

1. Announcements & Important Meetings

Welcome to SBE

Please welcome to SBE the following individuals:

- In late August, Zachary Howe joined SBE as a database programmer. Zach will be working as a member of the electronic pollbook team and will be assisting with the development of test cases in preparation for the upcoming software testing.
- Earlier this month, Tom Reinheimer joined SBE as our Chief Information Security Officer. Tom is a Certified Information Systems Security Professional, Certified Information Systems Auditor, a Certified Information System Manager and holds several other certificates and credentials relevant to his work here. He comes to SBE from the federal government and will work with us to strengthen how we protect our election systems and data. Tom will lead a team of up to four individuals with information security experience.
- Gillian Thomas joins the voter registration division. She comes from the Anne Arundel County Board of Elections with extensive knowledge of MDVOTERS and will be an invaluable addition to the team.
- Vanessa Sampay joins SBE as the Inventory Assistant contractor. Vanessa will be assisting in all aspects of SBE's inventory management, including the receiving, updating, transferring, and disposal of equipment and supplies.

Post-Election Audit Webinar

Tracey Hartman recently participated in a three-part webinar hosted by The Center for Technology and Civic Life and for election officials that focused on post-election audits. The first course reviewed some basics of post-election audits, including terminology, types of post-election audits, and how post-election audits support trustworthy elections. The second course focused on identifying steps that offices can take to advance their post-election audit experience, while the third course focused on risk limiting audits.

2nd Annual National CISA Cybersecurity Summit

Tom Reinheimer attended this 3 day event from September 18th – 20th at the Gaylord National Resort & Convention Center, sponsored by the U.S. Department of Homeland Security's (DHS) Cybersecurity and Infrastructure Security Agency (CISA). The "Protect 2020" track was focused on the 2020 elections and cyber security discussions. Sessions included Building Trusted Relationships in the Cybersecurity Limelight; A #Protect2020 Primer, Lifting the Fog of More: Finding (and Implementing) the Right Best Practices for Your Election, Protecting States Against Ransomware Threats, The State of Election Cybersecurity from the Front Lines: Hear from the State and Local Officials Charged with Protecting our Elections, What the Election Industry is Doing to Secure the 2020 Elections, Learning from Global Partners: Election Tampering at Home and Abroad, and, Disinformation Panel: Building Resilience in the American Public.

National Voter Registration Day

Tuesday, September 24th was National Voter Registration Day. It was first observed in 2012 and has been growing in popularity every year since. The holiday has been endorsed by the National Secretaries of State, National Association of State Election Directors, the

U.S. Election Assistance Commission (EAC), and the National Association of Election Officials (also known as The Election Center). Many local boards held events to encourage individuals to register to vote, update existing voter registration information, and educate voters about the voting process. In addition, Facebook launched a nationwide campaign to remind users to register or update their information. The campaign began Thursday, September 19th and ran through National Voter Registration Day. Facebook directed Maryland users to our online voter registration system.

Biennial Meeting

On October 17th, we expect approximately 300 Maryland Election Officials to attend a mandatory pre-election year meeting at the Crowne Plaza Hotel in Annapolis. A draft agenda is included in the folder. Please let Mary or Donna know if you will attend and if you need hotel accommodations.

SBE hosting Statewide Table Top Exercise

On October 18th, approximately 130 SBE and local board staff members will gather at the Anne Arundel County Board of Elections' office for the third statewide tabletop exercise (TTX) hosted by SBE. While this TTX will be similar to the two that SBE has hosted previously, this TTX will feature all new injects and other minor changes to help test and train SBE and local board staff members on what to do in worst-case scenarios. The Howard County Board of Elections is again helping SBE with this event.

DHS-led Table Top Exercise

On October 24th, DHS will lead a table top exercise for SBE employees. This exercise will enable SBE employees to practice responding to a cyber-related incident and identify other federal and State resources able to support our response. We have participated in this type of exercise before and found it to be very beneficial.

2. Election Reform and Management

"I Voted" Sticker Contest

There will be new "I Voted" stickers for the 2020 elections. After the 2018 General Election, Erin Perrone received several constituent letters and emails about the "I Voted" sticker used in past elections. In partnership with the Fine Arts Office of the Maryland State Department of Education, the "I Voted" sticker contest began on September 15th and will end on October 15th. The contest is open to Maryland students (including private school and homeschooled students) in grades Pre-K through 12. There will be three separate winners - one winner from elementary school, one winner from middle school, and one winner from high school. Students may submit their artwork at the Maryland State Department of Education's website. The three winners should be announced by the end of November.

Election Judges' Manual for the 2020 Elections

The cover, table of contents, and Chapters 1 through 9 have been approved by the Assistant Attorney General and are ready for the local boards to customize. Some of the local boards have begun customizing the chapters and sent them to Erin Perrone for her review and

approval. Chapters 11 through 13 have been submitted to the Assistant Attorney General, and once approved, will be released to the local boards for their customization.

Supply Ordering

Erin Perrone has begun ordering various supplies for the local boards in preparation for the 2020 elections. These orders include orange provisional tabletop privacy screens, clear voter authority card pouches for the front of the privacy sleeves, and white privacy panels for the scanning units. More supplies will be ordered over the next several months.

Universal Postal Union - Status

The United States has announced it may pull out of the Universal Postal Union (UPU). A meeting on September 24th and 25th will determine what happens. If the United States pulls out of the union, there will be no agreement for mail to be delivered to or from our country to any other country. Negotiations with 191 countries on postal rates will take place. We learned yesterday that the United States is not withdrawing from the UPU. Specific details are not known yet, but we will continue to monitor.

3. Voter Registration

MDVOTERS

Janet Smith and Sheika Harding-Bey had been doing regional training on multiple voter registration topics. Thank you to the Wicomico, Calvert, Carroll and Frederick County Boards of Elections. Approximately 79 election officials participated in the training.

MVA Transactions

During the month of August, MVA collected the following voter registration transactions:
New Registration - 13,803 Residential Address Changes - 26,934
Last name changes - 3,619 Political Party Changes - 6,796

Non-Citizens

No records were processed in August 2019 due to the office painting and carpet project.

4. Candidacy and Campaign Finance (CCF) Division

Candidacy

Currently, 38 candidates have filed at SBE for the 2020 election cycle. SBE has filed 11 candidates for a Baltimore City office.

