3:15 – 4:15 p.m. | <i>Be Ready</i>

2018 – What’s New? |
| 4:15 – 4:30 p.m. | Wrap-up |

Estimated Timeline and Costs for Upgrading the Voting System to EVS version 5.2.2.0

The Election Assistance Commission (EAC) has recently certified the latest version of the ES&S Voting System suite (EVS). This latest certified suite is version 5.2.2.0. Maryland currently uses version 5.2.0.3, which remains certified.

The primary purpose of this update was the introduction of a new central count scanner, the DS450, which is smaller, more economical scanner the DS850 high speed scanner, used in the larger LBEs. SBE currently has no plans to introduce this new scanner in Maryland.

Another change in this version is the use of two columns on the display of the Expressvote ballot marking device. However, the underlying navigation implementation remains the same.

SBE has looked at the estimated time and cost to update to EVS 5.2.2.0. It should be noted that to update, all pieces of equipment will require an update, including those with no visible new features.

Update Timeline

Timeline Assumptions:

- Updates would be performed by ES&S, using a team of 5 personnel for all Expressvote, DS200 and DS850 equipment. LBE staff time is largely needed for other projects prior to the 2018 Primary Election. These projects include:
 - Updating the software and completion of the CMOS battery replacement program for all 7,200 electronic pollbooks
 - Training of Election Judges
 - Pre Primary Training Program for LBE staff
 - CMOS battery replacement for all electronic pollbooks
- A separate team of 2 would perform updates on the servers and workstations, as well as RCN laptops. This requires staff with different skillset from those to perform the voting equipment.
- For Acceptance Testing, LBE and SBE Regional Managers would perform all testing on DS850 as well as servers and workstations.
- Netorian testers (SBE Vendor) would perform acceptance testing on Expressvote and DS200 equipment. It is assumed that there would be 5 Netorian Testers.
- Time taken to perform updates on DS200 is 20-30 minutes – assume 2.5 per tester per hour. Expressvote 20 mins – 3 per hour. A similar time is required to perform acceptance testing.
- It would take approximate 4 hours to update Servers, Workstations and DS850 per LBE.
- No additional equipment is rented or leased prior to 2018 Primary election.
- Acceptance testing would be conducted largely at the same time, but with a one week lag.

Start Date	End Date	Description
10/2/2017	12/04/2017	Procurement and recruitment process(Modifications for ES&S and Netorian Contracts)
10/9/2017	10/20/2017	State certification process for updated software performed.
10/23/2017	10/27/2017	Review Update Process with ES&S and LBEs
10/30/2017	11/03/2017	LBEs contacted to arrange times and dates for update.
10/30/2017	11/03/2017	Update Installation and Acceptance Testing scripts written.
11/06/2017	11/10/2017	Scripts Reviewed and Printed
12/04/2017	12/08/2017	Training for technicians to perform update and acceptance testers.
12/11/2017	3/23/2018	Equipment Updated (Thanksgiving / holidays included)
12/18/2018	3/30/2018	Acceptance Testing (Thanksgiving / holidays included)

Logic and Accuracy testing for the equipment will begin in early May 2018.

Update Cost.

Assumptions:

- Technician rates for ES&S and Netorian rates remain static. ES&S charges by the day, and Netorian charges by the hour.
- Netorian travel costs not included
- ES&S travel costs are included in their technician daily rates.
- Total time taken is 36 business days, for five personnel.

Cost for:

- Upgrading Expressvote units. 3500 units = \$218,400.
- Upgrading DS200 units. 2560 units = \$159,600
- Upgrading Servers, Workstations and DS850 = \$24,080.

Update total price \$402,080.

Acceptance Testing Cost

1515 hours at \$64.14 per hour = \$97,172.10

Total Cost of Update and Acceptance Testing = \$499,252.10.

MARYLAND

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Nikki Charlson
Deputy Administrator

September 22, 2017

Ms. Kathy Chiarzia, Jury Clerk
United States District Court
6500 Cherrywood Lane
Greenbelt, MD 20770

Dear Ms. Chiarzia:

At the direction of the members of the Maryland State Board of Elections, I am writing to request access to records of those individuals who stated they are not a U.S. citizen when responding to a Jury Commission summons.

I thank you in advance for your assistance and look forward to working with you on this project.

Sincerely,

A handwritten signature in black ink that reads "McWagner".

Mary Cramer Wagner
Director, Voter Registration and
Petitions Division

MARYLAND

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September 22, 2017

Ms. Jennifer Facelo, Jury Administrator
United States District Court
101 West Lombard Street
Baltimore, MD 21201

Dear Ms. Facelo:

At the direction of the members of the Maryland State Board of Elections, I am writing to request access to records of those individuals who stated they are not a U.S. citizen when responding to a Jury Commission summons.

I thank you in advance for your assistance and look forward to working with you on this project.

Sincerely,

A handwritten signature in black ink that reads "MCWagner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mary Cramer Wagner
Director, Voter Registration and
Petitions Division

ASSISTANT ATTORNEY GENERAL'S REPORT
September 29, 2017

1. *Shapiro v. McManus, et al.*, No. 1:13-cv-03233-JKB (D. Md.), re-captioned *Benisek v. Lamone*. On August 24, 2017, the three-judge court denied the plaintiffs' motion for preliminary injunction and ordered a stay of any further proceedings pending the outcome of the Supreme Court's decision in *Gill v. Whitford*, a Wisconsin case involving similar claims of political gerrymandering. The plaintiffs have appealed that decision to the Supreme Court. The defendant's Motion for Affirmance of the order of the three-judge court is due at the end of October. Assistant Attorneys General Sarah Wright and Jen Katz are representing the State Board in this litigation.

2. *Judicial Watch v. Lamone, et al.*, No. 1:17-cv-02006-ELH (D. Md.). The State Board filed a motion to dismiss or for summary judgment on September 15, 2017, in response to the complaint of Judicial Watch, which seeks access to Maryland's voter registration list under the National Voter Registration Act ("NVRA"). The State Board has argued that the NVRA does not require disclosure of its voter registration list and does not pre-empt state access restrictions to voter information. The State Board has denied access to the list on the grounds that Judicial Watch does not meet the requirements set forth in § 3-506 of the Election Law Article. Assistant Attorney General Robert Scott is representing the State Board.

3. *In the Appeal of Star Computer Supply, LLC*, No. MSBCA 3002 (Md. State Bd. of Contract Appeals). On September 15, 2017, the Board of Contract Appeals ruled that SBE breached its contract with Star Computer Supply ("Star") when it sought to recover money it had paid Star by imposing an offset against other amounts payable to Star by the State of Maryland under unrelated contracts. The Board of Contract Appeals determined that SBE had no right to self-help and awarded Star \$3,569 in compensation, plus interest. SBE asserted as grounds for its right to recover that Star breached its agreement with SBE to provide a one-year fix or replace service warranty for 31 ballot-on-demand printers on which the manufacturer's warranty had expired. The State Board has until October 16 to appeal the administrative decision. Assistant Attorney General Jonathan Pomerance is representing the State Board.

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Memorandum

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

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

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

¹ Italicized text is new section or language.

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

Recounts (Subtitle 12)

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

Campaign Financing (Subtitle 13)

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

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

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

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

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

Administration of Public Financing Act (Subtitle 14)

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

Disclosure by Persons Doing Public Business (Subtitle 20)

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

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

Attachment: Proposed Regulations

Title 33 STATE BOARD OF ELECTIONS
Subtitle 12 RECOUNTS
Chapter 02 Initiation of Recounts

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

.07 Personnel—Special Teams. (9/11/17)

A. [text unchanged]

B. Qualifications. A person appointed to a special team must be a member, a substitute member, or a regular or temporary employee of [the] *a local board or the State Board.*

C. [text unchanged]

Title 33 State Board of Elections
Subtitle 13 Campaign Financing
Chapter 02 Campaign Finance Report
(9/22/17)

Authority: Election Law Article, §§1-101, 2-102(b)(4), 13-218(b), 13-304(b), 13-221(a)(3), 13-245, and Title 13, Subtitle 3, Annotated Code of Maryland

.02 Required Contents.

A – D. [text unchanged]

E. Employer and Occupation.

(1) During an election cycle, if an individual makes contributions in a cumulative amount of [more than] \$500 *or more* to a political committee, that individual shall provide the treasurer of the political committee specific and accurate information regarding the individual's primary employer and occupation.

(2) – (4) [text unchanged]

Title 33 State Board of Elections
Subtitle 13 Campaign Financing
Chapter 08 Independent Expenditure Requirements
(9/22/17)

Authority: Election Law Article, §§2-102(b)(4) and 13-306, and Title 13, Subtitle 4 Part I, Annotated Code of Maryland

.02 Registration.

A. [text unchanged]

B. Registration Form Requirements. The registration form shall consist of the following information:

(1) – (2) [text unchanged]

(3) The name and mailing address of the individual designated as the treasurer or *the* [responsible] officer [authorized to act on behalf of the person making independent expenditures] to file independent expenditure reports pursuant to Election Law Article, §13-306, Annotated Code of Maryland;

(4) [text unchanged]

(5) Whether the public communication supported or opposed the clearly identified candidate or ballot issue prominently featured in the campaign material [or independent expenditure.];

(6) The name and mailing address of [any additional person] *the principal officer who is the individual* exercising direction or control over the activities of the person making independent expenditures; and

(7) If the person is a business entity, whether the person:

(a) Will notify its shareholders, members, or donors of the independent expenditure disbursements by regular, periodic reports issued by the entity or *by a* hyperlink on the entity's Internet homepage; or

(b) [text unchanged]

C. – D. [text unchanged]

E. Registered Agent. The registration form shall be updated within 48 hours after the person making independent expenditures makes aggregate expenditures of \$50,000 or more in the election cycle with:

(1) The name of the registered agent for the person making independent expenditures; and

(2) The business address of the registered agent for the person making independent expenditures.

.08 Public Communication.

A person, or an agent of the person, that establishes, creates, uses, or maintains a social media account, micro-blog or website for disseminating campaign material that is a public communication shall attribute all such costs to the person making electioneering communications in determining the aggregate amount of the electioneering communication. The total shall include all costs associated with the establishment, creation, use, promotion or maintenance of the social media account, micro-blog or website, including payments to others for the design, promotion or content of the campaign material.

**Title 33 State Board of Elections
Subtitle 13 Campaign Financing
Chapter 09 Electioneering Communication Requirements
(9/22/17)**

Authority: Election Law Article, §§2-102(b)(4) and 13-307, and Title 13, Subtitle 4 Part I, Annotated Code of Maryland

.02 Registration.

A. – D. [text unchanged]

E. *Registered Agent.* The registration form shall be updated within 48 hours after the person making electioneering communication makes aggregate expenditures of \$50,000 or more in the election cycle with:

(1) *The name of the registered agent for the person making electioneering communication; and*

(2) *The business address of the registered agent for the person making electioneering communication.*

.06 Failure to File.

A. *Show Cause Notice.* If the State Board determines that there has been a failure to file an electioneering communication report or that the report does not include the information required by Election Law Article, § 13-307, Annotated Code of Maryland, the State Board shall issue a notice to the treasurer or other individual designated by an entity required to file the independent expenditure report.

B. *Contents of the Notice.* The notice shall state that, within 30 days:

(1) *The failure to file must be rectified; and*

(2) *The late filing penalty must be paid or the person making the electioneering communication must show cause why the State Board should not issue a civil citation.*

C. *Issuance of the Civil Citation.* If the person fails to respond the notice within 30 days of its issuance, the State Board shall issue a civil citation against the person making electioneering communication as specified in Election Law Article, §13-604.1, Annotated Code of Maryland.

.07 Waiver Request — Late Filing Fees.

A. *Availability.* A person making electioneering communication may request a waiver of the penalty for the late filing of the electioneering communication report.

B. *Requirements.*

(1) *A request to waive the late fee penalty shall be made in writing and filed with the State Administrator.*

(2) *The request shall include:*

(a) *The name, address, and telephone number of the person making the electioneering communication;*

(b) *A detailed statement of the facts explaining why the person making the electioneering communication failed to timely file a statement of contributions; and*

(c) *A history of past compliance activity regarding the person making electioneering communication.*

C. *Consideration and Determination.*

(1) *With the approval of the State Board, the State Administrator may waive the late filing penalty for just cause.*

(2) *The State Administrator may deny a waiver request without notice or hearing.*

(3) *The decision of the State Administrator on the waiver request shall be in writing.*

D. *Issuance of the Civil Citation.* If payment of the penalty for the failure to file has not occurred within 30 days after the decision of the State Administrator, the State Board shall issue a civil

citation against the person making the electioneering communication as specified in Election Law Article, §13-604.1, Annotated Code of Maryland.

.08 Public Communication.

A person, or an agent of the person, that establishes, creates, uses, or maintains a social media account, micro-blog or website for disseminating campaign material that is a public communication shall attribute all such costs to the person making electioneering communications in determining the aggregate amount of the electioneering communication. The total shall include all costs associated with the establishment, creation, use, promotion or maintenance of the social media account, micro-blog or website, including payments to others for the design, promotion or content of the campaign material.

**Title 33 State Board of Elections
Subtitle 13 Campaign Financing
Chapter 14 Public Financing
(9/22/17)**

Authority: Election Law Article, §§2-102(b)(4) and 13-505(b)(7), Annotated Code of Maryland

.04 Agency Responsibilities.

The State Board shall:

A. [text unchanged]

B. Determine whether a candidate has qualified for public financing *based on the criteria established by the governing body of the county*;

C. Determine whether a candidate has raised sufficient seed money to qualify to receive public funds, if seed money is required under the county's public financing system; [and]

D. Notify the chief financial officer of the county as to which candidates have qualified for public financing based on the criteria established by the governing body of the county and campaign finance reports filed; and

[D.] E. Promptly after the gubernatorial general election, *provide assistance, if requested, to the chief financial officer of the county administering the public election fund in the audit of all campaign finance reports and other documents submitted by a publicly funded candidate.*

.05 County Responsibilities.

The governing body of a county shall:

A. *Establish the qualifications, requirements, and deadlines to participate in and qualify for public campaign financing;*

B. *Establish the permitted uses of public election funds;*

C. *Provide for sufficient personnel to administer and implement the system for public campaign financing; and*

D. *Establish administrative penalties for violations of the system of public campaign financing and identify the agency responsible for the enforcement of penalties.*

.06 Chief Financial Officer Responsibilities.

The chief financial officer of the county shall:

- A. Administer the public election fund;*
- B. Credit to the public election fund all money collected for the public election fund;*
- C. Promptly disburse any public contribution from the Fund to any qualified and eligible candidate;*
- D. In consultation with the State Board, provide full information to the public, to candidates, and to any other interested party on the process of administering the public election fund and on the requirements for obtaining public financing; and*
- E. Promptly after the primary or general election for elective offices in the executive or legislative branches of county government, audit all campaign finance reports and other documents submitted by a publicly funded candidate for that election.*

Title 33 State Board of Elections
Subtitle 13 Campaign Finance
Chapter 15 Political Action Committees
(9/22/17)

.08 Establishment of the Compliance Account.

Prior to the receipt or disbursement of compliance funds, a political action committee shall establish a compliance account by:

- A. Opening a checking account at a financial institution that does business in the State, which checking account shall be:
 - (1) Designated as the compliance account; and*
 - (2) Segregated from the campaign accounts of the political action committee as required under Election Law Article, §13-220, Annotated Code of Maryland; and**
- B. Registering the compliance account with the State Board in a manner that identifies it as the compliance account of the political action committee.*

.09 Management of the Compliance Account.

A. Account Books. The political action committee shall:

- (1) Maintain account books and records for the compliance account in accordance with the requirements of Election Law Article, §13-221, Annotated Code of Maryland;*
- (2) Segregate the account books and records for the compliance account from the account books and records required for campaign accounts;*
- (3) Allow the responsible officers access to the account books and records of the compliance account; and*
- (4) Report all donations received, disbursements made, and outstanding obligations incurred by the compliance account on the political committee's regularly scheduled campaign finance report in accordance with Election Law Article, §13-309, Annotated Code of Maryland.*

B. Other Permissible Accounts or Investments.

- (1) *In addition to the checking account required under Regulation .08 of this chapter, a political action committee may establish additional bank accounts or temporarily invest compliance funds.*
- (2) *Compliance funds may be invested only in:*
 - (a) *Deposit accounts at a financial institution that are insured by the Federal Deposit Insurance Corporation (FDIC) or the National Credit Union Administration (NCUA);*
 - (b) *Certificates of deposit with a stated rate of interest and a term of 3 years or less;*
 - (c) *Obligations of the U.S. Government or its agencies with maturities of 3 years or less; and*
 - (d) *Cash management accounts, money market accounts, or money market mutual funds that are offered and available to the general public.*

.10 Required Reporting and Contents of Compliance Accounts.