Enforcement Actions

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

1. On August 26, 2019, Citizens for Brian Forsh paid a civil penalty of \$250.00 for a failure to include authority line.
2. On September 6, 2019, the Committee to Elect James King paid a civil penalty of \$2,000.00 a failure to maintain account books and records and record contributions and expenditures.

3. On September 11, 2019, Friends of Jimmy Trout paid a civil penalty of \$50.00 for a failure to include authority line.

5. Project Management office (PMO)

Inventory Management

The required annual inventory report for fixed assets and the report for supplies were both submitted to the Department of General Services (DGS) on August 14th. SBE continues to dispose of equipment via the State's disposal process. This process includes auctioning, recycling, transferring, or trashing of the items.

The PMO proactively works with SBE's contract managers and the local boards to ensure that new equipment and supplies are being recorded in the inventory system in a timely manner.

Additional Space and Painting and Carpeting Projects

SBE received a Use and Occupancy permit from the City of Annapolis, and we are now occupying the new space. There are still a few outstanding tasks to be completed, including the Maryland Correctional Enterprise completing its delivery of the furniture.

Painting and carpeting of SBE's offices resumed after a delay due to issues employees encountered with the fumes. SBE worked with DGS' Lease Compliance and the landlord to develop another approach to the work. The new approach included working after hours and using devices (e.g., HEPA air purifiers) to help mitigate the issues with the fumes. As of today, six of the nine phases have been completed. The project is expected to be complete on October 3rd.

Procurements

The PMO continued to work on several procurements. September 18th was due date for the Election Project and Other Support Staffing Task Order Request for Proposals (TORFP). The evaluation team is now in the process of reviewing the responses. Additional precinct voting booths and the additional precinct carts are being procured. Work also continued on the initiation phase for the 2022 Pollbook Project.

6. Voting System

Electronic Pollbooks

SBE continues to work with ES&S on the software update for the implementation of same day registration on election day. SBE received a BETA version of the software on September 18th. A statewide test of the new software release is scheduled for the week of October 7th.

In the 2020 elections, SBE will implement a wide area network on election day in six counties. This network will be similar to the network used for early voting since 2010. This network is necessary to allow real-time processing of a majority of the same day registration transactions. Without this network, the local boards will not have the information they need to prepare for the absentee and provisional canvasses due to the time it takes to process and import the electronic transactions into MDVOTERS and the need to have this information the day after election day.

At the September 18th meeting of the Board of Public Works, SBE presented for approval the procurement of 1,983 barcode scanners. These barcode scanners will be used with the electronic pollbooks on election day to scan driver's licenses of individuals who wish to register and vote to verify whether this individual has been pre-qualified to register. The procurement for the barcode scanners was approved.

Voting System Upgrade

SBE continues planning for a possible software and firmware upgrade that will include all components of the voting system. ES&S has submitted to SBE the application for State certification of the new software release. ES&S will provide the equipment needed to start the State certification process on September 30th.

The selected Voting System Testing Laboratory (VSTL) completed its testing for the federal certification of the new software, and the U.S. Election Assistance Commission certified the upgrade (EVS 6.1.0.0) on September 24th..

ASSISTANT ATTORNEY GENERAL'S REPORT
September 26, 2019

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

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

3. *Barber v. Maryland Board of Elections*, No. C-02-CV-17-001691 (Cir. Ct. Anne Arundel Cnty.), *on appeal at* No. CSA-REG-2238-2017 (Md. App.) On January 25, 2018, Ms. Barber appealed from the Circuit Court's January 11, 2018 dismissal of her complaint. Ms. Barber sought damages and judicial review of, among other things, the State Board's decision not to issue a declaratory ruling permitting her to use campaign funds to pay for litigation costs she incurred in her unsuccessful attempt to retain her position as an administrative law judge in the District of Columbia. Ms. Barber was ruled ineligible for that position due to her candidacy in 2016 for Judge of the Circuit Court for Prince George's County, Maryland. On July 26, 2019, the Court of Special

Appeals affirmed the dismissal of Ms. Barber’s complaint. On September 5, 2019, the Court of Special Appeals issued the mandate for its ruling. The time for Ms. Barber to file a petition for certiorari to the Court of Appeals has since expired, and so the dismissal of her complaint is now final.

4. *Judicial Watch v. Lamone*, No. 1:17-cv-02006-ELH (U.S. District Court, D. Md.). This case involves the denial of access to Maryland’s voter registration database. Under Maryland law, access to the voter registration list is limited to Maryland registered voters and only for non-commercial, election-related uses. Judicial Watch—an elections watchdog group located in Tennessee—requested Maryland’s voter registration “database” and was denied because it was not a Maryland registered voter. Judicial Watch filed suit, arguing that the database was required to be disclosed under the federal National Voter Registration Act. On April 24, 2019, Judicial Watch filed a reply in support of its motion for summary judgment. On May 8, 2019, the defendants filed a reply in support of their cross-motion for summary judgment. On August 8, 2019, the District Court awarded summary judgment to the plaintiffs, but requested further briefing on the issue of whether the State Board of Elections should be compelled to produce the dates of birth of voters along with the other voter information available on Maryland’s voter registration lists. On September 13, 2019, the parties filed simultaneous briefs on that remaining issue, and on September 20, 2019, filed simultaneous response briefs. The issue is fully briefed and awaiting determination by the Court.

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

6. *Johnston, et al., v. Lamone*, No. 18-cv-3988-ADC (U.S. District Court, D. Md.), *on appeal at* No. 19-1783 (U.S.C.A., 4th Cir.). On December 28, 2018, the Libertarian Party of Maryland (the “Party”) and its Chairman, Robert Johnston, filed a lawsuit alleging that the statutory scheme governing the official recognition of minor parties in Maryland, as applied to the Party, was unconstitutional in at least two ways. They alleged that the scheme violates their First Amendment speech and association rights by requiring the Party to undertake the petition process to re-obtain formal recognition under State law, when there are already over 22,000 Maryland voters currently registered as Libertarians. They also alleged that the standard by which Maryland verifies petition signatures is unconstitutionally strict, in that it requires the rejection of signatures of known Maryland voters due to technical noncompliance with the statutory standard. Plaintiffs moved for a preliminary injunction, which was denied at a hearing on January 31, 2019. Subsequently, the defendant filed a motion to dismiss. On July 11, 2019, the district court granted the motion dismiss, concluding that the requirement that the Libertarian Party re-petition for recognition did not violate the party’s or its members’ constitutional rights, and that the challenge to Maryland’s signature standard was not ripe in the absence of a filed petition. On July 24, 2019, the plaintiffs filed a notice of appeal, and on September 11, 2019, filed their opening brief. Defendant’s response brief is due October 3, 2019.

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

8. *National Federation of the Blind, Inc., et al. v. Lamone et al.*, No. 1:19-CV-02228-ELH (U.S. District Court, D. Md.). On August 1, 2019, the National Federation of the Blind (“NFB”), NFB’s Maryland chapter, and three individual plaintiffs filed a lawsuit against the State Administrator and the individual members of the State Board of Elections alleging that SBE’s BMD policy has, in practice, violated the rights of voters with disabilities “to an equal opportunity vote in person by a secret ballot,” in violation of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. Specifically, plaintiffs allege that the policy relegates voters with disabilities to a “lesser used system” that amounts to “an inferior voting option for those who must use the BMD to vote independently.” For that reason, plaintiffs assert that the changes to the policy recently adopted by the State Board are insufficient to remedy the violations they have alleged. Instead, they seek an order requiring the State Board “in all future elections to offer BMDs to every in-person voter as the default method of voting, with paper ballots offered only to those voters who affirmatively opt out of using the BMD or in cases where there are long lines of people waiting to vote.” On September 3, 2019, defendants filed a motion to dismiss the complaint, and on September 17, 2019 the plaintiffs filed an opposition to the motion. On September 20, 2019, plaintiffs filed a motion for a preliminary injunction. The defendants’ reply in support of their motion to dismiss is currently due October 1, 2019, and their opposition to plaintiffs’ motion for preliminary injunction is due October 4, 2019.



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

BMD Update - 2020 State Board Policy

Joseph Torre -SBE- <joseph.torre@maryland.gov>
To: Erin Perrone -SBE- <erin.perrone@maryland.gov>

Tue, Sep 24, 2019 at 2:54 PM

Hi Erin,

The Anne Arundel County Board of Elections requests an exemption from where the BMD statement is read. If possible, please present our request below to the State Board at their September 26th Board Meeting.

STATEMENT TO THE BOARD: Anne Arundel County, respectfully requests, that the BMD statement be read by the check-in judge rather than the ballot issuance judge. The reason for this request is because at many precinct's (and small early voting rooms), the ballot issuance station tends to become a "bottleneck" in the voting process. If the statement is read by the check-in judge, and the voter desires to use the electronic device, the check-in judge could then give that voter a Ballot Activation Card, then that voter could bypass the ballot issuance station, and go directly to the voting area, where a Voting Operations Judge could assist the voter with the use of the Ballot Marking Device. By moving the reading of this statement to the check-in area where many of the precincts and Early Voting Centers have three or more pollbooks, the voter flow will move faster and more smoothly, keeping voter lines shorter and help to relieve the "bottleneck" at the ballot issuance station. Thank you for your consideration.

Thank you Erin!

Regards,
Joe

Joe Torre
Election Director
Anne Arundel County Board of Elections
P.O. Box 490, Glen Burnie, MD 21060-0490
[6740 Baymeadow Drive, Glen Burnie, MD 21060](#)
(Office) 410-222-6600 Ext. 0407
(Direct) 410-222-0407
(Cell) 410-533-0482
(Fax) 410-222-6833

On Wed, Jul 3, 2019 at 11:11 AM Erin Perrone -SBE- <erin.perrone@maryland.gov> wrote:
[Quoted text hidden]



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

BMD Policy for Statement

1 message

Ruie Lavoie <RLavoie@ccgov.org>
To: Erin Perrone -SBE- <erin.perrone@maryland.gov>

Fri, Aug 30, 2019 at 9:39 AM

Erin,

I am writing to request that the State Board grant a waiver to allow Cecil County the option to notify all voters of their voting options (paper or BMD) at the check in station. I plan to assign a "BMD" judge to each polling place. This judge will be responsible to assist in notifying the voters at check in, and before they receive a paper ballot at Ballot Issuing. This additional judge will also assist voters at the ballot marking device. This strategy was used throughout early voting at another County during the 2018 election and worked very well.

Please thank the State Board for their time and consideration.

Have a wonderful holiday weekend!

Ruie

Ruie Marie Lavoie

Director

Cecil County Board of Elections

Secretary, Maryland Association of Election Officials (MAEO)

2020 MAEO Conference Planner

[200 Chesapeake Boulevard, Suite 1900](#)

[Elkton, Maryland 21921](#)

rlavoie@ccgov.org

Office: 410.996.5310

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[Cecil County Government, Customer Service Survey](#)

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Thank you.

September 24, 2019

RE: Wireless Network for Precincts on Election Day

Dear Chairman Cogan, Vice Chairman Hogan, Board members Funn, Howells and Voelp:

The SBE administration is planning to implement an expensive and risky project to wirelessly network precincts on election day. It appears that SBE members only learned of it at the last board meeting, in response to a question from Ms. Howell. But the purpose, risks, and costs (over \$1,000,000) have not been completely explained. I urge the SBE to better understand this proposed system, along with its risks, costs, and alternatives, before approving it.

The purpose behind this plan, i.e. why there is a need to network the precincts on election day, is unclear. At the August 22, 2019 SBE meeting, board member Howell asked about the antennae mentioned in Mr. Shalleck's April 16, 2019 memo. Deputy Administrator Charlson indicated that they were considering networking some precincts to get data during the day to start the transfer of data for nightly batch processing to update the voter registration database. She mentioned that the network was not meant to prevent people from going from place to place to vote, as the infrastructure already prevents that. Testing is still on-going and the exact equipment needs have not yet been determined. Only the five largest counties will be affected because the smaller counties can meet the 3:00 am Wednesday deadline. Months ago, they gave the counties an estimate of \$1000 per precinct to put in their budget.¹

The purpose of this networking plan was also not clearly explained in Deputy Administrator Charlson's August 30 memo to Montgomery County Election Director Jurgensen. In that memo, Charlson wrote:

"As we discussed at last week's Election Directors' meeting, we do not need a statewide election day network to ensure that the voter history data your offices need for processing of absentee and provisional ballots are ready when you need it. We do, however, need some type of an election day network so that some of voter transactions can be received during election day and processed before the nightly deadline for MDVOTERS. In light of the volume of transactions your counties generate, we have decided that the precincts in your counties will [be] part of that network."