- A. *Disclosure. The political action committee shall report all donations received, disbursements made, and any liabilities or outstanding obligations incurred regarding the compliance accounts on the regularly scheduled campaign finance report or disclosure report for that political action committee.*
- B. *Donations Received. For donations deposited into a compliance account, the campaign finance or disclosure report shall include:*
 - (1) *The date that the donation was received;*
 - (2) *The amount of money or fair market value of the donation;*
 - (3) *The name of:*
 - (a) *The individual who made the donation;*
 - (b) *The business entity or other legal entity that made the donation; or*
 - (c) *The non-federal, out-of-State political committee that made the donation;*
 - (4) *The address of the donor, provided that:*
 - (a) *If the donor is an individual:*
 - (i) *The address where the individual resides or receives residential mail; or*
 - (ii) *An alternate address approved by the State Board if the State Board has granted the individual's request for confidentiality under COMAR 33.04.02; or*
 - (b) *If the donor is a business entity or other legal entity, the address where that business entity or other legal entity is registered, does business or receives official mail;*

(5) The method of the transaction and any other information on the transaction method required by the State Administrator;

(6) The aggregate amount of donations received to date from the donor for the election cycle in which the campaign finance report is filed; and

(7) A designation on the campaign finance or disclosure report that the donation was to the compliance account.

C. Disbursement Made. For disbursements made using compliance funds, the campaign finance or disclosure report shall include:

(1) The date the disbursement was made;

(2) The method of the disbursement transaction, including any information on the transaction method required by the State Administrator;

(3) The name and address of the payee and the ultimate recipient of the compliance account funds, if other than the payee;

(4) The amount of the disbursement;

(5) A description of the purpose of the disbursement; and

(6) A comment on the campaign finance or disclosure report explaining that the disbursement was made from the compliance account and was used for a permissible compliance purpose.

D. Outstanding Obligations. For outstanding obligations of the compliance account, the campaign finance or disclosure report shall include:

(1) The name and address of the person to whom an outstanding obligation is owed;

(2) The date the outstanding obligation was incurred;

(3) The current balance of the outstanding obligation as of the end of the campaign finance reporting period;

(4) For an outstanding obligation other than a loan, a brief description of the item relating to the outstanding obligation;

(5) If the outstanding obligation is a loan, all the information required by Election Law Article, §13-230(c), Annotated Code of Maryland; and

(6) A designation on the campaign finance or disclosure report that the outstanding obligation was for compliance purposes.

.11 Permissible Uses.

A. Use of the Funds. Compliance funds shall be used exclusively for compliance and other non-campaign related activities in §B.

B. Permissible Activities. Compliance funds may be used only for the following activities:

- (1) To pay for the cost of setting up or modifying the payroll program to permit the business entity to offer its employees the option of making voluntary contributions by payroll deduction;
- (2) The costs associated with filing campaign finance or disclosure reports;
- (3) The costs of informing employees of their rights regarding participation , or non-participation in a payroll deduction program;
- (4) The costs associated with records retention for the political action committee; and
- (5) The costs of legal services or other professional services in relation to the compliance of the political action committee with the requirements of Title 13 of Election Law Article.

.12 Prohibition.

- A. *No Commingling of Funds.* A political action committee may not commingle the funds of a campaign account and a compliance account.
- B. *Prohibited Activities.* The political action committee may not expend compliance funds:
 - (1) On election-related or campaign-related activities or any activities not expressly permitted in Regulation .11B of this chapter; or
 - (2) For the purpose of soliciting contributions for the political action committee.

**Title 33 State Board of Elections
 Subtitle 13 Campaign Finance
 Chapter 16 Contributions by Business Entities
 (9/22/17)**

.03 Non-Contribution Disbursements.

- A. *Requirements.* The costs in §B of this regulation will not be considered a contribution by a business entity to a political action committee that:
 - (1) It has established; and
 - (2) Only solicits contributions from the employees of the business entity; or
 - (3) Participates in a payroll deduction program established by the business entity.
- B. *Disbursements.* The following costs by a business entity not considered a contribution to a political action committee it has established:
 - (1) The cost of establishing or modifying the payroll program to permit the business entity to offer its employees the option of making contributions by payroll deduction;
 - (2) Providing information or written materials regarding how to participate in the payroll deduction program to the employees of the business entity;
 - (3) The cost of compliance training for employees who volunteer to contact other employees to explain the political purpose and operation of the political committee established by the business entity and the employee's right to refuse to participate without reprisal.

(4) *The costs associated with soliciting employees to participate in the payroll deduction program., including*

a. The use of office space in the business entity; or

b. Personnel of the business entity

(5) *The cost of legal services concerning the requirements of Title 13 of the Election Law Article.*

C. Restrictions.

A solicitation permitted under §B of this regulation by a business entity shall be limited to:

(1) *Current or active employees, not spouses of the employees or retirees;*

(2) *Appeals for voluntary contributions without promise of reimbursement, reward, or other inducement from the business entity or labor organization in exchange for the employee's participation; and*

(3) *Without actual or threatened penalty, coercion, discrimination, or other reprisal for the employee's non-participation.*

Title 33 State Board of Elections
Subtitle 14 Administration of Public Financing Act
Chapter 02 Eligibility Requirements and Procedures
(9/22/17)

Authority: Election Law Article, §§2-102(b)(4) and 15-109(b), Annotated Code of Maryland

.10 Post-Election Returns.

A. Reports. Not later than the eighth Monday after a primary or general election, an eligible gubernatorial ticket shall file a campaign finance report with the State Board that includes:

(1) The *aggregate* amount of the public contribution that was [spent] *received*;

(2) [The purposes for which it was spent;

(3)] All contributions received *since the last filed report*;

[(4)] (3) All expenditures made[, including any in-kind contributions received by the political committee as an authorized expenditure by the political committee] *since the last filed report*; and

[(5)] (4) [text unchanged]

B. – D. [text unchanged]

Title 33 State Board of Elections
Subtitle 20 DISCLOSURE BY PERSONS DOING PUBLIC BUSINESS

Chapter 08 [Penalties] Sanctions
(9/22/17)

Authority: Election Law Article, §§2-102(b)(4), 14-107 and 14-109, Annotated Code of Maryland

.01 [Late Filing Fee] Penalties.

A. *Late Filing Fee Penalty.* The State Board shall assess a late filing fee for a failure to file the statement of contributions required under Election Law Article, §14-104, Annotated Code of Maryland, of \$10 for each day or part of a day that the statement of contributions is overdue.

.02 Referral for Prosecution.

A. *Show Cause Notice.* If the State Board determines that there has been, for more than 30 days, a failure to file a statement of contributions by a person doing public business or that the statement of contributions does not include the information required by Election Law Article, §14-104, Annotated Code of Maryland, the State Board shall issue a notice prescribed in §B of this regulation to the person doing public business.

B. *Contents of the Notice.* The notice shall demand that, within 30 days after its issuance of the notice:

(1) The failure to file must be rectified and any late filing fee due be paid; or

(2) The person doing public business shall show cause why the State Board should not ask the appropriate prosecuting authority to prosecute the person doing public business for a failure to file.

C. *Delivery.* The notice shall be provided:

(1) By first-class mail; and

(2) To the officer authorized by the person to file the statement of contributions.

D. *Central Collection.* In its discretion, the appropriate prosecuting authority may refer the matter for action to the Central Collection Unit within the Department of Budget and Management.

E. *Penalty.* A person doing public business who fails, without cause, to file a statement of contributions and pay the late fee within 30 days after the issuance of the notice prescribed in §B is guilty of a misdemeanor and on conviction subject to the penalties prescribed in §14-107 of the Election Law Article.

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

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



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

TO: State Board Members

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

DATE: September 29, 2017

SUBJECT: Waiver of late filing fees

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

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

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

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

Pursuant to Election Law Article §13-337 (b) (3), the State Administrator has denied two waiver request, for the month of September. No Board action is required on the denials. Late fees collected year to date for Late Fee Waivers are \$13,140.28

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

September 29, 2017

Late Fee Waiver Request

Approved

1. Brooks, Kevin Andre Friends of
2. Crawford, Tim for Sheriff
3. Ebron, Kenneth Community Run
4. Guessford, Michael (Mike) for Board of Education
5. McDaniel, Brian K Friends for
6. Oppenheim, Todd Equal Justice Group for
7. Reiter, Bernard Maryland Committee for
8. Restore Maryland PAC
9. Robinson, Chris Friends of
10. Scott, Kinji Pierre Friends of
11. Smallwood, David Maurice Committee to Elect
12. Summers, Michael G. Friends of
13. Thames, Jeffery Friends of
14. Wood, Louis for Sheriff

Denied

15. Brown, Beatrice Citizens for

Waiver Request Information Page

General

Account Name	Brooks, Kevin Andre Friends Of	
CCF ID:	01006356	Status: Active
Date Established	7/02/10	
Date Waiver Requested	8/11/17	
Account Type	Campaign Account	

Officers

Current Treasurer	Derrick Greene	Start Date: 7/02/10
Responsible Treasurer		
Current Chairman	Kevin Brooks	7/02/10
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/18/17		1/22/17	\$40	\$40
			\$	\$
			Total	\$40

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

Prior Waiver and Fees

1/18/12 late fee \$250 referred to OSP
9/03/10 late fee \$20

Financial Activity History

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

Reason for Waiver

OSP declines to prosecute as the amount owed in late fees is sufficiently de minimus (\$40)

Division Comments

Grant

Administrator's Decision

Friends of Kevin Andre Brooks, CCF ID: 01006356

Inbox x

Stephannie Krulevitz -OSPMD-

Aug 11 2017

This Office declines to prosecute the above-referenced campaign finance entity as the amount owed in late fees is sufficiently de minimus (\$40.00).

Please feel free to contact me with any questions.

Sincerely,

Stephannie

Stephannie A. Krulevitz
Assistant State Prosecutor
Office of the State Prosecutor

Waiver Request Information Page

General

Account Name	Crawford, Tim For Sheriff	
CCF ID:	01005347	Status: Active
Date Established	9/28/09	
Date Waiver Requested	9/20/17	
Account Type	Campaign Account	

Officers

Current Treasurer	Tracey Sears	Start Date: 9/28/09
Responsible Treasurer		
Current Chairman	Henry Romero	9/28/09
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/18/17		1/24/17	\$60	\$60
			\$	\$
			Total	\$60

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

Prior Waiver and Fees

10/24/14 referred to OSP /paid\$120
6/13/14 referred to OSP/ paid \$250
5/27/14 referred to OSP/paid \$250
1/15/14 referred to OSP/paid \$250

Financial Activity History

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

Reason for Waiver

OSP has decline to prosecute.

Division Comments

Grant, per OSP.

Administrator's Decision



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

Tim Crawford for Sheriff, CCF ID: 01005347

1 message

Stephannie Krulevitz -OSPMD- <stephannie.krulevitz@maryland.gov>

Tue, Sep 19, 2017 at 3:08 PM

To: Jared DeMarinis -SBE- <jared.demarinis@maryland.gov>, Ebony Parran -SBE- <ebony.parran@maryland.gov>, Victorica Smith -SBE- <victorica.smith@maryland.gov>, Cynthia Thomas -OSPMD- <cynthia.thomas1@maryland.gov>

This Office declines to prosecute the above-referenced campaign finance committee for the 2017 Annual as the amount owed in late fees is sufficiently de minimus (\$60.00).

Please feel free to contact me with any questions.

Sincerely,

Stephannie A. Krulevitz
Assistant State Prosecutor
Office of the State Prosecutor
300 East Joppa Road, Suite 410
Towson, MD 21286
Phone: (410) 321-4067
Fax: (410) 321-3851
stephannie.krulevitz@maryland.gov

Waiver Request Information Page

General

Account Name	Ebron, Kenneth Community Run	
CCF ID:	01011193	Status: Inactive
Date Established	10/07/2015	
Date Waiver Requested	8/07/17	
Account Type	Campaign Account	

Officers

Current Treasurer	Kathy Smith	Start Date: 10/07/15
Responsible Treasurer		
Current Chairman	Ken Ebron	10/07/15
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
8/30/16		09/01/16	\$40	\$40
			\$	\$
			Total	\$40

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

Prior Waiver and Fees

11/22/16 late fee \$490 referred OSP
4/15/16 late fee \$500 referred OSP
3/22/16 late fee \$500 referred OSP
1/20/16 late fee \$280 waived

Financial Activity History

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

Reason for Waiver

OSP declines to prosecute as the amount owed in late fees is sufficiently de minimus (\$40.00)
--

Division Comments

Grant

Administrator's Decision

--

Ebron, Kenneth Community Run, CCF ID: 01011193

Inbox x

Stephannie Krulevitz -OSPMD-

Aug 7 2017

This Office declines to prosecute the above-referenced campaign finance committee for the 2016 Presidential Pre-General 1 as the amount owed in late fees is sufficiently de minimus (\$40.00).

Please feel free to contact me with any questions.

Sincerely,

Stephannie A. Krulevitz
Assistant State Prosecutor
Office of the State Prosecutor

Waiver Request Information Page

General

Account Name	Guessford, Michael (Mike) for Board of Education	
CCF ID:	01010450	Status: Active
Date Established	2/21/14	
Date Waiver Requested	6/12/17	
Account Type	Campaign Account	

Officers

Current Treasurer	Mary Guessford	Start Date: 1/19/15
Responsible Treasurer		
Current Chairman	Jean Witmer	2/21/14
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/18/17		2/09/17	\$220	\$220
			\$	\$
			Total	\$220

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

Prior Waiver and Fees

1/20/16 late fee \$210 waived

Financial Activity History

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

Reason for Waiver

Treasurer filed 2018 report instead of 2017.
--

Division Comments

Grant

Administrator's Decision

--

June 9th 2017

The Campaign Account Name: Guessford, Michael For School Board

Dear Election Board Member

I am writing this letter asking for a waiver for the Annual Reporting report, dated 2017. My treasurer mistyped the date and clicked 2018 instead of 2017. The report was correct as we had no activity during the whole 2016 year she just misunderstood and she clicked the wrong date.

Please consider this request for waiver of any late fees since the report was correct but wrong date was used.

Thanks for your consideration.

Michael Guessford, Candidate

Waiver Request Information Page

General

Account Name	McDaniel, Brian K. Friends For	
CCF ID:	01005194	Status: Active
Date Established	2/11/09	
Date Waiver Requested	1/20/17	
Account Type	Campaign Account	

Officers

Current Treasurer	Derek McDaniel	Start Date: 2/11/09
Responsible Treasurer		
Current Chairman	Brian McDaniel	2/11/09
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/18/17		1/27/17	\$90	\$90
			\$	\$
			Total	\$90.00

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

Prior Waiver and Fees

11/18/14 referred to OSP/Paid \$250
8/26/14 referred to OSP/Paid \$160
6/13/14 referred to OSP/Paid \$250
5/27/14 referred to OSP/Paid \$250

Financial Activity History

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

Reason for Waiver

OSP has decline to prosecute.

Division Comments

Grant, per OSP.

Administrator's Decision

--



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

Friends for Brian K. McDaniel, CCF ID: 01005194

1 message

Stephannie Krulevitz -OSPMD- <stephannie.krulevitz@maryland.gov>

Tue, Sep 19, 2017 at 3:09 PM

To: Jared DeMarinis -SBE- <jared.demarinis@maryland.gov>, Ebony Parran -SBE- <ebony.parran@maryland.gov>, Victorica Smith -SBE- <victorica.smith@maryland.gov>, Cynthia Thomas -OSPMD- <cynthia.thomas1@maryland.gov>

This Office declines to prosecute the above-referenced campaign finance committee for the 2017 Annual as the amount owed in late fees is sufficiently de minimus (\$90.00).

Please feel free to contact me with any questions.

Sincerely,

Stephannie A. Krulevitz
Assistant State Prosecutor
Office of the State Prosecutor
300 East Joppa Road, Suite 410
Towson, MD 21286
Phone: (410) 321-4067
Fax: (410) 321-3851
stephannie.krulevitz@maryland.gov

RECONSIDERATION Waiver Request Information Page

General

Account Name	Oppenheim, Todd Equal Justice Group for	
CCF ID:	01011221	Status: Active
Date Established	10/28/15	
Date Waiver Requested	3/10/17	
Account Type	Campaign Account	

Officers

Current Treasurer	Isabel Lipman	Start Date:10/28/15
Responsible Treasurer		
Current Chairman	Todd Oppenheim	10/28/15
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
11/22/16		3/08/17	\$500	\$500
			\$	\$
			Total	\$500

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

Prior Waiver and Fees

10/28/16 late fee \$100

Financial Activity History

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

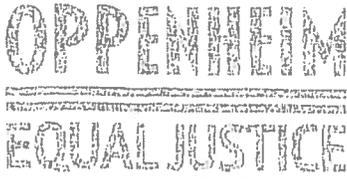
Reason for Waiver

Because of carrying a full felony trail caseload I became less vigilant regarding the committee's reporting duties.

Division Comments

Reduce to \$250, denied original because no reason was given.

Administrator's Decision



June 12, 2017

Via email to: Jared DeMarinis

State Board of Elections

P.O. Box 6486

Annapolis, MD 21401-0486

Re: **Request for Reconsideration of Denial of Waiver**
Notice to Show Cause – Delinquent Report and Fee
Oppenheim, Todd Equal Justice Group for
CCF ID: 01011221
Late Filing of 11/22/16 Report
Fee owed: \$500

To the Board of Elections:

The Equal Justice Group for Todd Oppenheim (EJGTO) asks the Board to reconsider its denial of its request for waiver, sent March 8, 2017. The Board indicated in its letter of May 22, 2017 that our committee had not provided a sufficient basis to merit either a waiver or hearing on its request.