The August 30 memo lists the cost of this program for Montgomery County as \$349,563 (including \$1,070 for each network connection and \$273 for each barcode scanner - - the purpose of the barcode scanners is unclear.) Given the high fiscal cost, there should be a clear explanation of its purpose to justify the expense.

Five significant questions should be answered before the SBE votes on approving such an election-day network:

1. It appears that the purpose of the network is to obtain data from pollbooks early in order to have enough time to complete transactions by 3:00 am Wednesday.
 - What specifically needs to be updated by 3:00am Wednesday? Why?
 - How many more transactions are expected in each county with same-day-registration than in past elections?
 - How long does it take to process each transaction?

¹ This summary is based on the meeting audio at 1:10:35, but this subject is not mentioned in the draft posted minutes.

- What would the consequence be if the data was updated at 5:00 am instead of 3:00am?

2. What alternatives were considered besides networking?

- Obtaining updates by runner during the day?
- Processing the updates in parallel?
- Who was consulted about other possible technical solutions to speed the update process?

3. What are the security and transmission risks of such a wireless network?

- What problems have other jurisdictions (like Indiana) had?
- Have the planned wireless networks been analyzed by cyber security experts?
- Technicians are available to setup and help with the early voting networks. Will technicians be available to support every precinct being networked?
- What are the contingency plans if the network goes down?

4. What are the total expected costs of such a network, including the hardware, software, additional technical support, additional cyber security testing and advice, and any contingency plans should the system experience an election-day failure?

- The fiscal note for HB 286 (Registering and Voting at Precinct) did not include any cost for precinct networking or for implementing and testing this system. Does the recently drafted regulation have an associated cost estimate?

5. Given Maryland's requirement for a uniform voting system, is it acceptable to network in the large counties and not in the small counties?

Given the current cyber-threat environment, a risky wireless network should not be introduced unless it is absolutely needed.

Sincerely,

Lynn Garland

STATE BOARD OF ELECTIONS

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

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



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

TO: State Board Members
FROM: Jared DeMarinis, Director
Division of Candidacy and Campaign Finance
DATE: September 26, 2019
SUBJECT: Waiver of late filing fees standards

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

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

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

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

Pursuant to Election Law Article §13-337 (b) (3), the State Administrator has denied zero waiver request, for the month of July. No Board action is required on the denials. Late fees collected year to date for Late Fee Waivers are \$51,279.42

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

Waiver Request for Audit Reports (September 26, 2019)

1. Ademiluyi, April Elect
2. AFSCME-ACE PAC
3. Baltimore City Republican Central Committee
4. Baltimore County Green Party
5. Barron, Ereik L. Friends of
6. Bickford, Pieter Citizens for
7. DiGregory, Bryan for State's Attorney
8. Frazier, Dennis Friends for
9. Gallion, Jason Friends of
10. Hartman, Wayne Friends of
11. Howard County Republican Central Committee
12. Kelley, Delores Citizens For
13. Leonard, Robert Friends of
14. Levi, Gerron Committee For
15. Long, Robert (Bob) Friends of
16. McCaskill, "Aletheia" for State Senate

Waiver request Per OSP

1. Barclay, Christopher Friends of
2. Smigiel, Mike Friends Of

Waiver Request Information Page

General

Account Name	Ademiluyi, April Elect	
CCF ID:	01011310	Status: Active
Date Established	1/27/16	
Date Waiver Requested	7/20/19	
Account Type	Candidate Account	

Officers

Current Treasurer	Chris Ademiluyi	Start Date: 1/27/16
Responsible Treasurer		
Current Chairman	April Ademiluyi	1/27/16
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior waiver and fees	Referred to OSP
2019 Audit			\$70	\$70		
			\$	\$		
				Total: \$70		

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

Recent Financial Activity History

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

Reason for Waiver

We were not provide clear instructions in the notice on how to send proper notice that the deficiency was cured.

Division Comments

Grant

Administrator's Decision



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

Fwd: Fee Running Notice for the 1/16/19 Annual Audit Report

1 message

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

Mon, Jul 29, 2019 at 3:06 PM

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

From: **April Ademiluyi**
Date: Mon, Jul 29, 2019 at 2:50 PM
Subject: Re: Fee Running Notice for the 1/16/19 Annual Audit Report
To: <info.sbe@maryland.gov>

Hello:

We were not provided clear instructions in the notice on how to send proper notice to SBE that the deficiency was cured.

After receiving a notice of a deficiency, we immediately returned the excess cash contribution with a check to the donor on June 2, 2019, and filed a 2020 report reflecting the returned contribution. We also corrected the ending bank balance on the 2020 report.

On July 29, 2019, we received a notice that we did not correct the violation.

After a phone call with SBE on July 29, 2019, we were advised that we need to file an amended 2019 report with notes in comment section of the contribution providing details on how the cash was returned to the donor. The requested amended report was immediately filed on July 29, 2019. The notice we received did not clearly make that request.

The deficiency was timely cured and notice was sent to SBE. Please waive the fees assessed due the confusion and failure to provide instructions on how to properly show SBE that the deficiency was cured.

On Mon, Jul 29, 2019 at 12:58 PM <info.sbe@maryland.gov> wrote:

This is to notify you that the 1/16/19 Annual Report has not been received and late fees are being assessed for this report.

Attached you will find a copy of the fee running notice and a hardcopy will be followed up to you in the mail.

If you have any questions please feel free to contact us.

Division of Candidacy and Campaign Finance
410.269.2880
info.sbe@maryland.gov

Also attached you will find the 2017 Summary Guide to Maryland Candidacy and Campaign Finance Laws and the MDCRIS Overview User Manual. These can also be located on the main page of CRIS before logging in.

Here is the link for the MDCRIS Overview Video on YouTube: <https://www.youtube.com/watch?v=YcbNIJCo-i8>

Waiver Request Information Page

General

Account Name	AFSCME-ACE PAC	
CCF ID:	03007935	Status: Active
Date Established	10/25/85	
Date Waiver Requested	8/6/19	
Account Type	PAC Account	

Officers

Current Treasurer	Denise Yorkshire	Start Date: 8/28/18
Responsible Treasurer		
Current Chairman	Marian Colter	8/28/18
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior waiver and fees	Referred to OSP
2019 Audit			\$150	\$		
Post General			\$150	\$		
Pre General 2			\$150			
Pre General 1			\$150			
Pre Primary 1			\$150			
PrePrimary 1			\$150			
2018 Audit			\$150	Total \$1,050		

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

Recent Financial Activity History

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

Reason for Waiver

The deficiency was due to a \$0.01 difference I would request an abatement for the penalty as this was a first time amendment.

Division Comments

Grant

Administrator's Decision



**ASSOCIATION OF CLASSIFIED EMPLOYEES
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES
LOCAL 2250 AFL-CIO**

14440 OLD MILL ROAD, UPPER MARLBORO, MARYLAND 20772 TELEPHONE: 301-809-0472 FAX: 301-809-5821

03-21

To: Ebony Tarran

From : Jeff Wilson II Accountant

Committee Name: AFSCME-ACE PAC

CCF ID : 03007935

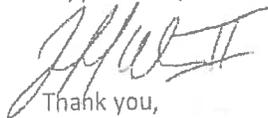
Date: 8/6/2019

Subject: AFSCME-ACE PAC Amendment Request – Penalty Abatement Request

Mrs. Tarran, I appreciate you taking the time today to speak with me and assist with the remediation of the organizations Deficiency Reports. Per our conversation, it was noted that we received deficiency reports for the following period: 01/17/2018 Annual, 06/15/2018 Pre-Primary2, 08/21/2018 Pre-General1, 11/20/2018 Post-General, 01/16/2019 Annual.

Per my conversation with yourself and audit staff, the deficiency was related to a \$0.01 difference. I understand that accuracy is a key point of campaign finance integrity. However, I would like to request an abatement for the penalty due to this being a first time amendment and this difference being an difference that seems to have been carried forward from years prior.

I appreciate your consideration in this matter and look forward to future correspondence.



Thank you,

Jeff Wilson

Accountant

240-205-8800

AFSCME-ACE PAC

Waiver Request Information Page

General

Account Name	Baltimore City Republican Central Committee	
CCF ID:	05007580	Status: Active
Date Established	1/01/01	
Date Waiver Requested	8/28/19	
Account Type	CC Account	

Officers

Current Treasurer	Nick Wentworth	Start Date: 1/14/19
Responsible Treasurer		
Current Chairman	Shannon Wright	1/08/19
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior waiver and fees	Referred to OSP
Audit						
2018 Annual			\$240	\$240		
				Total:\$240.00		

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

Recent Financial Activity History

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

Reason for Waiver

The treasurer made the required amendments within the deadline, we believed that those change were sufficient to file the report.

Division Comments

Grant

Administrator's Decision

Dear Victoria Molina,

This letter is to begin the process of appealing the \$240.00 fine levied against the Baltimore City Republican Central Committee. Our reasons for appealing are:

(1) that the treasurer, Nicholas Wentworth, had made the required amendments noted by the audit within the deadline. Given that the MDCRIS system accepted those changes and noted that those contributions were now in compliance, we believed that those changes were sufficient to file the report.

(2) The treasurer did not receive notification that the report was not filed until August 6th, after significant fines had already been accrued without possibility to prevent them.

(3) Our chair, Shannon Wright, has not received any correspondence from the Board of Elections, which is surprising because it is our understanding that in situations like this, the chair is typically notified.

(4) Finally, and perhaps related to the difficulties in communication above, it appears that the Board of Elections believes Charles Long is our treasurer, and Glenn E Bushel is our chair. This is incorrect, and has been a source of pain for our committee because Mr. Bushel is no longer on the committee and the fact that he has been a recipient of our mail from the Board of Elections has opened us to financial damages and caused us to become interested in the policies and procedures the Board of Elections uses to handle sensitive financial information. I look forward to hearing from you,

Respectfully,

Nicholas E. Wentworth

Nicholas Wentworth, Treasurer
Baltimore City Republican Central Committee

RECEIVED

AUG 28 2019

STATE BOARD OF ELECTIONS

Waiver Request Information Page

General

Account Name	Baltimore County Green Party	
CCF ID:	05011533	Status: Active
Date Established	12/08/16	
Date Waiver Requested	8/02/19	
Account Type	Candidate Account	

Officers

Current Treasurer	Amanda Watts	Start Date: 2/26/19
Responsible Treasurer		
Current Chairman	Theresa Alexander	2/15/19
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior waiver and fees	Referred to OSP
Audit						
2018			\$120	\$120		
2019			\$50	\$50		
				Total:\$170		

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

Recent Financial Activity History

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

Reason for Waiver

We would like to kindly request that the late fee be waived we are in the process of changing leadership. We appreciate your patience with us.

Division Comments

Grant

Administrator's Decision

Hello,

We would like to follow up to ensure that the amendments that we filed for both the 2019 and 2018 reports were completed accurately.

We would also like to kindly request that the late fee be waived, which we believe would have been \$50 total. Please note that correspondence should not be mailed to Mark McColloch, a former chair of this committee, as he unfortunately passed away in late October of 2018.

We mailed the Bylaws, as requested, and would like to confirm that those have been received from the Baltimore County Green Party.

We anticipate that the leadership of this committee may change with an upcoming election, and would like to try to have all old business completed for a clean transition for the incoming chair and treasurer of this committee. We appreciate your patience with us, and all of your assistance. We look forward to hearing from you. Thanks!

~Theresa Alexander

Theresa Alexander, M.S., CCC-SLP

Clinical Instructor

Waiver Request Information Page

General

Account Name	Barron, EreK L. Friends of	
CCF ID:	01005365	Status: Active
Date Established	9/28/09	
Date Waiver Requested	7/31/19	
Account Type	Candidate Account	

Officers

Current Treasurer	Charles Bright	Start Date: 4/05/19
Responsible Treasurer		
Current Chairman	Erek Barron	2/04/16
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior waiver and fees	Referred to OSP
2019 Audit			\$60	\$60		
Pre General 2			\$60	\$60		
				Total:\$120		

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

Recent Financial Activity History

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

Reason for Waiver

Treasure didn't have nessary information to file. As I was sick I wasn't able to get information to him.

Division Comments

Grant

Administrator's Decision

8/14/2019

Maryland.gov Mail - Re: Request for Waiver of Fines



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

Re: Request for Waiver of Fines

1 message

Jared DeMarinis -SRF- <jared.DeMarinis@maryland.gov>

Wed, Jul 31, 2019 at 9:03 AM

To: "Erek L. Barron"

Cc: Charles Bright <[redacted]>, Victorica Smith -SBE- <victorica.smith@maryland.gov>

Thank you for the waiver request. It will be processed.