On behalf of EJGTO, I am writing to inform the Board of the reasons for our late filing of the November 22 Report:

1. After the 2016 Primary Election, when it was apparent that Mr. Oppenheim would not appear on the General Election ballot, EJGTO ceased both fundraising and campaigning;
2. As a result of this, I regrettably became less vigilant regarding the committee's reporting duties. This is in large part due to the fact that I simultaneously carried a full felony trial caseload as an attorney for the Office of the Public Defender. During the late fall and early winter of 2016-17, I was preparing and trying a number of serious cases that unfortunately distracted me from my responsibilities as treasurer.
3. In reviewing our reporting history, it appears that I was notified that the November 22 Report was delinquent, and in fact EJGTO paid a \$100 fine for this on 12/29/16, but I still overlooked the actual filing. This demonstrates EJGTO's intent to comply with the SBE's filing requirements.

Waiver Request Information Page

General

Account Name	Reiter, Bernard For Maryland Committee	
CCF ID:	01006905	Status: Active
Date Established	10/06/10	
Date Waiver Requested	9/20/17	
Account Type	Campaign Account	

Officers

Current Treasurer	Megan Odenos	Start Date: 10/06/10
Responsible Treasurer		
Current Chairman	Bernard Reiter	10/06/10
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/18/17		1/21/17	\$30	\$30
8/26/14		9/01/14	\$60	\$60
			Total	\$90

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

Prior Waiver and Fees

N/A

Financial Activity History

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

Reason for Waiver

OSP declines to prosecute.

Division Comments

Grant, per OSP

Administrator's Decision

--



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

Maryland Committee for Bernard Reiter, CCF ID: 01006905

1 message

Stephannie Krulevitz -OSPMD- <stephannie.krulevitz@maryland.gov>

Tue, Sep 19, 2017 at 3:09 PM

To: Jared DeMarinis -SBE- <jared.demarinis@maryland.gov>, Ebony Parran -SBE- <ebony.parran@maryland.gov>, Victorica Smith -SBE- <victorica.smith@maryland.gov>, Cynthia Thomas -OSPMD- <cynthia.thomas1@maryland.gov>

This Office declines to prosecute the above-referenced campaign finance committee for the 2017 Annual as the amount owed in late fees is sufficiently de minimus (\$30.00).

Please feel free to contact me with any questions.

Sincerely,

Stephannie A. Krulevitz
Assistant State Prosecutor
Office of the State Prosecutor
300 East Joppa Road, Suite 410
Towson, MD 21286
Phone: (410) 321-4067
Fax: (410) 321-3851
stephannie.krulevitz@maryland.gov

Waiver Request Information Page

General

Account Name	Restore Maryland PAC	
CCF ID:	03009193	Status: Inactive
Date Established	03/07/13	
Date Waiver Requested	6/23/17	
Account Type	PAC Account	

Officers

Current Treasurer	Stephanie Rainwater	Start Date: 1/06/14
Responsible Treasurer		
Current Chairman	Preston Pratt	3/07/13
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/20/16		1/28/16	\$80	\$80
3/22/16		3/29/16	\$130	\$130
			Total	\$210

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

Prior Waiver and Fees

1/21/15 Referred to OSP late fee \$440
8/24/14 Referred to OSP late fee \$230 paid

Financial Activity History

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

Reason for Waiver

OSP declines to prosecute as the amount owed in late fees is sufficiently de minimus (\$210)
--

Division Comments

Grant, the matter for 2015 Annual has been sent to CCU for collection.
--

Administrator's Decision

--

Restore Maryland PAC, CCF ID: 03009193

Inbox x

Stephannie Krulevitz -OSPMD-

June 23, 2017

This correspondence confirms that after reviewing the file and documentation with regard to the above-referenced Political Action Committee, the Office of the State Prosecutor exercises prosecutorial discretion and declines to prosecute the outstanding violations including but not limited to the following reports: the 2016 Presidential Pre-Primary 1, the 2016 Annual, and the 2015 Annual.

Not only have all required campaign finance reports been filed but a Judgment on the Affidavit was already obtained for the 2015 Annual Report in the amount of \$440.00. Further, the amount owed in late fees for the 2016 Presidential Pre-Primary 1 and the 2016 Annual is *de minimus*. Attached is the Nolle Pros entered by the State for Citation number 4Z41220064 prior to the docket on May 19, 2017. As such, this Office therefore recommends that Restore Maryland PAC be immediately administratively closed.

Please feel free to contact me with any questions.

Sincerely,

Stephannie

RECONSIDERATION Waiver Request Information Page

General

Account Name	Robinson, Chris Friends Of	
CCF ID:	01007186	Status: Active
Date Established	7/06/10	
Date Waiver Requested	6/02/17	
Account Type	Campaign Account	

Officers

Current Treasurer	Teri Belcher	Start Date: 5/23/14
Responsible Treasurer		
Current Chairman	Chris Robinson	7/06/10
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/18/17		2/24/17	\$370	\$370
			\$	\$
			Total	\$370

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

Prior Waiver and Fees

1/20/16 late fee \$10
 1/16/13 late fee \$250 waived
 1/19/11 late fee \$50 waived

Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
1/18/17	\$0	\$0	\$1.45	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

When I attempted to close out my account in 2016 I was unable to figure out how to two transaction I had done, after calling your office I was able to complete the report with the help of your staff

Division Comments

Grant, committee attempted to file timely.

Administrator's Decision

LAW OFFICE
CHRISTOPHER R. ROBINSON

315 HIGH STREET
POST OFFICE BOX 1062
CAMBRIDGE, MARYLAND 21613
(410) 228-1770

19 September 2017

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

Re: Friends of Chris Robinson 2017

Dear Jared,

I am writing further to our discussion over the telephone Thursday last week and in furtherance of my letter to you dated June 1, 2017 requesting a waiver of the penalties assessed against my campaign committee.

Thank you very much for agreeing to submit this request for reconsideration of the Board's denial of my request to waive penalties.

You informed me that when I filed the final report for my campaign committee, I failed to check a certain box indicating that that report was in fact a final report and that I intended to close out my campaign account. For the record, I ask that this letter serve as notice that I wish to close out my campaign account.

Finally, I hope you agree that my waiver request is warranted. I did not simply ignore my obligation to file a timely report. I attempted to file my report in a timely manner.

Jared, you know as well as anyone at your office what efforts I made to reconcile my campaign account in year 2014. It was a system problem. Your office told me that there was nothing they could do to help me, even though it was your software and the advice of your staff that I sought and followed throughout my campaign. Meredith Bowman, at the Democratic Party, was the one who finally helped me reconcile my account, and she concluded that it was a problem with the software. Even Patricia Sullivan of your office acknowledged that the problems I confronted occurred at a time when the Board changed software vendors. Anyway, when it was all done, I requested a waiver of the penalties imposed at that time. \$50.00 was waived. I found that remarkable. Admittedly, it wasn't an emergency that formed the basis of my request. But during my campaign I followed the advice of your office, and then when I could not reconcile my account (it wasn't that the numbers couldn't be reconciled; I couldn't make

Waiver Request Information Page

General

Account Name	Scott, Kinji Pierre Friends of	
CCF ID:	01011343	Status: Inactive
Date Established	1/29/16	
Date Waiver Requested	1/19/17	
Account Type	Campaign Account	

Officers

Current Treasurer	Kevin Hillen	Start Date:
Responsible Treasurer		
Current Chairman	Kinji Scott	
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/18/17		1/19/17	\$10	\$10
10/28/16		1/18/17	\$10	\$10
			Total	\$20

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

Prior Waiver and Fees

11/22/16 waived \$490
8/30/16 waived \$490
4/15/16 waived \$490
3/22/16 waived \$490

Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
1/18/17	\$0	\$0	\$0	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

OSP declines to prosecute as the amount owed in late fees is sufficiently de minimus (\$20)

Division Comments

Grant

Administrator's Decision

--

Friends of Pierre Kinji Scott, CCF ID: 01011343

Inbox x

Stephannie Krulevitz -OSPMD-

June 23, 2017

This Office declines to further prosecute the above-referenced campaign finance entity as all required campaign finance reports have been filed and the amount owed in late fees is sufficiently de minimus. This Office therefore recommends that the Friends of Pierre Kinji Scott immediately be administratively closed.

Please feel free to contact me with any questions.

Sincerely,

Stephannie

Waiver Request Information Page

General

Account Name	Smallwood, David Maurice Committee to Elect
CCF ID:	01005915
Date Established	6/03/10
Date Waiver Requested	4/22/15
Account Type	Candidate Account

Officers

Current Treasurer	Darnetta Peterson	Start Date: 7/06/16
Responsible Treasurer		
Current Chairman	Wendell France	Start Date: 1/20/16
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/18/17		1/19/17	\$10	\$10
			Total	\$10

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

Prior Waiver and Fees

8/26/14 late fee \$250 waived \$166
 6/13/14 late fee \$250, waived \$166
 5/27/14 late fee \$250, waived \$83.50
 1/18/12 late fee \$250 waived

Financial Activity History

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

Reason for Waiver

OSP declines to prosecute as the amount owed in late fees is sufficiently de minimus (\$10)

Division Comments

Grant

Administrator's Decision

Committee to Elect David Maurice Smallwood, CCF
ID:01005915

Inbox x

Stephannie Krulevitz -OSPMD-

Aug 8 2017

This Office declines to prosecute the above-referenced campaign finance entity as the amount owed in late fees is sufficiently de minimus (\$10.00).

Also attached is a copy of the \$495 payment confirmation that was paid by the above referenced committee and forwarded to the State Board of Elections in January of 2017.

Please feel free to contact me with any questions.

Sincerely,

Stephannie
Stephannie A. Krulevitz
Assistant State Prosecutor
Office of the State Prosecutor

Waiver Request Information Page

General

Account Name	Summers, Michael G. Friends Of	
CCF ID:	01005440	Status: Inactive
Date Established	12/09/09	
Date Waiver Requested	07/13/17	
Account Type	Campaign Account	

Officers

Current Treasurer	Leo Proden	Start Date: 12/09/09
Responsible Treasurer		
Current Chairman	Mike Summers	2/07/14
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/18/17		7/13/17	\$500	\$500
			\$	\$
			Total	\$500

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

Prior Waiver and Fees

--

Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
1/18/17	\$0	\$0	\$0	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

We were in the process of finalizing all of our campaign reports , but were delayed due to our efforts to reconcile our expenses

Division Comments

Grant, first request good history filing reports in a timely manner.

Administrator's Decision

--



(no subject)

Michael Summers
To: Victorica Smith -SBE-

Thu, Jul 13, 2017 at 12:41 PM

Hello Victoria,

I am requesting waiver of the late fee for 2017 annual report. We were in the process of finalizing all of our campaign finance data and was delayed due to our efforts to reconcile our expense reports. Thank you for your time and consideration.

Regards,

Michael Summers

Waiver Request Information Page

General

Account Name	Thames, Jeffrey, Friends of	
CCF ID:	01009769	Status: Active
Date Established	1/23/14	
Date Waiver Requested	9/20/17	
Account Type	Campaign Account	

Officers

Current Treasurer	Lakita Marshall	Start Date: 1/23/14
Responsible Treasurer		
Current Chairman	Jeffrey Thames	1/23/14
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/18/17		1/27/17	\$90	\$90
			\$	\$
			Total	\$90.00

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

Prior Waiver and Fees

1/21/15 Referred to OSP/Paid \$500
11/18/14 Referred to OSP/Paid \$250
10/24/14 Referred to OSP/Paid \$120
6/13/14 Referred to OSP/Paid \$120

Financial Activity History

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

Reason for Waiver

OSP has decline to prosecute.

Division Comments

Grant per OSP.

Administrator's Decision

--



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

Friends of Jeffrey Thames, CCF ID: 01009769

1 message

Stephannie Krulevitz -OSPMD- <stephannie.krulevitz@maryland.gov>

Tue, Sep 19, 2017 at 3:10 PM

To: Jared DeMarinis -SBE- <jared.demarinis@maryland.gov>, Ebony Parran -SBE- <ebony.parran@maryland.gov>, Victorica Smith -SBE- <victorica.smith@maryland.gov>, Cynthia Thomas -OSPMD- <cynthia.thomas1@maryland.gov>

This Office declines to prosecute the above-referenced campaign finance committee for the 2017 Annual as the amount owed in late fees is sufficiently de minimus (\$90.00).

Please feel free to contact me with any questions.

Sincerely,

Stephannie A. Krulevitz
Assistant State Prosecutor
Office of the State Prosecutor
300 East Joppa Road, Suite 410
Towson, MD 21286
Phone: (410) 321-4067
Fax: (410) 321-3851
stephannie.krulevitz@maryland.gov

Waiver Request Information Page

General

Account Name	Wood, Louis for Sheriff
CCF ID:	01010813
Date Established	2/25/14
Date Waiver Requested	09/20/17
Account Type	Candidate Account

Officers

Current Treasurer	Shelonda Mcgee	Start Date: 2/25/14
Responsible Treasurer		
Current Chairman	Louis Wood	Start Date: 2/25/14
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/18/17		1/26/17		\$80.00
			Total	\$80.00

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

Prior Waiver and Fees

10/24/14 Referred to OSP/Paid \$120
 8/26/14 Referred to OSP/Paid \$250
 6/13/17 Referred to OSP/Paid \$250
 5/27/14 Referred to OSP/Paid \$250

Financial Activity History

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

Reason for Waiver

OSP has decline to prosecute.

Division Comments

Grant, per OSP

Administrator's Decision



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

Louis Wood for Sheriff, CCF ID: 01010813

1 message

Stephannie Krulevitz -OSPMD- <stephannie.krulevitz@maryland.gov>

Tue, Sep 19, 2017 at 3:11 PM

To: Jared DeMarinis -SBE- <jared.demarinis@maryland.gov>, Ebony Parran -SBE- <ebony.parran@maryland.gov>, Victorica Smith -SBE- <victorica.smith@maryland.gov>, Cynthia Thomas -OSPMD- <cynthia.thomas1@maryland.gov>

This Office declines to prosecute the above-referenced campaign finance committee for the 2017 Annual as the amount owed in late fees is sufficiently de minimus (\$80.00).

Please feel free to contact me with any questions.

Sincerely,

Stephannie A. Krulevitz
Assistant State Prosecutor
Office of the State Prosecutor
300 East Joppa Road, Suite 410
Towson, MD 21286
Phone: (410) 321-4067
Fax: (410) 321-3851
stephannie.krulevitz@maryland.gov

RECONSIDERATION Waiver Request Information Page

General

Account Name	Brown, Beatrice Citizens For	
CCF ID:	01011409	Status: Inactive
Date Established	2/03/16	
Date Waiver Requested	2/06/17	
Account Type	Campaign Account	

Officers

Current Treasurer	Ida Ward	Start Date:2/03/16
Responsible Treasurer		
Current Chairman	Beatrice Brown	2/03/16
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/18/17		2/05/17	\$180	\$180
			Total	\$180

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

Prior Waiver and Fees

4/15/16 Late fee \$500 waived \$375
3/22/16 Late fee \$500 waived \$375

Financial Activity History

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

Reason for Waiver

I have attempted to complete my final report and close out my account without positive results.

Division Comments

Denied committee has receive prior waivers.

Administrator's Decision

--

Brown, Beatrice Citizen for

1630 Burnwood Road

Baltimore, MD. 21239

Maryland State Board of Election

515 West St. Suite 200

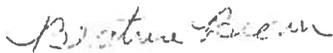
Annapolis, MD. 21401-0486

Dear Representative:

I have attempted to complete my final report and close out my account without any positive results. I received a green card as a notice.

However, I can't seem to log in on the computer in order to complete my final report and close my account. I have tried several times without any luck in submitting. Please contact me at 410-323-5928. Thank you very much.

Sincerely yours,



Beatrice Brown.

STATE BOARD OF ELECTIONS

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

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



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

TO: State Board Members
FROM: Jared DeMarinis, Director
Division of Candidacy and Campaign Finance
DATE: September 28, 2017
SUBJECT: Waiver of late filing fees – Persons Doing Public Business, Title 14 of the Election Law Article

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

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

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

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

§ 14-107(c) Late Filing Fees

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

Pursuant to COMAR 33.20.07.01C, the State Administrator has denied 4 late fee waiver request. No Board action is required on the denials.

SBE has collected \$5,220 in late fees from 8/1/17 – 8/31/17 under this provision of law.

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

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

Grant/Reduced

1. American Communities Trust

Denials

1. Norair Engineering Corp.
2. Shah & Associates, Inc.
3. Facchina Construction Company, Inc.
4. University of Maryland Medical System Health Plans

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

General

Account Name	American Communities Trust
BID ID:	14000598
Date Established	8/01/2015
Date Waiver Requested	6/11/2017
Account Type	Title 14 – Employing a Lobbyist

Officers

Current Filer	China Boak Terrell	Start Date: 8/01/2015
Principal Officer	China Boak Terrell	Start Date: 8/01/2015

Waiver Request Dates

Late Report	Date Received	Fees	Total Fees
11/30/2016	5/31/2017	\$500	\$500
		\$	\$
		Total	\$500

Prior Waiver and Fees

n/a

Reason for Waiver

They believed since their board members are uncompensated, they did not have to file anything.

Agency Comments

OSP declined to prosecute the matter.

Grant and close business in BCDS



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

RECEIVED
JUN 11 2017
STATE BOARD OF ELECTIONS

Dear Mr. DeMarinis,

American Communities Trust is requesting a waiver of the remaining late fee from the November 2016 filing deadline.

Because American Communities Trust's board members are uncompensated, it is our understanding that the organization is not required to file. As a precaution, we attempted to file prior to the November 30 deadline. However, the disclosure was not submitted online correctly, resulting in late fees.

ACT filed its disclosure timely for the May 30, 2017 filing deadline, and we seek to fully resolve the matter with issuance of a waiver for fees incurred.

I am happy to provide any additional information that is needed to resolve this matter. Thank you again for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "CBT", written over a large, stylized flourish.

China Boak Terrell
CEO

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

General

Account Name	Norair Engineering Corp.
BID ID:	14000759
Date Established	11/18/16
Date Waiver Requested	8/28/17
Account Type	Title 14 – Persons Doing Public Business

Officers

Current Filer	Richard Henry Norair	Start Date: 11/18/2016
Principal Officer	Richard Henry Norair	Start Date: 11/18/2016

Waiver Request Dates

Late Report	Date Received	Fees	Total Fees
5/31/2017	8/10/2017	\$500	\$500
		\$	\$
		Total	\$500

Prior Waiver and Fees

This is a reconsideration request, SBE denied their original request for waiver of late fee of \$500.

Reason for Waiver

They did not make any contribution, he believes the system is not very good and site does not provide a receipt as far as he can tell. Mr. Norair feels like he did what he needed to do.

Agency Comments

Mr. Norair filed an Affidavit as his Initial report on 11/23/16 with no issues. SBE sends out an email Pre Report Notice and a Fee Running Notice. We have instructions on the Reminders page on how a business that made no contributions can file an affidavit. Once a report/affidavit is filed the BCDS does send an email confirmation that it was filed.

Deny

MARYLAND

STATE BOARD OF ELECTIONS

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

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



Linda H. Lamone
Administrator
Nikki Charlson
Deputy Administrator

August 24, 2017

NORAIR

AUG 28 2017

Request for Waiver of Late Fees
Filing of the Contribution Disclosure Statement

WAIVER DENIED

RECEIVED

ACCOUNT: Norair Engineering Corp.
BID ID: 14000759
REPORT(S): 5/31/17
LATE FEE AMOUNT: \$500

AUG 28 2017

STATE BOARD OF ELECTIONS

Dear Filer;

The Administrator has the authority to waive a late fee for just cause. However, in my view the circumstances described in the waiver request do not meet the criteria for just cause. The waiver procedure is intended to take into account unusual or emergency circumstances beyond the control of the filer. While I am sure that the failure to timely file the report was unintentional, I cannot justify waiving the late fee based on the facts presented or the filing of the committee.

You have 30 days from the receipt of this letter to pay the late fee. The late fee must be paid to this office by check, money order or credit card.

If you have any questions concerning this matter, please do not hesitate to contact Jared DeMarinis of my staff.

TD

Sincerely,

Linda H. Lamone

Linda H. Lamone, Administrator
State Board of Elections

Can't reach you
left message.

Again - made no contributions
1) I am sure I went to the website as was requested.
2) How could you know it was not a failure of your website
Please waive this
Thank you
3) I was timely

The elections website didn't note it. Not my fault

Business Contribution Disclosure System Waiver Request Information Page – Late Fees

General

Account Name	Shah & Associates, Inc.
BID ID:	14000497
Date Established	10/07/15
Date Waiver Requested	8/23/17
Account Type	Title 14 – Persons Doing Public Business

Officers

Current Filer	Shreedhar K. Shah	Start Date: 10/07/2015
Principal Officer	Shreedhar K. Shah	Start Date: 10/07/2015

Waiver Request Dates

Late Report	Date Received	Fees	Total Fees
5/31/2017	8/22/2017	\$500	\$500
		\$	\$
		Total	\$500

Prior Waiver and Fees

11/30/2015 received 3/10/2016 - \$500 late fee. They requested a waiver of late fee and was denied.

Reason for Waiver

Their contract with the State was completed in November 2016.

Agency Comments

The business has previously filed reports for 5/31/16, 11/30/16 timely. SBE sends out an email Pre Report Notice and a Fee Running Notice to the Filer. We have instructions on the Reminders page on how a business that made no contributions can file an affidavit. Once a report/affidavit is filed the BCDS does send an email confirmation that it was filed. We also have wording:

CLOSEOUT AFFIDAVIT - By checking the closeout box you want to **cease** all future reporting obligations in BCDS. If you need to report a filing in the future, the entity will be required to reregister prior to filing the future statement. This box does not mean finalizing the affidavit that you are currently filing.

Deny



SHAH & ASSOCIATES

ENGINEERING SERVICES
DESIGN & BUILD

August 22, 2017

Mr. Jared De Marinis
Division of Candidacy and Campaign Finance
151 West Street, Suite 200
Annapolis, MD 21401

RECEIVED

AUG 23 2017

STATE BOARD OF ELECTIONS

Subject: BID ID: 14000497 – Account Shah & Associates, Inc.

Dear Mr. De Marinis:

Shah & Associates, Inc. received a Notice to Show Cause – Delinquent Report and Fee Due letter on August 3, 2017 (copy attached). We would like to request a waiver of the \$500 late fee for the following reasons. Shah & Associates, Inc. contract with the State was complete in November 2016.

Also, we did not receive any of the Notices prior to this notice, such as the Pre-Report notice, or Running Fee Notice. This is not the first time that we have not received these notices prior to the “Notice to Show Cause”.

Since receiving the Delinquent Report and Fee Due letter we have made both the Spring 2017 - report and the Fall 2017 (copies attached).

In your deliberation we hope that you take into account that this omission was due to the fact that our contract was complete. Thank you very much for your consideration

Should you need more information please call me at 301-926-2797.

Sincerely,

Shreedhar K. Shah, President

Enclosures: As State

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

General

Account Name	Facchina Construction Company, Inc.
BID ID:	14000652
Date Established	1/13/16
Date Waiver Requested	8/17/17
Account Type	Title 14 – Persons Doing Public Business and Employing a Lobbyist

Officers

Current Filer	Les Nicholson	Start Date: 1/13/2016
Principal Officer	Charles McPherson	Start Date: 1/13/2016

Waiver Request Dates

Late Report	Date Received	Fees	Total Fees
5/31/2017	8/7/2017	\$500	\$500
		\$	\$
		Total	\$500

Prior Waiver and Fees

n/a

Reason for Waiver

The business ceased operations in November 2016 and closed unexpectedly and left little or no time to close out the business appropriately.

Agency Comments

The Filer, Les Nicholson, could have closed out the business in BCDS with the 11/30/16 which he filed timely since the business ceased operation November 2016. We have instructions on the Reminders page under Message from Administrator on how to close.

Deny



RECEIVED

AUG 17 2017

STATE BOARD OF ELECTIONS

August 7, 2017

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

Re: BID # 14000652

To Whom It May Concern:

Facchina Construction Company, Inc. ceased operations in November 2016. By January 31, 2017 all employees were either transferred to another construction company, laid off or left voluntarily due to the closing of the company. The timing of the company closing was unexpected and therefore left little or no opportunity to close out or finalize account or business reporting appropriately.

Facchina Construction Company Inc. has no funds of its own that it can use to pay an unsecured creditor. Based on the unexpected closing of the company, limited administrative assistance and lack of funds please consider waiving the penalty.

Sincerely,
FACCHINA CONSTRUCTION COMPANY, INC.

A handwritten signature in blue ink, appearing to read "Charles McPherson".

Charles McPherson
President/CEO

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

General

Account Name	University of Maryland Medical System Health Plans
BID ID:	14000605
Date Established	8/01/15
Date Waiver Requested	8/18/17
Account Type	Title 14 – Persons Doing Public Business

Officers

Current Filer	Aaron Burch	Start Date: 8/22/2017
Principal Officer	Mark Puente	Start Date: 8/01/2015

Waiver Request Dates

Late Report	Date Received	Fees	Total Fees
5/31/2017	8/22/2017	\$500	\$500
		\$	\$
		Total	\$500

Prior Waiver and Fees

n/a

Reason for Waiver

The previous Filer departed the business in January 2017. Failure to file was unintentional oversight due to personnel changes.

Agency Comments

The business has previously filed reports for 11/30/15, 5/31/16, 11/30/16 timely. The Filer and Principal Offer have their own user name and password to log into BCDS to file the reports when due.

Deny

RECEIVED

AUG 18 2017

STATE BOARD OF ELECTIONS

August 16, 2017

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

Account Number: Riverside Health of Maryland, Inc.
Bid ID: 14000605
Report Due Date: 5/31/17 (Spring 2017)
Amount Owed: \$500

Dear Mr. DeMarinis -

Pursuant to our 8/15/17 discussion, Riverside Health of Maryland, Inc. ("Riverside") is formally requesting consideration in waiving the FIVE HUNDRED DOLLAR (\$500.00) delinquent filing fee for the Spring, 2017 reporting date. As previously noted, we are not contesting timely filing, but rather seek the Board of Elections' consideration based upon Riverside personnel changes.

Mr. Charlie Totten, who was responsible for filing the above report, departed Riverside in early January, 2017. Mr. Totten served as both Legal Officer and Director of Medicaid Compliance for Riverside, a position that has since been bifurcated due to work volume. Mr. Totten's reporting requirements included the submission of approximately two dozen reports to state and federal regulatory bodies. And though Mr. Totten kept meticulous records of said reporting requirements, it appears unfortunately that the Statement of Contributions Report was never properly communicated to those incoming personnel during the transition period.

To reiterate this point, I was able to locate in the Maryland Business Contribution Disclosure System two (2) Notices addressed to Mr. Totten sent by the Board of Elections (which are attached hereto) on May 16, 2017 and June 7, 2017, respectively that were not received, or believed to be received, by anyone within our organization. Had anyone within Riverside received said notice, the appropriate measures would have been taken to faithfully respond.

Failure to file the above report was merely an unintentional oversight due to personnel changes and not consistent with any intentional or furtive behavior. We have filed this overdue report as soon as we received your letter. Indeed, the Board of Elections will observe that between the periods of 1/1/17 and 6/21/17, Riverside's sole political contribution came at single event in the amount of \$1,000.00; a *de minimis* figure.

Riverside is concurrently, and under separate cover, updating all contact information such that failure to file any and all reports with the Board of Elections does not occur in the future. Given the above information and the good faith efforts Riverside has engaged in since receiving the 8/1/17 Notice to Show Cause Letter, we are respectfully requesting the Board of Elections waive the FIVE HUNDRED DOLLAR (\$500.00) delinquent filing fee.



1966 Greenspring Drive
Suite 100
Timonium, MD 21093

Respectfully,

A handwritten signature in black ink, appearing to read "Matthew Yancisin".

Matthew Yancisin
Chief Financial Officer
University of Maryland Medical System Health Plans
(Parent company of Riverside)

STATE BOARD OF ELECTIONS

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

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



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

TO: State Board Members
FROM: Jared DeMarinis, Director
Division of Candidacy and Campaign Finance
DATE: September 28, 2017
SUBJECT: Waiver of Contracts – Persons Doing Public Business, Title 14 of the Election Law Article

Enclosed are the waiver requests submitted by businesses not to disclose certain information regarding the contracts they have with the public entities of \$200,000 and more.

Prior to the meeting please review each waiver request. The waiver request is valid for the one calendar year – covering the May and November semi-annual contribution disclosure statements. The statutory reference and reasons for not disclosing are referenced below for your convenience.

§ 14-104(c)(2). Relief from listing contracts.

The information required by paragraph (1)(iv) and (v) of this subsection may be omitted on the written approval of the State Board if the State Board finds that:

1. Requiring the information would be unduly burdensome.
2. The public interest would not be impaired substantially by the omission of this information.
3. The person filing the statement stipulated that the person has done public business during the reporting period.

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

Businesses Requesting Waiver of Contract

1. Apollo Management Holdings, L.P.
2. WGL Holdings, Inc.
3. Hutchin Hill Capital LP
4. Roark Capital Management, LLC
5. Exelon Corporation
6. AQR Capital Management, LLC
7. Kohlberg Kravis Roberts & Co. L.P.

**Business Contribution Disclosure System
Waiver Request Information Page – Contracts**

General

Account Name	Apollo Management Holdings, L.P.
BID ID:	14000227
Date Established	1/01/2015
Date Waiver Requested	4/06/2017
Account Type	Title 14 – Persons Doing Business

Officers

Current Filer	Cindy Michel	Start Date: 1/01/15
Principal Officer	Cindy Michel	Start Date: 1/01/15

Reason for Waiver

1. The Confidential Information is commercially sensitive information which is generally shielded from public disclosure.
2. The Confidential Information would be exempt from disclosure under the PIA under an exception for trade secrets or confidential commercial or financial information.
3. The Confidential Information would be unduly burdensome.
4. The public interest would not be impaired substantially by the omission of the Confidential Information.

Agency Comments

Grant for contract amount only.

Board Decision

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RECEIVED
APR 06 REC'D
STATE BOARD OF ELECTIONS

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

March 24, 2017

Re: Request by Apollo Management Holdings, L.P. for Contract Disclosure Waiver Pursuant to MD Election Law Code §14-104

To the Members of the Maryland State Board of Elections:

Apollo Management Holdings, L.P. (“Apollo”) submits this letter in support of its request for a waiver pursuant to Md. Election Law Code §14-104(c)(2) and COMAR 33.20.07.03 (the “Waiver Request”) regarding the omission of certain contract details in connection with Apollo’s registration in the Maryland Business Contribution Disclosure System (the “Disclosure System”). In particular, Apollo seeks approval from the Maryland State Board of Elections (the “Elections Board”) to omit from the Disclosure System details regarding the amount of Apollo’s contracts with a Maryland government entity, as well as the award date, start date, and anticipated end date (together, the “Confidential Information”) of such contracts. The Confidential Information contains commercial and financial information which is not public and which would not be required to be disclosed under the Maryland Public Information Act (“PIA”). Accordingly, requiring Apollo to publicly disclose such information through the Disclosure System would be unduly burdensome, whereas granting this Waiver Request would not substantially impair the public interest.

The Maryland Election Law requires persons doing business with a Maryland government entity to file a statement with the Elections Board containing information about, *inter alia*, “the name of each unit of a government entity with which the person did public business during the reporting period” and “the nature and amount of public business done with each unit of a governmental entity.” Md. Election Law Code §14-104(c)(1). However, the Maryland Election Law also provides that such information “may be omitted on the written approval” of the Elections Board if the Elections Board finds that: “(i) requiring the information would be unduly burdensome; (ii) the public interest would not be impaired substantially by the omission of this information; and (iii) the person filing the statement stipulates that the person has done public business during the reporting period.” Md. Election Law Code §14-104(c)(2).

Apollo does business with the Maryland State Retirement System (“Maryland Retirement”). As a result of this business, Apollo has registered in the Disclosure System, and Apollo submitted a contribution report in the Disclosure System on May 25, 2016. As required by Md. Election Law Code §14-104(c)(2)(iii) and COMAR 33.20.07.03(B)(2)(e), Apollo certifies that it has done public business

during the reporting period ending April 30, 2016 with Maryland Retirement. Because the fact that Apollo does business with Maryland Retirement is publicly known, Apollo does not seek a waiver of the identity of the Maryland government entity with which Apollo does business.

Apollo seeks a waiver from the Elections Board to omit from the Disclosure System the Confidential Information, which consists of the following information for each contract or business relationship between Apollo and Maryland Retirement: (i) the amount; (ii) the contract award date; (iii) the contract anticipation start date; and (iv) the contract anticipation end date.

Specifically, Apollo believes this Waiver Request should be granted because: (i) the Confidential Information is commercially sensitive information of the sort that Apollo generally shields from public disclosure; (ii) the Confidential Information would not be required to be disclosed under applicable provisions of the PIA; (iii) requiring Apollo to disclose the Confidential Information would be unduly burdensome; and (iv) the public interest would not be impaired substantially by the omission of the Confidential Information.

First, the Confidential Information is commercially sensitive information which Apollo generally shields from public disclosure. In particular, the Confidential Information includes details about the scope and duration of Apollo's contractual relationship with Maryland Retirement. This information could be used by Apollo's competitors to gain insight into Apollo's relationship with Maryland Retirement, Apollo's pricing and investor relations strategies, the time at which Apollo's contracts with Maryland Retirement may be up for renegotiation or renewal or otherwise due to expire, and other commercially sensitive areas. Broad public disclosure of the Confidential Information, accordingly, would put Apollo at a competitive disadvantage vis-à-vis other investment management firms who are not required to disclose such information.