Jared DeMarinis
Director - Division of Candidacy and Campaign Finance
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401-0486
Phone: 410-269-2853

On Tue, Jul 30, 2019 at 6:38 PM Erek L. Barr

Dear Mr. DeMarinis,

From at least during the week of July 15, 2019 and continuing through July 29, 2019, my family and I have been sick. This first started with my daughter, then hit my wife, and now me. Colds and flues and such tend to hit me a bit harder as I have a certain health condition that makes me more susceptible to infections.

Our new campaign committee treasurer, Charles Bright, did timely alert me that our two amended reports (for the 2018 Pre-Gen 2 and 2019 Annual) were due, however he did not have the information necessary to make the amendments. These amendments were relatively minor and I hope you and the Board can excuse the delay and waive the \$120 in fines.

if you require additional information, please do not hesitate to ask.

Thank you for your consideration,

Erek

--

Erek L. Barron
Maryland State Delegate
Prince George's County, District 24



Waiver Request Information Page

General

Account Name	Bickford, Pieter Citizens for	
CCF ID:	01011340	Status: Active
Date Established	1/29/16	
Date Waiver Requested	7/26/19	
Account Type	Candidate Account	

Officers

Current Treasurer	Melissa Fountain	Start Date: 1/29/16
Responsible Treasurer		
Current Chairman	Peter Bickford	1/29/16
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior waiver and fees	Referred to OSP
2019 Audit			\$30	\$30		
2018 Audit			\$30	\$30		
				Total:\$60		

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

Recent Financial Activity History

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

Reason for Waiver

The report was resovled after two phone calls to your office to get help.

Division Comments

Grant

Administrator's Decision

8/14/2019

Maryland.gov Mail - Fwd: Late Fee



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

Fwd: Late Fee

1 message

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

Fri, Jul 26, 2019 at 4:13 PM

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

From: **Pieter Bickford**
Date: Fri, Jul 26, 2019 at 3:42 PM
Subject: Late Fee
To: <info.sbe@maryland.gov>

My committee—Citizens for Pieter Bickford—has been charged two \$30 fees for a discrepancy report. This has been resolved after two phone calls with your office to get help with filing an amendment. Please waive both fees.

Thanks.

Pieter Bickford

Waiver Request Information Page

General

Account Name	DiGregory, Bryan for State's Attorney	
CCF ID:	01012348	Status: Active
Date Established	2/12/18	
Date Waiver Requested	8/20/19	
Account Type	Candidate Account	

Officers

Current Treasurer	Mary Hayman	Start Date: 2/12/18
Responsible Treasurer		
Current Chairman	Bryan Digregory	2/12/18
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior waiver and fees	Referred to OSP
Audits						
Pre-Primary 2		7/29/19	\$70	\$70		
Pre-General 2		7/29/19	\$70	\$70		
				Total: \$140.00		

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

Recent Financial Activity History

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

Reason for Waiver

After several failed attempts to navigate the system I called SBE for help and they walk me through the process.

Division Comments

Grant

Administrator's Decision

DiGregory

Mary Susanne Hayman
117 Manor Avenue
Chestertown, Maryland 21620

August 14, 2019

RECEIVED

AUG 20 2019

STATE BOARD OF ELECTIONS

Mr. David J. McManus, Chairman
Maryland State Board of Elections
P. O. Box 6486
Annapolis, Maryland 21401

Dear Mr. McManus and Board Members:

Acting on advice I received from a State Board of Elections (SBE) employee, I write on behalf of myself and Bryan DiGregory, Kent County's State's Attorney, to request a waiver of the fines assessed against each of us for my bungled attempts at filing two amended financial reports on time. The reports in question are the 6/15/2018 pre-primary and the 10/26/2018 re-general2.

I found it necessary to speak with SBE assistants three times in my several attempts to submit the two amended reports, and in the final conversation the SBE assistant advised me to write a letter detailing all my efforts in the hope that the fines against Mr. DiGregory and me could be waived. Thus, I plead my case.

In June 2019 I received communication from the SBE that auditors found the above referenced two campaign reports were deficient for lack of employer information for four campaign donors. Because all four donors either had no employer or were self-employed it seemed this was going to be a simple fix.

On July 11, 2019, after several failed attempts to navigate SBE's computerized reporting system I telephoned the SBE office for help. A very kind SBE employee walked me through the report amendment process on the phone. She pointed out an "other" category in a drop-down box on the online form, which I did not see earlier. She stayed with me on the phone for the amendment process, all the way through to the clicking the submission button at the bottom of the page. After she indicated I should click the "submit" button, I did that and told her I completed that step. She next asked if I thought I could handle amending and submitting the second form on my own. I said I believed I could. After supplying employer information in the second amended report and clicking "submit," I breathed a sigh of relief and notified Mr. DiGregory the amendments were done and all reports were compliant as of July 11, 2019.

Several days later I received a notice from SBE stating that I am being fined because amendments for the two reports were never submitted. I was surprised and immediately got on the SBE website and looked at both amended reports. The employer information SBE requested in June was already present in both reports, just as it was when I spoke with the SBE employee on July 11th.

Confused about what was wrong, I again called SBE for help. The assistant (also very nice) I spoke with told me the amended reports were never submitted. I explained why I thought the amended reports

Waiver Request Information Page

General

Account Name	Frazier, Dennis Friends for	
CCF ID:	01009406	Status: Active
Date Established	9/12/13	
Date Waiver Requested	8/02/19	
Account Type	Candidate Account	

Officers

Current Treasurer	William Borisevic	Start Date: 10/16/17
Responsible Treasurer		
Current Chairman	Dennis Frazier	9/12/13
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior waiver and fees	Referred to OSP
Audit			\$80	\$80		
2018			\$	\$		
				Total:\$80		

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

Recent Financial Activity History

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

Reason for Waiver

I had three amendment to file I belived I had filed all of them until I received a fee running notice.

Division Comments

Grant

Administrator's Decision

Maryland State board of Elections

151 West St. #200

Annapolis MD. 21401

Sir or Madam,

This is Dennis Frazier, I am the chairman for "Friends for Dennis Frazier" campaign, as well as the candidate. I received notice that I had 3 deficiencies in my campaign reporting in May of this year. I went online and corrected the deficiencies and filled them, or so I thought. I just received another email telling me that fees were being assessed on one of the three deficiencies. I called and filled the required amendment today. I am asking you to forgive the late fees on the third deficiency because I believed I had filled it with the other two. My lack of expertise on the computer caused the third amendment not to be filled. I thought I had done everything the same on all three but apparently, I failed to send the last one. This was clearly my mistake, but one made unintentionally.