Second, we believe the Confidential Information would be exempt from disclosure under the PIA under an exception for trade secrets or confidential commercial or financial information. *See* Md. General Provisions § 4-335; *see also* COMAR 33.20.07.03(B)(2)(c) (providing that a contract waiver request shall state whether "the contract information is subject to any exemption under the Public Information Act"). The PIA protects confidential commercial information which has been voluntarily produced to a state actor if it (i) contains commercial or financial information; and (ii) such information "would not customarily be released to the public" by the person from whom it was obtained. *See* Maryland Public Information Act Manual, (14th Ed., October 2015), at 3-23 citing *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 878 (D.C. Cir. 1992) (en banc). The PIA also provides substantial protections for confidential information that a party is required to produce to the government if the disclosure of such information is likely either "(1) to impair the Government's ability to obtain necessary information in the future; or (2) to cause substantial harm to the competitive position of the person for whom the information was obtained." *See* Maryland Public Information Act Manual, (14th Ed., October 2015), at 3-23 citing *National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974). We believe the Confidential Information would be exempt from disclosure under either standard. As noted previously, the Confidential Information is nonpublic and commercially sensitive. Disclosure of the Confidential Information would also result in competitive harm, potentially doing reputational harm to Apollo, providing Apollo's competitors with an undue advantage, and reducing Apollo's ability to obtain future investments.

Third, requiring Apollo to produce the Confidential Information would be unduly burdensome. This burden derives from the confidential nature of the information, and the potential for commercial and competitive harm if it were to be disclosed.

Fourth, the public interest would not be impaired substantially by the omission of the Confidential Information. The purpose of the law requiring disclosure of political contributions by persons doing public business is to allow for public scrutiny of the relationship between the making of political contributions and the award of public business. Simply put, the public disclosure of the specific amounts and terms of Apollo's contracts with the system are not necessary to advance this purpose. Apollo will be required to disclose political contributions in the Disclosure System, and Apollo is willing to disclose the fact that it does business with the Maryland Retirement System.

Thank you for your consideration. Please feel free to contact me if further information is required or if you have any questions relating to this submission.

Sincerely,

Apollo Management Holdings, L.P.

By: Apollo Management Holdings GP, LLC,
its general partner

By: 
Name: Cindy Michel
Title: Vice President, Assistant Secretary

**Business Contribution Disclosure System
Waiver Request Information Page – Contracts**

General

Account Name	WGL Holdings, Inc.
BID ID:	14000163
Date Established	1/01/2015
Date Waiver Requested	3/30/2017
Account Type	Title 14 – Persons Doing Business and Employee a Lobbyist

Officers

Current Filer	Blaise F Brennan	Start Date: 1/01/2015
Principle Officer	Blaise F Brennan	Start Date: 1/01/2015

Reason for Waiver

1. Requiring the information would be unduly burdensome.
2. The public interest would not be impaired substantially by the omission of this information.
3. The person filing the statement stipulated that the person has done public business during the reporting period.

Agency Comments

Grant

Board Decision

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101 Constitution Avenue, NW
Washington, DC 20080
www.wglholdings.com

Leslie T. Thornton
Senior Vice President, General
Counsel and Corporate Secretary
(202) 624-6720
(202) 842-2880 FAX
Leslie.Thornton@washgas.com

March 27, 2017

State Board of Elections
51 West Street
Suite 200
Annapolis, MD 21401
(the "Board")

RECEIVED

MAR 30 REC'D

STATE BOARD OF ELECTIONS

SUBMITTED VIA MARYLAND BUSINESS CONTRIBUTION DISCLOSURE SYSTEM

RE: 2017 Statements of Disclosure for WGL Holdings and Its Subsidiaries

Dear Board Members:

This letter requests approval for WGL Holdings, Inc. ("**WGL Holdings**") to omit certain information from its statement of disclosure required under Title 14 of the Election Law Article of the Annotated Code of Maryland ("**Title 14**") for the reporting periods ending in 2016.

I make reference to my letter to the Board dated February 5, 2015, a copy of which is attached hereto as Exhibit A (the "**2015 Waiver Request**"). Capitalized words used in this letter and not defined have the meanings attributed to them in the 2015 Waiver Request. Our requests set forth below are the same as our requests in the 2015 Waiver Request, and the reasons for our request set forth below are unchanged from the reasons stated in the 2015 Waiver Request. Please note the Board approved the same request for waiver in 2016.

Request

For the reasons discussed in the 2015 Waiver Request, WGL Holdings respectfully requests that:

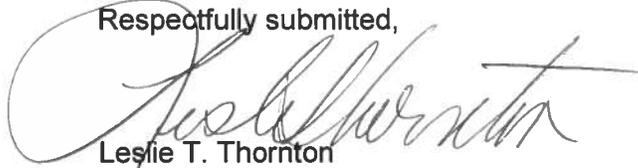
(1) WGL Holdings be permitted to (i) omit the names of those governmental entities, including agencies of the State of Maryland and of counties, incorporated municipalities and other political subdivisions in the State of Maryland, with which its utility subsidiary, Washington Gas, has done business for the reporting periods ending on April 30, 2017 and October 31, 2017, and (ii) to omit the nature and amount of business done with each such governmental entity during the reporting period.

(2) With respect to WGL Energy Services, WGL Holdings be permitted to (i) file only the names of those governmental entities with which it has done business for the reporting periods ending on April 30, 2017 and October 31, 2017, and (ii) to omit the amount of business done with each such governmental entity during those reporting periods.

WGL Holdings has provided in this submission the data on the basis proposed above.

Thank you for your attention to this matter. Please feel free to contact me with any questions or to discuss any of the foregoing.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Leslie T. Thornton". The signature is written in a cursive style with a large initial "L" and a long horizontal stroke at the end.

Leslie T. Thornton
Senior Vice President, General Counsel
and Corporate Secretary

Enclosures

EXHIBIT A

101 Constitution Avenue, NW
Washington, DC 20080
www.wglholdings.com



Blaise F. Brennan
Assistant Secretary
Program Director – Corporate,
Securities and Corporate Governance
(202) 624-6701
(202) 842-2880 FAX
bbrennan@washgas.com

February 5, 2015

SUBMITTED VIA MARYAND BUSINESS CONTRIBUTION DISCLOSURE SYSTEM

RECEIVED

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

MAR 3 0 REC'D

STATE BOARD OF ELECTIONS

RE: Statement of Disclosure for WGL Holdings and Its Subsidiaries

Dear Chairman Mack, Vice Chairman McManus, and Board Members Hogan, Owens and Thomann:

This letter requests approval for WGL Holdings, Inc. ("WGL Holdings") to omit certain information from its statement of disclosure required under Title 14 of the Election Law Article of the Annotated Code of Maryland ("Title 14").

Title 14 requires that a statement of disclosure be filed with the State Board of Elections (the "Board") by persons doing public business.

Section 14-104(c) requires, among other things, that the statement of disclosure contain the names of each "governmental entity" (as defined in Title 14) with which the reporting person did public business during the reporting period, and a statement of the nature and amount of public business done with each governmental entity during the reporting period. Section 14-104(c) further provides that information required by Title 14 may be omitted on the written approval of the Board.

WGL Holdings

WGL Holdings, Inc. was organized on November 1, 2000, as the holding company for Washington Gas Light Company ("Washington Gas"). Washington Gas is now a wholly-owned subsidiary of WGL Holdings. Former subsidiaries of Washington Gas, including WGL Energy Services, Inc., formerly known as Washington Gas Energy Services, Inc. ("WGL Energy Services"), are also now subsidiaries of WGL Holdings.

WGL Holdings does not do business with the State of Maryland or any agency of the state. However, as discussed in greater detail below, certain subsidiaries of WGL Holdings, including Washington Gas and WGL Energy Services, may conduct public business with the State of Maryland and its agencies. We understand that the business of Washington Gas, WGL Energy Services and other subsidiaries is attributed to WGL Holdings pursuant to § 14-105. Accordingly, WGL Holdings will file reports during 2015 with respect to its subsidiaries.

Washington Gas

Section 14-101(h) defines "doing public business" to mean "making a single contract with a

single governmental entity involving cumulative consideration of at least \$200,000." Section 14-101(e) defines "contract" to mean "an agreement in any form entered into by a governmental entity for a procurement as defined in § 11-101(m) of the State Finance and Procurement Article." Section 11-101(m) defines "procurement" to mean "the process of . . . (ii) buying or otherwise obtaining supplies [or] services . . ." Although § 11-101(m)(2) provides that "procurement" includes the solicitation and award of procurement contracts" (emphasis added), this section on its face does not *limit* "procurement" to instances that involve a solicitation and award of a procurement contract. Section 14-108 provides that Article 14 "shall be liberally construed to require full disclosure."

Washington Gas is a natural gas distribution company that provides public utility gas service to customers in Maryland subject to regulation by the Maryland Public Service Commission ("PSC"). Washington Gas provides natural gas service to various Maryland state agencies and to numerous agencies of counties, incorporated municipalities, and other political subdivisions. Washington Gas does not serve these customers under contracts awarded pursuant to a solicitation by the relevant governmental entity, and does not enter into individualized agreements with these customers. Nevertheless, there is significant ambiguity as to whether providing natural gas utility service to these customers constitutes "doing public business."

Washington Gas provides natural gas utility service subject to the terms of the applicable tariffs on file with the Maryland PSC and on an open-ended basis, charging fees at the applicable tariff rates based on natural gas usage by its customers. Because these governmental entities' accounts with Washington Gas are open-ended, every active account, regardless of the level of usage, potentially involves cumulative consideration of at least \$200,000 over time. As a result, if Title 14 applies to the provision of natural gas utility services, it appears that WGL Holdings would be required to provide the relevant disclosure for all of Washington Gas's customers that are Maryland governmental entities.

Washington Gas has well in excess of 1,000 separate accounts under which natural gas service is provided to Maryland state and local agencies. Accordingly, due to the inordinate amount of time and expense that would be required to compile the data, WGL Holdings respectfully requests that it be permitted to omit disclosure of Maryland governmental entities (including the names of the governmental entities and the nature and amount of business done with each entity) with which Washington Gas may be deemed to be doing public business as a consequence of providing natural gas utility service. WGL Holdings stipulates that, if Title 14 applies to the natural gas utility service that Washington Gas provides to these customers, Washington Gas did business with at least one governmental entity involving cumulative consideration of at least \$200,000.

On August 21, 1978, the Attorney General of Maryland approved a letter request by Washington Gas dated August 9, 1978, to omit information regarding the names of all state agencies and the nature and amount of business done with each agency. In subsequent years, the Attorney General continued to approve requests by Washington Gas and WGL Holdings to omit that information, the latest of which was the letter of former Attorney General Douglas F. Gansler to my predecessor, Arden T. Phillips, dated January 23, 2014 for the reporting periods ending January 31, 2014 and July 31, 2014. The reasons for our request to omit such information are unchanged from our requests in prior reporting periods.

Furthermore, omission of this information will not substantially impair the public interest because gas service is provided under tariff rates lawfully on file and approved as just and reasonable by the Maryland PSC.

WGL Energy Services

WGL Holdings also requests that it be permitted to omit information regarding the amount of business that WGL Energy Services conducted with individual state agencies. WGL Energy Services sells natural gas and electricity as a competitive supplier licensed by the Maryland PSC to over 110 state and local government agencies and departments. WGL Holdings stipulates that WGL Energy Services has done business with at least one governmental entity involving cumulative consideration of at least \$200,000 during the reporting period.

WGL Holdings requests that its data submission with respect to WGL Energy Services be limited to identifying the names of these various agencies and departments, and that it not be required to submit dollar sales figures by agency or department. WGL Holdings makes this request because of the significant burden that developing data in this form would create. WGL Energy Services' natural gas service charges are not rendered as a total charge to each agency, but rather by each separate utility account. Furthermore, agencies and departments receive the WGL Energy Services charges on their utility bills, combined with other utility charges. Therefore, WGL Energy Services faces an enormous accounting task to compile sales by agency or department as rendered by various utilities on their bills. In many cases, it may be virtually impossible to obtain the utility billing data necessary to separate out the WGL Energy Services billing component from the agency's total utility bill.

An additional complexity is that, in many cases, multiple agencies and departments are included under one contract, and therefore, extensive review would be required to accumulate sales by contract (e.g. WGL Energy Services supplies many State departments and agencies under a single contract with the State Department of General Services competitively awarded in 1997).

The public interest will not be substantially impaired if this request is approved. Any contributions will continue to be reported by WGL Holdings and a list of the agencies with which WGL Energy Services does business will be provided. If any specific questions arise as to the amount of business with a particular agency, WGL Energy Services will be pleased to respond to the extent the information can be obtained.

As permitted in prior years, WGL Holdings proposes to provide the list of agencies with which WGL Energy Services had contracts during the reporting period and the nature of that business, but to omit the information as to the amount of that business. WGL Holdings has provided in this submission the data on the basis proposed above.

Other Subsidiaries

In addition to WGL Energy Services, during the reporting period, WGL Holdings owned 100% of the common stock of other non-utility subsidiaries. Certain of those subsidiaries may have done business with the State of Maryland during the reporting period, and, under § 14-105, their business would be attributable to WGL Holdings. This request to omit information does not apply to information to be filed on behalf of those other subsidiaries.

Request

WGL Holdings respectfully requests that:

(1) WGL Holdings be permitted to (i) omit the names of those governmental entities, including agencies of the State of Maryland and of counties, incorporated municipalities and other political subdivisions in the State of Maryland, with which its utility subsidiary, Washington Gas, has done business for the reporting periods ending on January 31, 2015 and July 31, 2015, and (ii) to omit the nature and amount of business done with each such governmental entity during the reporting period.

(2) With respect to WGL Energy Services, WGL Holdings be permitted to (i) file only the names of those governmental entities with which it has done business for the reporting periods ending on January 31, 2015 and July 31, 2015, and (ii) to omit the amount of business done with each such governmental entity during those reporting periods.

Thank you for your attention to this matter. Please feel free to contact me with any questions or to discuss any of the foregoing.

Respectfully submitted,



Blaise F. Brennan
Assistant Secretary
Program Director
Corporate, Securities and Corporate Governance

Enclosures

**Business Contribution Disclosure System
Waiver Request Information Page – Contracts**

General

Account Name	Hutchin Hill Capital LP
BID ID:	14000434
Date Established	7/01/2015
Date Waiver Requested	4/07/2017
Account Type	Title 14 – Persons Doing Business

Officers

Current Filer	Scott Kislin	Start Date: 7/01/2015
Principal Officer	Scott Kislin	Start Date: 7/01/2015

Reason for Waiver

1. The Confidential Information is commercially sensitive information which is generally shielded from public disclosure.
2. The Confidential Information would be exempt from disclosure under the PIA under an exception for trade secrets or confidential commercial or financial information.
3. The Confidential Information would be unduly burdensome.
4. The public interest would not be impaired substantially by the omission of the Confidential Information.

Agency Comments

Grant for contract amount only.

Board Decision

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

RECEIVED

APR 07 2017

STATE BOARD OF ELECTIONS

April 7, 2017

Re: Request by Hutchin Hill Capital, LP (the "Company") for Contract Disclosure Waiver Pursuant to MD Election Law Code §14-104

To the Members of the Maryland State Board of Elections:

The Company submits this letter in support of its request for a waiver pursuant to Md. Election Law Code §14-104(c)(2) and COMAR 33.20.07.03 (the "Waiver Request") regarding the omission of certain contract details in connection with the Company's registration in the Maryland Business Contribution Disclosure System (the "Disclosure System").

In particular, the Company seeks approval from the Maryland State Board of Elections (the "Elections Board") to omit from the Disclosure System details regarding the amount of the Company's contracts with a Maryland government entity, as well as the award date, start date, and anticipated end date (together, the "Confidential Information") of such contracts. The Confidential Information contains commercial and financial information which is not public and which would not be required to be disclosed under the Maryland Public Information Act ("PIA"). Accordingly, requiring the Company to publicly disclose such information through the Disclosure System would be unduly burdensome, whereas granting this Waiver Request would not substantially impair the public interest.

The Maryland Election Law requires persons doing business with a Maryland government entity to file a statement with the Elections Board containing information about, *inter alia*, "the name of each unit of a government entity with which the person did public business during the reporting period" and "the nature and amount of public business done with each unit of a governmental entity." Md. Election Law Code §14-104(c)(1). However, the Maryland Election Law also provides that such information "may be omitted on the written approval" of the Elections Board if the Elections Board finds that: "(1) requiring the information would be unduly burdensome; (2) the public interest would not be impaired substantially by the omission of this information; and (3) the person filing the statement stipulates that the person has done public business during the reporting period." Md. Election Law Code §14-104(c)(2).

The Company does business with at least one Maryland government entity. As a result of this business, the Company has registered in the Disclosure System, and the Company submitted a contribution report in the Disclosure System on February 1, 2015. As required by Md. Election Law Code §14-104(c)(2)(i)(3) and COMAR 33.20.07.03(B)(2)(e), the Company stipulates that it has done public business during the current reporting period with at least one Maryland government entity.

The Company seeks a waiver from the Elections Board to omit from the Disclosure System the Confidential Information, which consists of the following information for each contract or business relationship between the Company and a Maryland government entity: (i) the name of the Maryland government entity; (ii) the amount; (iii) the contract award date; (iv) the contract anticipation start date; and (v) the contract anticipation end date.

Specifically, the Company believes this Waiver Request should be granted because: (i) the Confidential Information is commercially sensitive information of the sort that the Company generally shields from public disclosure; (ii) the Confidential Information would not be required to be disclosed under applicable provisions of the PIA; (iii) requiring the Company to disclose the Confidential Information would be unduly burdensome; and (iv) the public interest would not be impaired substantially by the omission of the Confidential Information.

First, the Confidential Information is commercially sensitive information which the Company generally shields from public disclosure. In particular, the Confidential Information includes details about the Company's contractual relationships with at least one Maryland government entity that could be used by the Company's competitors to gain insight into the Company's relationships with such entities, the Company's pricing and investor relations strategies, the time at which the Company's contracts may be up for renegotiation or renewal or otherwise due to expire, and other commercially sensitive topics. Broad public disclosure of the Confidential Information, accordingly, would put the Company at a competitive disadvantage vis-à-vis other investment management firms who are not required to disclose such information.

Second, we believe the Confidential Information would be exempt from disclosure under the PIA under an exception for trade secrets or confidential commercial or financial information. *See* Md. General Provisions § 4-335; *see also* COMAR 33.20.07.03(B)(2)(c) (providing that a contract waiver request shall state whether "the contract information is subject to any exemption under the Public Information Act"). The PIA protects confidential commercial information which has been voluntarily produced to a state actor if it (i) contains commercial or financial information; and (ii) such information "would not customarily be released to the public" by the person from whom it was obtained. *See* Maryland Public Information Act Manual, (14th Ed., October 2015), at 3-23 *citing* *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 878 (D.C. Cir. 1992) (en banc). The PIA also provides substantial protections for confidential information that a party is required to produce to the government if the disclosure of such information is likely either "(1) to impair the Government's ability to obtain necessary information in the future; or (2) to cause substantial harm to the competitive position of the person for whom the information was obtained." *See* Maryland Public Information Act Manual, (13th Ed., October 2014), at 3-23 *citing* *National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974). We believe the Confidential Information would be exempt from disclosure under either standard. As noted previously, the Confidential Information is nonpublic and commercially sensitive. Disclosure of the Confidential Information would also result in competitive harm, potentially doing reputational harm to Company, providing the Company's competitors with an undue advantage, and reducing the Company's ability to obtain future investments.

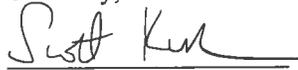
Third, requiring the Company to produce the Confidential Information would be unduly burdensome. This burden derives from the confidential nature of the information, and the potential for commercial and competitive harm if it were to be disclosed.

Fourth, the public interest would not be impaired substantially by the omission of the Confidential Information. The purpose of the law requiring disclosure of political contributions by persons doing public business is to allow for public scrutiny of the relationship between the making of political contributions and the award of public business. Simply put, the public disclosure of the specific details of the Company's contracts is not necessary to advance this purpose. The Company will be required to disclose political contributions in the

Disclosure System, and the Company has stipulated that it has done public business during the current reporting period with at least one Maryland government entity.

Thank you for your consideration. Please feel free to contact me if further information is required or if you have any questions relating to this submission.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Kislin", written over a horizontal line.

Hutchin Hill Capital, LP

By: Scott A. Kislin

Title: Chief Legal Officer

**Business Contribution Disclosure System
Waiver Request Information Page – Contracts**

General

Account Name	Roark Capital Management, LLC
BID ID:	14000338
Date Established	April 15, 2015
Date Waiver Requested	April 17, 2017
Account Type	Title 14 – Persons Doing Public Business

Officers

Current Filer	Wesley Lee	Start Date: 4/15/2015
Principal Officer	Paul Ginsberg	Start Date: 4/15/2015

Reason for Waiver

1. Requiring the information would be unduly burdensome.
2. The public interest would not be impaired substantially by the omission of this information.
3. The person filing the statement stipulated that the person has done public business during the reporting period.
4. They believe the Confidential Information would be exempt from disclosure under the PIA

Agency Comments

Grant for limited application for contract amount and length of service.

They have filed Affidavits that state the Agency name in which they have contract with.

Board Decision

--

ROARK
CAPITAL GROUP

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

RECEIVED
APR 17 2017
STATE BOARD OF ELECTIONS

April 17, 2017

Re: Request by Roark Capital Management, LLC for Contract Disclosure Waiver Pursuant to MD Election Law Code §14-104

To the Members of the Maryland State Board of Elections:

Roark Capital Management, LLC (“Roark”) submits this letter in support of its request for a waiver pursuant to Md. Election Law Code §14-104(c)(2) and COMAR 33.20.07.03 (the “Waiver Request”) regarding the omission of certain contract details in connection with Roark’s registration in the Maryland Business Contribution Disclosure System (the “Disclosure System”). In particular, Roark seeks approval from the Maryland State Board of Elections (the “Elections Board”) to omit from the Disclosure System details regarding the amount of Roark’s affiliates’ contracts with a Maryland government entity, as well as the award date, start date, and anticipated end date (together, the “Confidential Information”) of such contracts. The Confidential Information contains commercial and financial information which is not public and which would not be required to be disclosed under the Maryland Public Information Act (“PIA”). Accordingly, requiring Roark or its affiliates to publicly disclose such information through the Disclosure System would be unduly burdensome, whereas granting this Waiver Request would not substantially impair the public interest.

The Maryland Election Law requires persons doing business with a Maryland government entity to file a statement with the Elections Board containing information about, *inter alia*, “the name of each unit of a government entity with which the person did public business during the reporting period” and “the nature and amount of public business done with each unit of a governmental entity.” Md. Election Law Code §14-104(c)(1). However, the Maryland Election Law also provides that such information “may be omitted on the written approval” of the Elections Board if the Elections Board finds that: “(i) requiring the information would be unduly burdensome; (ii) the public interest would not be impaired substantially by the omission of this information; and (iii) the person filing the statement stipulates that the person has done public business during the reporting period.” Md. Election Law Code §14-104(c)(2).

Roark does business with the Maryland State Retirement System (“Maryland Retirement”). As a result of this business, Roark has registered in the Disclosure System, and Roark submitted a contribution report in the Disclosure System on each required reporting date. As required by Md. Election Law Code §14-104(c)(2)(iii) and COMAR 33.20.07.03(B)(2)(e), Roark certifies that it has done public business during the reporting period ending April 30, 2017 with Maryland Retirement. Because the fact that Roark

1180 Peachtree Street, NE, Suite 2500
Atlanta, GA 30309
(404) 591-5200
www.roarkcapital.com

does business with Maryland Retirement is publicly known, Roark does not seek a waiver of the identity of the Maryland government entity with which Roark does business.

Roark seeks a waiver from the Elections Board to omit from the Disclosure System the Confidential Information, which consists of the following information for each contract or business relationship between Roark and Maryland Retirement: (i) the amount; (ii) the contract award date; (iii) the contract anticipation start date; and (iv) the contract anticipation end date.

Specifically, Roark believes this Waiver Request should be granted because: (i) the Confidential Information is commercially sensitive information of the sort that Roark generally shields from public disclosure; (ii) the Confidential Information would not be required to be disclosed under applicable provisions of the PIA; (iii) requiring Roark to disclose the Confidential Information would be unduly burdensome; and (iv) the public interest would not be impaired substantially by the omission of the Confidential Information.

First, the Confidential Information is commercially sensitive information which Roark generally shields from public disclosure. In particular, the Confidential Information includes details about the scope and duration of Roark's contractual relationship with Maryland Retirement. This information could be used by Roark's competitors to gain insight into Roark's relationship with Maryland Retirement, Roark's pricing and investor relations strategies, the time at which Roark's contracts with Maryland Retirement may be up for renegotiation or renewal or otherwise due to expire, and other commercially sensitive areas. Broad public disclosure of the Confidential Information, accordingly, would put Roark at a competitive disadvantage vis-à-vis other investment management firms who are not required to disclose such information.

Second, we believe the Confidential Information would be exempt from disclosure under the PIA under an exception for trade secrets or confidential commercial or financial information. *See* Md. General Provisions § 4-335; *see also* COMAR 33.20.07.03(B)(2)(c) (providing that a contract waiver request shall state whether "the contract information is subject to any exemption under the Public Information Act"). The PIA protects confidential commercial information which has been voluntarily produced to a state actor if it (i) contains commercial or financial information; and (ii) such information "would not customarily be released to the public" by the person from whom it was obtained. *See* Maryland Public Information Act Manual, (14th Ed., October 2015), at 3-23 citing *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 878 (D.C. Cir. 1992) (en banc). The PIA also provides substantial protections for confidential information that a party is required to produce to the government if the disclosure of such information is likely either "(1) to impair the Government's ability to obtain necessary information in the future; or (2) to cause substantial harm to the competitive position of the person for whom the information was obtained." *See* Maryland Public Information Act Manual, (14th Ed., October 2015), at 3-23 citing *National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974). We believe the Confidential Information would be exempt from disclosure under either standard. As noted previously, the Confidential Information is nonpublic and commercially sensitive. Disclosure of the Confidential Information would also result in competitive harm, potentially doing reputational harm to Roark, providing Roark's competitors with an undue advantage, and reducing Roark's ability to obtain future investments.

Third, requiring Roark to produce the Confidential Information would be unduly burdensome. This burden derives from the confidential nature of the information, and the potential for commercial and competitive harm if it were to be disclosed.

Fourth, the public interest would not be impaired substantially by the omission of the Confidential Information. The purpose of the law requiring disclosure of political contributions by persons doing public business is to allow for public scrutiny of the relationship between the making of political contributions and the award of public business. Simply put, the public disclosure of the specific amounts and terms of Roark's contracts with the system are not necessary to advance this purpose. Roark will be required to disclose political contributions in the Disclosure System, and Roark is willing to disclose the fact that it does business with the Maryland Retirement System.

Thank you for your consideration. Please feel free to contact me if further information is required or if you have any questions relating to this submission.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Ginsberg". The signature is fluid and cursive, with the first name "Paul" written in a larger, more prominent script than the last name "Ginsberg".

Paul D. Ginsberg
President
Roark Capital Management, LLC
1180 Peachtree Street, NE, Suite 2500
Atlanta, GA 30309
(404) 591-5200

**Business Contribution Disclosure System
Waiver Request Information Page – Contracts**

General

Account Name	Exelon Corporation
BID ID:	14000097
Date Established	1/01/2015
Date Waiver Requested	5/17/2017
Account Type	Title 14 – Persons Doing Business and Employing a Lobbyist

Officers

Current Filer	Kristopher Keys	Start Date: 1/01/2015
Principal Officer	Kristopher Keys	Start Date: 1/01/2015

Reason for Waiver

1. Requiring the information would be unduly burdensome.
2. The public interest would not be impaired substantially by the omission of this information.
3. The person filing the statement stipulated that the person has done public business during the reporting period.

It is further stipulated that the exemption, if granted, would apply only to BGE and PHI, respectively, in its regulated public utility business and not to any unregulated subsidiary of Exelon.

Agency Comments

They have 68 contracts already listed in BCDS.

Grant for contracts for BGE and Pepco Holdings.

Board Decision

--



Kristopher Keys
Vice President and Deputy General Counsel
Compliance & Ethics
kristopher.keys2@exeloncorp.com
Office of Corporate Governance
10 S. Dearborn Street, 49th Floor
Chicago, Illinois 60603
312-394-7428

Telephone 312-394-7428
Fax 312-394-2101

RECEIVED

MAY 17 2017

STATE BOARD OF ELECTIONS

VIA FEDERAL EXPRESS

April 12, 2017

The Honorable Brian E. Frosh
Attorney General of Maryland
Office of the Attorney General
200 St. Paul Place
Baltimore, Maryland 21202

Re: Election Law, Sections 14-101, et seq.
Disclosure by Persons Doing Public Business

Dear Mr. Frosh:

I am writing on behalf of Exelon Corporation (Exelon), the holding company of Exelon Generation, LLC (ExGen), Constellation, Baltimore Gas and Electric Company (BGE), Pepco Holdings, Inc. (PHI) and other subsidiaries. Under Election Law, Title 14 § 14-104 of the Maryland Code, the Attorney General's office may grant permission to persons doing public business to omit the name of each unit of a governmental entity with which Exelon did public business and the amount of business done with each such unit. In each calendar year since 1977 Constellation Energy Group, the predecessor of Exelon, sought and obtained this exemption from the Attorney General for BGE.

Accordingly, Exelon hereby requests that you grant an exemption to its BGE and PHI subsidiaries for calendar year 2017. Similar to previous reporting cycles, the basis for the exemption is that it would be unduly burdensome to require detailed information from regulated public utilities that serve all government agencies within their service territories and have thousands of accounts for service being provided to schools, traffic lights, street lights, and government buildings. Even a partial listing of the agencies involved and the amount of business done with each would be unduly burdensome and would not in any way serve the public interest.

As required by Section 14-104(c)(2), Exelon stipulates that both BGE and PHI do \$200,000 or more in business with the aforesaid bodies.

It is further stipulated that the exemption, if granted, would apply only to BGE and PHI, respectively, in its regulated public utility business and not to any unregulated subsidiary of Exelon. For your reference, I am enclosing a copy of your predecessor's letter dated July 7, 2014, granting this exemption to Exelon for calendar year 2014,

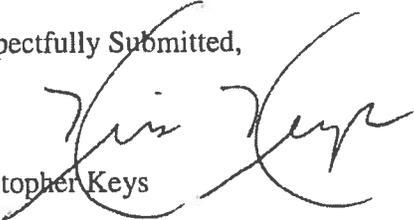
The Honorable Brian E. Frosh
April 12, 2017
Page 2

covering the reporting periods ending July 31, 2014, and January 31, 2015. Exelon made a request electronically for the filing periods in February, August, November 2015 and May and November 2016. The contract waiver request was granted using the Maryland Business Contribution Disclosure System.

A reply by May 12, 2017, would be appreciated, since the law requires the Statement to be filed on May 30, 2017.

Thank you for your consideration of this request.

Respectfully Submitted,


Kristopher Keys

Enclosure

DOUGLAS F. GANSLER
Attorney General



KATHERINE WINFREE
Chief Deputy Attorney General

JOHN B. HOWARD, JR.
Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.
410-576-7036

WRITER'S DIRECT DIAL NO.
410-576-6327

July 7, 2014

Kristopher Keys
Vice President and Deputy General Counsel
Compliance and Ethics
Office of Corporate Governance
Exelon Corporation
10 S. Dearborn Street, 53rd Floor
Chicago, IL 60603

*Office of
Corporate Governance*

JUL 11 2014

Received

Dear Mr. Keys:

This responds to your letter dated June 25, 2014, in which you request approval for Exelon Corporation, on behalf of Exelon Generation ("ExGen"), Constellation Energy Group ("CEG"), Baltimore Gas and Electric Company ("BGE"), and other subsidiaries to omit certain information from its statements of contributions, as required by Election Law Article, §14-104 of the Maryland Code, for calendar year 2014 covering the reporting periods ending July 31, 2014 and January 31, 2015. Specifically, the information you propose to omit is: (1) the names of the governmental units with which BGE did public business, and (2) the amount of public business done by BGE with each such unit. Exelon and BGE stipulate that BGE will have \$100,000 or more in business as a public utility with agencies of the State, counties, municipal corporations, and other political subdivisions during each reporting period.

Under Election Law Article, §14-104(c)(2), the Attorney General may grant permission to persons doing public business to omit the name of each unit of a governmental entity with which the person did public business and the amount of business done with each such unit if the Attorney General finds that: "(i) requiring the information would be unduly burdensome; (ii) the public interest would not be impaired substantially by the omission of this information; and (iii) the person filing the statement stipulates that the person has done public business [as defined in §14-101(g)] during the reporting period."

Kristopher Keys
July 7, 2014
Page 2

Your letter indicates that the reasons underlying earlier requests by or on behalf of BGE, every year since 1977, are still valid. Therefore, I hereby approve your request, pursuant to Election Law Article, §14-104(c)(2), for the omission of the specified information from Exelon's reports for the 2014 reporting periods. As in the past, this exemption does not apply to any business done by BGE other than its regulated public utility business, nor does it apply to Exelon itself, CEG, or to any Exelon subsidiary other than BGE.

Exelon should include with its §14-104 statement a brief explanatory paragraph indicating why the names of governmental units with which BGE did business and the amount of business done with each unit have been omitted, and it should file a copy of this waiver with its statement.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Douglas F. Gansler".

Douglas F. Gansler
Attorney General

**Business Contribution Disclosure System
Waiver Request Information Page – Contracts**

General

Account Name	AQR Capital Management, LLC
BID ID:	14000200
Date Established	1/01/2015
Date Waiver Requested	4/06/2017
Account Type	Title 14 – Persons Doing Business

Officers

Current Filer	Sneha Parmar	Start Date: 8/26/2015
Principal Officer	Kalb Brendan	Start Date: 1/01/2015

Reason for Waiver

<ol style="list-style-type: none">1. The Confidential Information is commercially sensitive information which is generally shielded from public disclosure.2. The Confidential Information would be exempt from disclosure under the PIA under an exception for trade secrets or confidential commercial or financial information.3. The Confidential Information would be unduly burdensome.4. The public interest would not be impaired substantially by the omission of the Confidential Information.