Thank you for your consideration.



Dennis Frazier

443-340-6643

RECEIVED
AUG 02 2019
STATE BOARD OF ELECTIONS

Waiver Request Information Page

General

Account Name	Gallion, Jason Friends of	
CCF ID:	01011663	Status: Active
Date Established	04/12/17	
Date Waiver Requested	8/19/19	
Account Type	Candidate Account	

Officers

Current Treasurer	Sonya Gallion	Start Date: 4/12/17
Responsible Treasurer		
Current Chairman	Jason Gallion	4/12/17
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior waiver and fees	Referred to OSP
Audits						
2019 Annual			\$70	\$70		
Pre-General 2			\$70	\$70		
Pre-General 1			\$70	\$70		
2018 Audit			\$70	\$70		
				Total:\$280		

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

Recent Financial Activity History

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

Reason for Waiver

I had several issues throughout the process of coming into compliance and was not able to speak with anyone until July 29.

Division Comments

Grant

Administrator's Decision

Sonya Gallion, Treasurer, Friends of Jason Gallion
CCF ID : 01011663

August 7, 2019

Jared DeMarinis
151 West Street Suite 200
Annapolis, MD 21401

RECEIVED

AUG 19 2019

STATE BOARD OF ELECTIONS

Dear Jared DeMarinis:

I am sending this letter to appeal the fees assessed against the Friends of Jason Gallion account through MDCRIS. I received the letters about the routine audit that was performed earlier this year and was made aware of the reporting deficiencies and errors that needed correction. I have had several issues with the system this summer that made it very difficult for me to get these issues addressed. The first problem occurred when I was unable to log in to the system for several days, and then after that issue was fixed, I was unable to process donations the next time I tried. I sent emails about these issues, which I have attached.

July 1, 2019, I started working to resolve the issues again that were addressed on the deficiency reports. I sent an email on July 1, 2019, but did not receive a response this time. I then resent the mail on Thursday, July 25, 2019, and still did not receive a response. I also tried to call several times throughout this time frame and did finally get to speak with someone on July 29, 2019, who was finally able to talk me through fixing the errors. As you will see in the system, all errors were fixed and amended on that date. I am asking that the fees be waived as I had several issues throughout the process of coming to compliance.

I thank the wonderful workers on the other end that did finally help me through the steps, as this is my first time navigating the system. I have attached the emails that I sent throughout this process.

Sincerely,

Sonya Gallion, Treasurer, Friends of Jason Gallion

CCF ID : 01011663

Waiver Request Information Page

General

Account Name	Howard County Republican Central Committee	
CCF ID:	05007602	Status: Active
Date Established	1/01/1901	
Date Waiver Requested	8/20/19	
Account Type	CC Account	

Officers

Current Treasurer	James Williams	Start Date: 2/01/18
Responsible Treasurer		
Current Chairman	Laura Walsh	11/30/18
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior waiver and fees	Referred to OSP
Audits			\$	\$		
Annual 2019		7/30/19	\$150	\$150		
Post-general		7/30/19	\$150	\$150		
Pre-general1		7/30/19	\$150	\$150		
Pre-general2		7/30/19	\$150	\$150		
Pre-Primary2		7/30/19	\$150	\$150		
Pre-primary1		7/30/19	\$150	\$150		
Annual 2018		7/30/19	\$150	\$150		
				Total \$1050.00		

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

Recent Financial Activity History

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

Reason for Waiver

We were confused about how to repond to the deficiency report, it was not properly explained to us.

Division Comments

Reduce the fee to \$300.00

Administrator's Decision

August 15, 2019

Howard County Republican Central Committee
P.O. Box 26
Ellicott City, MD 21041

Jared DeMarinis, Director
Division of Candidacy and Campaign Finance
Maryland State Board of Elections
P.O. Box 6486
Annapolis, MD 21401

RECEIVED

AUG 20 2019

STATE BOARD OF ELECTIONS

Dear Mr. DeMarinis,

We are writing today to request a waiver of the late fees which have accumulated on the seven Deficiency Reports which were issued to the Howard County Republican Central Committee ("the Committee") on May 29, 2019, with a due date of July 15, 2019. These Deficiency Reports covered seven consecutive campaign finance reporting periods, beginning with the 2018 Annual Report and continuing through to the 2019 Annual Report. \$150 in late fees have accumulated on each report, for a total balance of \$1,050.

After receiving the Deficiency Reports, the Committee discussed the reports and the actions which needed to be taken at its June meeting on June 12, 2019. An Audit Committee was convened, and this committee met on June 30, 2019. Through its review, the Audit Committee identified approximately two dozen transactions in need of correction. These corrections included unrecorded donations, unrecorded expenditures, correction of transposed dollar amounts, and curing of transactions for which the figures were accurate, but there was another, technical deficiency (i.e. missing reimbursement information or wrong type of transaction selected).

Before beginning our audit, it was a known issue to both the State Board of Elections (SBE) and the Committee that the Committee's Electoral and Administrative account balances did not agree with SBE's totals as recorded by the Campaign Reporting Information System (CRIS). This is an issue with which you have some familiarity through your work with a prior Committee Treasurer on a series of amended campaign finance reports. The Committee recognized an audit of just the reporting periods covered by the Deficiency Reports would not result in enough revisions to bring the figures of the Committee and SBE into agreement. Owing to the complexity of the issue, Mr. Williams attempted to contact SBE multiple times before and after the Audit Committee met to attempt to get formal guidance on how the Committee should proceed.

On Friday, June 28, 2019, Mr. Williams called SBE and left a message. The following week, Ms. Ebony Sherbert-Parran and Mr. Williams exchanged voicemails. On July 10, 2019, Mr. Williams called Ms. Sherbert-Parran again and successfully connected. During this call, Mr. Williams explained the issue and its various complexities and asked for guidance

Waiver Request Information Page

General

Account Name	Hartman, Wayne Friends of	
CCF ID:	01012122	Status: Active
Date Established	12/27/17	
Date Waiver Requested	8/23/19	
Account Type	Candidate Account	

Officers

Current Treasurer	Jay Knerr	Start Date: 12/27/17
Responsible Treasurer		
Current Chairman	Marlene Ott	12/27/17
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior waiver and fees	Referred to OSP
Audit						
Pre-Primary1			\$70	\$70		
				Total:\$70.00		

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

Recent Financial Activity History

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

Reason for Waiver

We had six report to correct,we made the admenment for the report on July 16 for whatever reason the Pre-Prainary report didn't go throught with the others I'm requesting a waiver for this reason.