Agency Comments

Grant for contract only.

Board Decision

--



RECEIVED

MAY 25 2017

STATE BOARD OF ELECTIONS

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

May 24, 2017

Re: Request by AQR Capital Management, LLC for Contract Disclosure Waiver Pursuant to MD Election Law Code §14-104

To the Members of the Maryland State Board of Elections:

AQR Capital Management, LLC (“AQR”) submits this letter in support of its request for a waiver pursuant to Md. Election Law Code §14-104(c)(2) and COMAR 33.20.07.03 (the “Waiver Request”) regarding the omission of certain contract details in connection with AQR’s registration in the Maryland Business Contribution Disclosure System (the “Disclosure System”). In particular, AQR seeks approval from the Maryland State Board of Elections (the “Elections Board”) to omit from the Disclosure System details regarding the amount of AQR’s contracts with a Maryland government entity, as well as the award date, start date, and anticipated end date (together, the “Confidential Information”) of such contracts. The Confidential Information contains commercial and financial information which is not public and which would not be required to be disclosed under the Maryland Public Information Act (“PIA”). Accordingly, requiring AQR to publicly disclose such information through the Disclosure System would be unduly burdensome, whereas granting this Waiver Request would not substantially impair the public interest.

The Maryland Election Law requires persons doing business with a Maryland government entity to file a statement with the Elections Board containing information about, *inter alia*, “the name of each unit of a government entity with which the person did public business during the reporting period” and “the nature and amount of public business done with each unit of a governmental entity.” Md. Election Law Code §14-104(c)(1). However, the Maryland Election Law also provides that such information “may be omitted on the written approval” of the Elections Board if the Elections Board finds that: “(i) requiring the information would be unduly burdensome; (ii) the public interest would not be impaired substantially by the omission of this information; and (iii) the person filing the statement stipulates that the person has done public business during the reporting period.” Md. Election Law Code §14-104(c)(2).

AQR does business with the Maryland State Retirement System (“Maryland Retirement”). As a result of this business, AQR has registered in the Disclosure System, and AQR submitted a contribution report in the Disclosure System on May 24, 2017. As required by Md. Election Law Code §14-104(c)(2)(iii) and COMAR 33.20.07.03(B)(2)(e), AQR certifies that it has done public business during the reporting period ending April 30, 2017 with Maryland Retirement. Because the fact that AQR does business with Maryland Retirement is publicly

known, AQR does not seek a waiver of the identity of the Maryland government entity with which AQR does business.

AQR seeks a waiver from the Elections Board to omit from the Disclosure System the Confidential Information, which consists of the following information for each contract or business relationship between AQR and Maryland Retirement: (i) the amount; (ii) the contract award date; (iii) the contract anticipation start date; and (iv) the contract anticipation end date.

Specifically, AQR believes this Waiver Request should be granted because: (i) the Confidential Information is commercially sensitive information of the sort that AQR generally shields from public disclosure; (ii) the Confidential Information would not be required to be disclosed under applicable provisions of the PIA; (iii) requiring AQR to disclose the Confidential Information would be unduly burdensome; and (iv) the public interest would not be impaired substantially by the omission of the Confidential Information.

First, the Confidential Information is commercially sensitive information which AQR generally shields from public disclosure. In particular, the Confidential Information includes details about the scope and duration of AQR's contractual relationship with Maryland Retirement. This information could be used by AQR's competitors to gain insight into AQR's relationship with Maryland Retirement, AQR's pricing and investor relations strategies, the time at which AQR's contracts with Maryland Retirement may be up for renegotiation or renewal or otherwise due to expire, and other commercially sensitive areas. Broad public disclosure of the Confidential Information, accordingly, would put AQR at a competitive disadvantage vis-à-vis other investment management firms who are not required to disclose such information.

Second, we believe the Confidential Information would be exempt from disclosure under the PIA under an exception for trade secrets or confidential commercial or financial information. *See* Md. General Provisions § 4-335; *see also* COMAR 33.20.07.03(B)(2)(c) (providing that a contract waiver request shall state whether "the contract information is subject to any exemption under the Public Information Act"). The PIA protects confidential commercial information which has been voluntarily produced to a state actor if it (i) contains commercial or financial information; and (ii) such information "would not customarily be released to the public" by the person from whom it was obtained. *See* Maryland Public Information Act Manual, (14th Ed., October 2015), at 3-23 citing *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 878 (D.C. Cir. 1992) (en banc). The PIA also provides substantial protections for confidential information that a party is required to produce to the government if the disclosure of such information is likely either "(1) to impair the Government's ability to obtain necessary information in the future; or (2) to cause substantial harm to the competitive position of the person for whom the information was obtained." *See* Maryland Public Information Act Manual, (14th Ed., October 2015), at 3-23 citing *National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974). We believe the Confidential Information would be exempt from disclosure under either standard. As noted previously, the Confidential Information is nonpublic and commercially sensitive. Disclosure of the Confidential Information would also result in competitive harm, potentially doing reputational harm to AQR, providing AQR's competitors with an undue advantage, and reducing AQR's ability to obtain future investments.

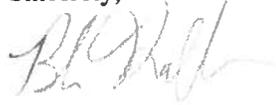
Third, requiring AQR to produce the Confidential Information would be unduly burdensome. This burden derives from the confidential nature of the information, and the potential for commercial and competitive harm if it were to be disclosed.

Fourth, the public interest would not be impaired substantially by the omission of the Confidential Information. The purpose of the law requiring disclosure of political contributions by persons doing public business is to allow for public scrutiny of the relationship between the making of political contributions and the award of public business. Simply put, the public disclosure of the specific amounts and terms of AQR's

contracts with the system are not necessary to advance this purpose. AQR will be required to disclose political contributions in the Disclosure System, and AQR is willing to disclose the fact that it does business with the Maryland Retirement System.

Thank you for your consideration. Please feel free to contact me if further information is required or if you have any questions relating to this submission.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brendan Kalb".

Brendan Kalb
General Counsel
AQR Capital Management, LLC
Two Greenwich Plaza
Greenwich, CT 06830
1(203)742-3600

**Business Contribution Disclosure System
Waiver Request Information Page – Contracts**

General

Account Name	Kohlberg Kravis Roberts & Co. L.P.
BID ID:	14000175
Date Established	1/01/2015
Date Waiver Requested	4/06/2017
Account Type	Title 14 – Persons Doing Business

Officers

Current Filer	Robert Breckenridge	Start Date: 11/29/2016
Principal Officer	Alisa Wood	Start Date: 1/01/2015

Reason for Waiver

1. The Confidential Information is commercially sensitive information which is generally shielded from public disclosure.
2. The Confidential Information would be exempt from disclosure under the PIA under an exception for trade secrets or confidential commercial or financial information.
3. The Confidential Information would be unduly burdensome.
4. The public interest would not be impaired substantially by the omission of the Confidential Information.

Agency Comments

They have one contract entered in BCDS and say the rest are confidential.
Grant for contract amount only.

Board Decision

--

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

RECEIVED
MAY 22 2017
STATE BOARD OF ELECTIONS

May 18, 2017

Re: Request by Kohlberg Kravis Roberts & Co. L.P. for Contract Disclosure Waiver Pursuant to MD Election Law Code §14-104

To the Members of the Maryland State Board of Elections:

Kohlberg Kravis Roberts & Co. L.P. (“KKR”) submits this letter in support of its request for a waiver pursuant to Md. Election Law Code §14-104(c)(2) and COMAR 33.20.07.03 (the “Waiver Request”) regarding the omission of certain contract details in connection with KKR’s registration in the Maryland Business Contribution Disclosure System (the “Disclosure System”). In particular, KKR seeks approval from the Maryland State Board of Elections (the “Elections Board”) to omit from the Disclosure System details regarding the amount of KKR’s contracts with a Maryland government entity, as well as the award date, start date, and anticipated end date (together, the “Confidential Information”) of such contracts. The Confidential Information contains commercial and financial information which is not public and which would not be required to be disclosed under the Maryland Public Information Act (“PIA”). Accordingly, requiring KKR to publicly disclose such information through the Disclosure System would be unduly burdensome, whereas granting this Waiver Request would not substantially impair the public interest.

The Maryland Election Law requires persons doing business with a Maryland government entity to file a statement with the Elections Board containing information about, *inter alia*, “the name of each unit of a government entity with which the person did public business during the reporting period” and “the nature and amount of public business done with each unit of a governmental entity.” Md. Election Law Code §14-104(c)(1). However, the Maryland Election Law also provides that such information “may be omitted on the written approval” of the Elections Board if the Elections Board finds that: “(i) requiring the information would be unduly burdensome; (ii) the public interest would not be impaired substantially by the omission of this information; and (iii) the person filing the statement stipulates that the person has done public business during the reporting period.” Md. Election Law Code §14-104(c)(2).

KKR does business with the Maryland State Retirement System (“Maryland Retirement”). As a result of this business, KKR has registered in the Disclosure System, and KKR submitted a contribution report in the Disclosure System on [DATE], 2017. As required by Md. Election Law Code §14-104(c)(2)(iii) and COMAR 33.20.07.03(B)(2)(e), KKR certifies that it has done public business during the reporting period ending April 30, 2017 with Maryland Retirement. Because the

Kohlberg Kravis Roberts & Co.

9 West 57 Street, New York, NY 10019 T +1.212.750.8300 F +1.212.750.0003

fact that KKR does business with Maryland Retirement is publicly known, KKR does not seek a waiver of the identity of the Maryland government entity with which KKR does business.

KKR seeks a waiver from the Elections Board to omit from the Disclosure System the Confidential Information, which consists of the following information for each contract or business relationship between KKR and Maryland Retirement: (i) the amount; (ii) the contract award date; (iii) the contract anticipation start date; and (iv) the contract anticipation end date.

Specifically, KKR believes this Waiver Request should be granted because: (i) the Confidential Information is commercially sensitive information of the sort that KKR generally shields from public disclosure; (ii) the Confidential Information would not be required to be disclosed under applicable provisions of the PIA; (iii) requiring KKR to disclose the Confidential Information would be unduly burdensome; and (iv) the public interest would not be impaired substantially by the omission of the Confidential Information.

First, the Confidential Information is commercially sensitive information which KKR generally shields from public disclosure. In particular, the Confidential Information includes details about the scope and duration of KKR's contractual relationship with Maryland Retirement. This information could be used by KKR's competitors to gain insight into KKR's relationship with Maryland Retirement, KKR's pricing and investor relations strategies, the time at which KKR's contracts with Maryland Retirement may be up for renegotiation or renewal or otherwise due to expire, and other commercially sensitive areas. Broad public disclosure of the Confidential Information, accordingly, would put KKR at a competitive disadvantage vis-à-vis other investment management firms who are not required to disclose such information.

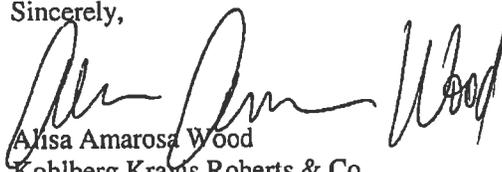
Second, we believe the Confidential Information would be exempt from disclosure under the PIA under an exception for trade secrets or confidential commercial or financial information. *See* Md. General Provisions § 4-335; *see also* COMAR 33.20.07.03(B)(2)(c) (providing that a contract waiver request shall state whether "the contract information is subject to any exemption under the Public Information Act"). The PIA protects confidential commercial information which has been voluntarily produced to a state actor if it (i) contains commercial or financial information; and (ii) such information "would not customarily be released to the public" by the person from whom it was obtained. *See* Maryland Public Information Act Manual, (14th Ed., October 2015), at 3-23 citing *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 878 (D.C. Cir. 1992) (en banc). The PIA also provides substantial protections for confidential information that a party is required to produce to the government if the disclosure of such information is likely either "(1) to impair the Government's ability to obtain necessary information in the future; or (2) to cause substantial harm to the competitive position of the person for whom the information was obtained." *See* Maryland Public Information Act Manual, (14th Ed., October 2015), at 3-23 citing *National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974). We believe the Confidential Information would be exempt from disclosure under either standard. As noted previously, the Confidential Information is nonpublic and commercially sensitive. Disclosure of the Confidential Information would also result in competitive harm, potentially doing reputational harm to KKR, providing KKR's competitors with an undue advantage, and reducing KKR's ability to obtain future investments.

Third, requiring KKR to produce the Confidential Information would be unduly burdensome. This burden derives from the confidential nature of the information, and the potential for commercial and competitive harm if it were to be disclosed.

Fourth, the public interest would not be impaired substantially by the omission of the Confidential Information. The purpose of the law requiring disclosure of political contributions by persons doing public business is to allow for public scrutiny of the relationship between the making of political contributions and the award of public business. Simply put, the public disclosure of the specific amounts and terms of KKR's contracts with the system are not necessary to advance this purpose. KKR will be required to disclose political contributions in the Disclosure System, and KKR is willing to disclose the fact that it does business with the Maryland Retirement System.

Thank you for your consideration. Please feel free to contact me if further information is required or if you have any questions relating to this submission.

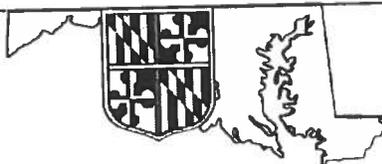
Sincerely,

A handwritten signature in black ink, appearing to read "Alisa Amarosa Wood". The signature is fluid and cursive, with the first name "Alisa" being the most prominent.

Alisa Amarosa Wood
Kohlberg Kravis Roberts & Co.
9 West 57 Street
New York, NY 10019
1(212) 750-8300

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

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



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

TO: State Board Members
FROM: Jared DeMarinis, Director
Division Candidacy and Campaign Finance
SUBJECT: Administrative Closure of Campaign Accounts
DATE: September 29, 2017

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

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

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

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

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

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

Administrative Closure

September 29, 2017

1. Huckenpohler, (William) for Maryland
2. Wilkes, Aaron Keith 45th Voters for
3. Magee, Peggy 2014 Friends of
4. Hanna, Will Committee to Elect

REQUEST TO ADMINISTRATIVELY CLOSE CAMPAIGN ACCOUNT

Account Name	Huckenpoehler, (William) for Maryland
CCF ID Number	01005473
Account Established Date	1/11/2010
Outstanding Debts/Loans	n/a
Cash Balance	\$275.61 (the same with bank balance)
Last Filed Campaign Finance Report (CFR)	2014 Pre-Primary2 (not marked Final)
Outstanding Late Fees *	\$2,125.00
Office of the State Prosecutor (OSP) Action/s Taken:	
The OSP learned in October 2015 that the candidate passed away. The OSP exercise prosecutorial discretion and closing out the case file given the candidate was also the chairperson of the committee.	
List name and address of last known officers:	
Candidate William Christian Huckenpoehler 431 S. Market Street Frederick, MD 21701	Chairman Same as candidate
Treasurer Christopher Scott Simpson 916 Motter Avenue Frederick, MD 21701-4538	
Briefly describe why this committee should be closed:	
<p>This committee should be closed due to the following:</p> <ol style="list-style-type: none"> 1. The OSP learned in October 2015 that the candidate passed away. The OSP exercises prosecutorial discretion and closing out the case file given the candidate was also the chairperson of the committee. <p>Election Law Article § 13-313 (a) (2) and (3) requires the termination of campaign finance entity by the State Board when there is no responsible officer currently is appointed and serving; and when other extenuating circumstances exist to justify terminating the campaign finance entity.</p>	

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

REQUEST TO ADMINISTRATIVELY CLOSE CAMPAIGN ACCOUNT

Account Name	Wilkes, Aaron Keith 45 th Voters for
CCF ID Number	01010552
Account Established Date	2/25/2014
Outstanding Debts/Loans	n/a
Cash Balance	\$325.00 (same as bank balance) Based on a CFR filed in 2014
Last Filed Campaign Finance Report (CFR)	2016 ALCE (not marked Final)
Outstanding Late Fees *	\$625.00
Office of the State Prosecutor (OSP) Action/s Taken:	
The OSP is recommending administrative closure of the committee and all outstanding violations waived due to the passing of the candidate/chairperson on 7/4/2016.	
List name and address of last known officers:	
Candidate Aaron K. Wilkes 1750 Darley Avenue Baltimore, MD 21213	Chairman Same as candidate
Treasurer Herbert S Graves 901 Druid Park Lake Drive, F2 Baltimore, MD 21217	
Briefly describe why this committee should be closed:	
<p>This committee should be closed due to the following:</p> <ol style="list-style-type: none"> 1. The OSP recommends administrative closure of the committee and all outstanding violations waived due to the passing of the candidate/chairperson on 7/4/2016. <p>Election Law Article § 13-313 (a) (2) and (3) requires the termination of campaign finance entity by the State Board when there is no responsible officer currently is appointed and serving; and when other extenuating circumstances exist to justify terminating the campaign finance entity.</p>	

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

REQUEST TO ADMINISTRATIVELY CLOSE CAMPAIGN ACCOUNT

Account Name	Magee, Peggy 2014 Friends of
CCF ID Number	01009435
Account Established Date	9/26/2013
Outstanding Debts/Loans	n/a
Cash Balance	\$1,260.00 (Bank balance is \$46.00)
Last Filed Campaign Finance Report (CFR)	2016 ALCE (marked Final)
Outstanding Late Fees *	\$500.00 (for 2017 Annual Report)
Office of the State Prosecutor (OSP) Action/s Taken:	
<p>The OSP exercise prosecutorial discretion and will not pursue any outstanding violations. The OSP spoke with the candidate on 11/3/2015. The candidate informed the OSP that she relocated to Mississippi. The OSP disclosed that there is no money in the account. The Treasurer was a college student who paid previous fees from her personal funds.</p>	
List name and address of last known officers:	
<p>Candidate Peggy Ann Magee 3110 Old Largo Road Upper Marlboro, MD 20772</p>	<p>Chairman Joseph Wiggins P.O. Box 521 Cheltenham, MD 20623</p>
<p>Treasurer Janey D Myers-Reid 9814 Hummingbird Lane Upper Marlboro, MD 20772</p>	
Briefly describe why this committee should be closed:	
<p>This committee should be closed due to the following:</p> <ol style="list-style-type: none"> 1. The OSP exercise prosecutorial discretion and will not pursue any outstanding violations. The OSP disclosed that there is no money in the account. The treasurer was a college student who paid previous fees from her personal funds. 2. The candidate has relocated to Mississippi. 3. The chairperson resigned on 1/30/2015. <p>Election Law Article § 13-313 (a) (2) and (3) requires the termination of campaign finance entity by the State Board when there is no responsible officer currently is appointed and serving; and when other extenuating circumstances exist to justify terminating the campaign finance entity.</p>	

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

REQUEST TO ADMINISTRATIVELY CLOSE CAMPAIGN ACCOUNT

Account Name	Hanna, Will Committee to Elect
CCF ID Number	01005844
Account Established Date	5/21/2010
Outstanding Debts/Loans	\$800.00 (bills due) / \$51,303.00 (candidate loan)
Cash Balance	\$43,182.71
Last Filed Campaign Finance Report (CFR) / Affidavit of Limited Contributions and Expenditures (ALCE)	5/27/2014
Outstanding Late Fees *	\$3,020.00
Office of the State Prosecutor (OSP) Action/s Taken:	
The OSP cannot pursue action against the committee due to individuals no longer reside at any known address in the State. Citations were issued and judgments granted on the responsible officers by the court. Mr. Hanna has criminal warrants issued and has been unresponsive with the OSP.	
List name and address of last known officers:	
Candidate Willie John Hanna 2304 Monticello Road Baltimore, MD 21216	Chairman Same as Candidate
Treasurer Kiasheen Lamont Tyler 4916 Poe Avenue, 2 nd Floor Baltimore, MD 21215	
Briefly describe why this committee should be closed:	
<p>This committee should be closed due to the following:</p> <ol style="list-style-type: none"> 1. The OSP closed the late fee violations. The OSP did multiple attempts to contact the committee, but has been unsuccessful. 2. The OSP issued citations and judgement granted on the responsible officers by the court. Mr. Hanna has had criminal warrants issued and has been unresponsive with the OSP. 3. The Treasurer has resigned on 9/15/2016. 4. The remaining cash/bank balance of \$43,482.71 represents the candidate's money loaned to the committee (candidate loan). The OSP stated that there was never \$43K in the campaign bank account. <p>Election Law Article § 13-313 (a) (3) requires the termination of campaign finance entity by the State Board when other extenuating circumstances exist to justify terminating the campaign finance entity.</p>	

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



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

BMD consideration

1 message

Katherine Berry <katherine.berry@maryland.gov>
To: Nikki Charlson -SBE- <nikki.charlson@maryland.gov>

Mon, Aug 28, 2017 at 3:10 PM

Hi Nikki,

This email is intended for the State Board to assist in their consideration of the BMD usage for 2018.

Mr. McManus and Members of the Board,

Thank you for allowing me to speak at the State Board meeting in August. I would like to reiterate that while I am in full support of giving each local board flexibility on how many BMDs to deploy at early voting and on election day, it may become problematic if there are close Congressional races. Many of us share Congressional districts with other counties, such as Montgomery and Carroll. The demographics of these counties are very different and may bring conflict if one county uses more BMDs than another.

With that said, however, the State Board needs to take into consideration how a revision to the ES&S contract can be made to remove equipment that was placed in the original ES&S contract. Many local boards have limited space and there are hard cases and BMDs that were originally intended for a full BMD deployment in 2016 still sitting in our warehouses.

We appreciate you all taking the time to consider the thoughts and ideas of the local boards. Thank you for your time.

Katherine Berry
Election Director
Carroll County Board of Elections
(410)386-2958
Katherine.Berry@maryland.gov
Visit us on [Facebook](#) & [Twitter](#)!!!



September 18, 2017

Mr. David J. McManus, Chairman
Mr. Patrick J. Hogan, Vice Chairman
State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401

Re: Ballot Marking Devices – June 2018 Primary Election

Dear Chairman McManus and Vice Chairman Hogan:

I respectfully submit this letter to the State Board of Elections in connection with its meeting agenda item on September 28, 2017, to receive comments from interested parties with respect to the use of Ballot Marking Devices (“BMD”) in the June 2018 primary election. I am interested in this subject as a citizen, voter, and candidate for the Democratic nomination for Governor in 2018.

My understanding is that the BMD has two distinct, but related, deficiencies. First, the software limits to six or seven the number of candidates for the same office whose names can be displayed on the same page (screen); and second, the software’s navigation function makes it difficult for voters to move back and forth between screens. The Board is deeply familiar with the problems associated with these deficiencies as they were experienced in the 2016 election. I appreciate the Board’s commitment to finding a solution.

In multi-candidate races, such as occurred in 2016 and as will occur in 2018, voters who wish to vote for candidates whose surnames start with letters at or near the end of the alphabet (resulting in the candidates not appearing on the first screen) may be denied their right to do so because the BMD software impedes a voter’s ability to find these candidates. This interference with voter choice is contrary to the Election Code’s requirements that ballots “be easily understandable by voters,” § 9-203(1), and that the “ballot shall ... permit the voter to easily record a vote on ... the voter’s choices among candidates.” § 9-203(3). The Election Code also requires that ballots “present all candidates ... in a fair and nondiscriminatory manner.” § 9-203 (2). The BMD likewise does not comply with this requirement as the BMD software makes it more difficult for voters to find some candidates as compared to others, thereby unfairly disadvantaging both voters and candidates.



Mr. David J. McManus, Chairman
Mr. Patrick J. Hogan, Vice Chairman
September 18, 2017
Page 2

Remedying these problems is not a partisan issue; rather, the software problems of the BMD affect voters and candidates of any party in any race in which the number of candidates will not fit on a single screen. Absent corrective action, voters and candidates will confront voter machine created problems in all state and local races in 2018 in which there is a large field of candidates. These problems, if not resolved, pose a substantial risk of prejudice to voters and candidates and potentially jeopardize the fairness and reliability of the upcoming election.

At its August 24 meeting, the Board received information from its staff regarding the cost and time involved to correct the "screen space" problem (the Board was told that no software currently exists to correct the difficulty of navigating between screens). The Board was advised that the total cost is approximately \$500,000 (\$400,000 for the software and \$100,000 for testing) and that, following approval of funding, the required software conversion and testing could be completed in about two months.

I urge the Board to act at its September 28 meeting and recommend strongly to the Board of Public Works that it approve the necessary funding so that this Board may move forward to correct this problem in advance of the June 2018 election. Further, the Board should direct its staff to prepare forthwith the necessary funding request for submission promptly to the Board of Public Works. The members of the Board of Public Works, the Governor, the Comptroller, and the Treasurer, as the senior fiscal policy officers of the state, should have the benefit of this Board's recommendation and be given the opportunity to decide, in their best collective judgment, whether the state should spend \$500,000 to avoid harm and prejudice to voters and candidates in the interest of a fair election in 2018.

While time is of the essence here, there is sufficient time to solve this problem. If the Board acts at the September 28 meeting, there will be ample time prior to the June 2018 primary election to complete the process at the Board of Public Works and then to purchase, install, and test the new software. Proceeding expeditiously to correct the deficiency in the BMD software is far preferable, if not required, to merely seeking to minimize the harm (by, for example, limiting the number of BMDs at polling places).

Thank you for your consideration.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Jim Shea", is written over the typed name.

James L. Shea

Maryland Application for an Absentee Ballot

Anyone registered to vote in Maryland can vote by absentee ballot, which lets you vote in an election without going to a polling place.

You can register to vote in Maryland at www.elections.maryland.gov/voting/absentee.html or your local county board of elections office (see attached list).

How to ask for an absentee ballot

- Fill out this form and get it to your local board of elections before the deadline, or ask for your absentee ballot online at <http://www.elections.state.md.us/voting/absentee.html>

How will you receive your absentee ballot?

- On this form, you choose how you want to receive your ballot: through U.S. Mail, fax, or we will send you an email with a link so you can print your ballot.
 - You can also pick it up in person, or have someone pick it up:
 - If you want someone to pick up your ballot for you, you need to provide a *Designation of Agent* form. Get this form at your election office or at www.elections.maryland.gov/voting/absentee.html.
 - The person who picks up your ballot must be at least 18 years old and not a candidate on your ballot. You can also have this person return your voted ballot to your election office. This person must sign a form to show that he or she handled the ballot properly.
-

Deadlines for returning this form

Your deadline depends on how you send in this form, and on how you want to receive your ballot.

Primary Election

- If you want your election office to mail or fax you a ballot
 - Make sure this form is in our office by 8 pm on Tuesday, June 19, 2018.
 - Or send us this form by email or fax by 11:59 pm.
- If you want to print your ballot from a link:
 - Make sure this form is in our office by 8 pm on Friday, June 22, 2018.
 - Or send us this form by email or fax by 11:59 pm.

General Election

- If you want your election office to mail or fax you a ballot
 - Make sure this form is in our office by 8 pm on Tuesday, October 30, 2018.
 - Or send us this form by email or fax by 11:59 pm.
 - If you want to print your ballot from a link:
 - Make sure this form is in our office by 8 pm on Friday, November 2, 2018.
 - Or send us this form by email or fax by 11:59 pm.
-

You can ask for this form in large type.

Maryland Application for an Absentee Ballot

Additional instructions are on the back of this form.

Register to Vote

1

You must be registered to vote to get an absentee ballot. If you are not registered to vote in Maryland and want to register, contact your local county board of elections office listed on the attached sheet or go to www.elections.maryland.gov.

Print your name

Use black or blue ink.

2

Last name _____ Jr Sr II III IV
First name _____ Middle name or initial _____

Election

3

I want an absentee ballot for

Primary Election General Election Both Elections

About you

4

Party Affiliation: Democrat Republican Other

Email Address _____

Birthdate | M | M | / | D | D | / | Y | Y | Y | Y | Phone | | | | - | | | - | | | | |

Your current address

If you have a new address, we will update your voter registration information.

DO NOT give an address if you are away for school, work, travel or if your address is temporary.

5

Address _____ Apt. number _____

City/Town _____ State _____ Zip Code | | | | | | | |

When did you move here? | M | M | / | D | D | / | Y | Y | Y | Y | If you do not remember the exact date, give the month and year.

How do you want to receive your ballot?

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

Note: A fax or internet ballot you have printed yourself will be hand-copied onto an official ballot so it can be counted.

The State Board of Elections has taken steps to protect the secrecy of your ballot but cannot guarantee secrecy when you mark your ballot online using your own computer.

6

Choose one:

U.S. MAIL

I want my ballot for the PRIMARY ELECTION mailed to:

Same as above

Address _____ Apt. number _____

City/Town _____ State _____ Zip Code | | | | | | | |

I want my ballot for the GENERAL ELECTION mailed to:

Same as above

Address _____ Apt. number _____

City/Town _____ State _____ Zip Code | | | | | | | |

INTERNET DELIVERY We will email you an internet link to open your ballot and print it yourself.

email address _____

FAX

fax number _____

Signature

Required.

Anyone can help you fill out this form except

- A candidate on your ballot
- Your employer or an agent of your employer
- An officer or agent from your union

7

Signature (required)

X

Today's Date | M | M | / | D | D | / | Y | Y | Y | Y |

Assistance Signature (required if you had help)

Under penalty of perjury, I hereby certify that this voter needed help with this form because he or she has a disability or is unable to read or write. The voter authorized me to complete this form. If the voter could not sign this form, I printed the voter's name and wrote my initials.

sign: _____

print: _____

Maryland State Board of Elections

State Board of Elections

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

800-222-8683

MD Relay Service 800-735-2258

www.elections.maryland.gov

County Boards of Election

Allegany County

701 Kelly Rd., Ste. 231
Cumberland, MD 21502
301-777-5931
301-777-2430 (fax)
elections@alleganygov.org

Anne Arundel County

P.O. Box 490
Glen Burnie, MD 21060
410-222-6600
410-222-6824 (fax)
elections@aacounty.org

Baltimore City

Benton Office Bldg.
417 E. Fayette St., Rm. 129
Baltimore, MD 21202-3432
410-396-5550
410-727-1775 (fax)
election.judge@baltimorecity.gov

Baltimore County

11112 Gilroy Rd., Ste. 104
Hunt Valley, MD 21031
410-887-5700
410-832-8493 (fax)
elections@baltimorecountymd.org

Calvert County

30 Duke St., Lower Level
P.O. Box 798
Prince Frederick, MD 20678
410-535-2214 or
301-855-1376
410-535-5009 (fax)
elections@co.cal.md.us

Caroline County

Health & Public Service Bldg.
403 S. Seventh St., Ste. 247
Denton, MD 21629-1378
410-479-8145
410-479-5736 (fax)
elections@carolinemd.org

Carroll County

300 S. Center St., Rm. 212
Westminster, MD 21157
410-386-2080
410-876-3925 (fax)
ccboe@ccg.carr.org

Cecil County

200 Chesapeake Blvd.
Ste. 1900
Elkton, MD 21921-6395
410-996-5310
888-979-8183 (fax)
lwalters@ccgov.org
tdaniels@ccgov.org

Charles County

P.O. Box 908
La Plata, MD 20646-0908
301-934-8972
301-870-3167
301-934-6487 (fax)
elections@charlescounty.org

Dorchester County

501 Court Ln., Rm. 105
P.O. Box 414
Cambridge, MD 21613-0414
410-228-2560
410-228-9635 (fax)
brittanym.phillips@maryland.gov

Frederick County

The Bourne Building
355 Montevue Ln., Ste. 101
Frederick, MD 21702
301-600-8683
301-600-2344 (fax)
electionboard@frederickcountymd.gov

Garrett County

2008 Maryland Hwy, Ste. 1
Mountain Lake Park, MD 21550
301-334-6985
301-334-6988 (fax)
sfratz@garrettcountry.org

Harford County

133 Industry Ln.
Forest Hill, MD 21050-1621
410-638-3565
410-638-3310 (fax)
elections@harfordcountymd.gov

Howard County

9770 Patuxent Woods Dr.
Ste. 200
Columbia, MD 21046
410-313-5820
410-313-5833 (fax)
cbdavis@howardcountymd.gov

Kent County

135 Dixon Dr.
Chestertown, MD 21620
410-778-0038
410-778-0265 (fax)
elections@kentgov.org

Montgomery County

P.O. Box 10159
Rockville, MD 20849-4333
240-777-8550
TDD 800-735-2258
240-777-8560 (fax)
absentee@montgomerycountymd.org

Prince George's County

1100 Mercantile Ln.,
Ste. 115A
Largo, MD 20774
301-341-7300
TDD 301-726-3352
301-341-7399 (fax)
elections@co.pg.md.us

Queen Anne's County

110 Vincit St., Ste. 102
Centerville, MD 21617
410-758-0832
410-758-1119 (fax)
qac.elections@maryland.gov

St. Mary's County

P.O. Box 197
Leonardtown, MD 20650
301-475-4200 ext. 1625
301-475-4077 (fax)
wendy.adkins@stmarysmd.com

Somerset County

P.O. Box 96
Princess Anne, MD 21853
410-651-0767
410-651-5130 (fax)
elections@somersetmd.us

Talbot County

P.O. Box 353
Easton, MD 21601-0353
410-770-8099
410-770-7078 (fax)
jeri.cook@maryland.gov

Washington County

35 W. Washington St.
Rm 101
Hagerstown, MD 21740
240-313-2050
240-313-2051 (fax)
elections@washco-md.net

Wicomico County

P.O. Box 4091
Salisbury, MD 21803-4091
410-548-4830
410-548-4849 (fax)
election@wicomicocounty.org

Worcester County

100 Belt St.
Snow Hill, MD 21863-1300
410-632-1320
410-632-3031 (fax)
teresa.riggins@maryland.gov