Division Comments

Grant

Administrator's Decision



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

Request for Late Fee Waiver

1 message

Jay Knerr

Fri, Aug 23, 2019 at 12:09 PM

To: "victorica.smith@maryland.gov" <victorica.smith@maryland.gov>
Cc: "lisa.hanzook@maryland.gov" <lisa.hanzook@maryland.gov>

Dear Victoria,

I am the Treasurer for the Friends of Wayne Hartman Campaign. I am writing to request a waiver of Late Fees in the amount of \$70.00 as assessed in the attached notice that is dated 8/20/2019. I received several notices for errors on the various required report filings for the Hartman Campaign. The deadline to correct all errors was July 22, 2019. The errors were in reference to out of sync bank balances that I mistakenly made. I corrected the balances on each report and submitted all of them on July 16, 2019. For some reason the 5/22/2018 report was not received by the State Board of Elections on that date. Whether it was due to a computer glitch or an upload error, I am not sure. What I do know is that on the 16th, I firmly believed that the report was indeed filed correctly along with all of the others. As you know on each of the audited reports that were filed, I am required to update the ending bank balance for each of the report dates. This was clearly done which would indicate that I had corrected the error and uploaded to the Board of Elections. Unfortunately it was never received on your end.

Given that this is the first time that something like this occurred in Hartman's campaign filings I would respectfully ask that you waive the \$70 late fee. Please advise me of you decision.

Sincerely,

Jay Knerr

Treasurer

Friends of Wayne Hartman



Waiver Request Information Page

General

Account Name	Kelley, Delores Citizens For	
CCF ID:	01000057	Status: Active
Date Established	4/28/86	
Date Waiver Requested	8/26/19	
Account Type	Candidate Account	

Officers

Current Treasurer	Russell Kelley	Start Date: 4/28/86
Responsible Treasurer		
Current Chairman	Delores Kelley	1/28/04
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior waiver and fees	Referred to OSP
Audits						
Post General		8/02/19	\$110	\$110		
Pre-General2		8/02/19	\$110	\$110		
Pre-General1		8/02/19	\$110	\$110		
Pre_Primary 2		8/02/19	\$110	\$110		
Pre-Primary1		8/02/19	\$110	\$110		
2018 Annual		8/02/19	\$110	\$110		
				Total \$660		

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

Recent Financial Activity History

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

Reason for Waiver

We had assumed that our electronic transmission of the report was complete as we received a message that it was successfully received

Division Comments

Grant

Administrator's Decision

CITIZENS FOR DELORES KELLEY
P.O. BOX. 21514
BALTIMORE, MARYLAND 21282-1514

August 22, 2019

Mr. Jared DeMarinas, Director
Division of Candidacy & Campaign Finance
State Board of Elections
P.O. Box 6486
Annapolis, MD 21301-0486

RECEIVED

AUG 26 2019

STATE BOARD OF ELECTIONS

Dear Mr. DeMarinas:

I am writing to request a waiver of fines recently imposed upon our campaign, "Citizens for Delores Kelley," as the result of our unsuccessful initial attempt to provide six amended 2018 reports to cure some missing entries regarding the names of employers of some of our campaign contributors.

As you are aware, we attempted to timely respond to the six requests for amended reports, requests originally sent to us electronically on May 30, 2019. You were subsequently very helpful in reviewing with Deborah Risper (our data-entry person) what had gone wrong with our original attempt to timely provide the required amended reports. As you know, she had assumed that our electronic transmissions of the amended reports were complete, as she received a return message in each case, indicating that the entry had been "successfully received."

After your kind advice as to what she needed to do to correct the problem, we hoped that the entire matter had been resolved, only to find on August 20, 2019 that we have been fined for the late re-entry of the six amended reports, with a total of \$660.00 of aggregate fines having been imposed upon our campaign.

I am asking for understanding, for mercy and for the waiver of each of the six fines in the amount of \$110.00 for each amended report subsequently filed with your assistance.

Thanks for your past assistance and for your consideration of this request.

Sincerely,

Delores G. Kelley
Delores G. Kelley, Chairman

Waiver Request Information Page

General

Account Name	Leonard, Robert Friends of	
CCF ID:	01009477	Status: Active
Date Established	10/10/13	
Date Waiver Requested	7/30/19	
Account Type	Candidate Account	

Officers

Current Treasurer	Robert Leonard	Start Date: 10/10/13
Responsible Treasurer		
Current Chairman	Mike Brown	7/10/17
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior waiver and fees	Referred to OSP
(Audits)			\$	\$		
2019			\$70	\$70		
Post Gen			\$70	\$70		
Pre Gen 2			\$70	\$70		
Pre Gen 1			\$70	\$70		
				Total:\$280		

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

Recent Financial Activity History

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

Reason for Waiver

I made a good faith effort to resolve this issue. I call several times to speak to an Auditor.

Division Comments

Grant

Administrator's Decision



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

Fwd: Request for Waiver

2 messages

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

Tue, Jul 30, 2019 at 11:29 AM

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

From: **Robert Leonard**
Date: Tue, Jul 30, 2019 at 11:25 AM
Subject: Request for Waiver
To: info.sbe@maryland.gov <info.sbe@maryland.gov>
Cc: lisa.hanzook@maryland.gov <lisa.hanzook@maryland.gov>

To Whom it May Concern,

I am writing to request a waiver of violation fees charged to Friends of Robert Leonard. I had been diligently attempting to resolve the discrepancies in my reports prior to filing amendments. As of yesterday, and within an hour of receiving an email alerting me of a Fee Running Notice, I have submitted all requested amendments.

Upon learning that my report was under audit, I called the Board of Elections to schedule an appointment with an auditor to learn how I could fix the problems. I was transferred to a voicemail machine. On July 15, 2019, an auditor (Meku) returned my call and left me a voicemail. I returned his call and left him a voicemail. I was not able to speak to him in person until yesterday. I learned on yesterday's call - for the first time - that I could file amendments without being correct and that would prevent further late fees. Meku informed me that the Board of Elections does not keep a phone log of times that I attempted to contact an auditor and when they returned my calls. If this information was tracked, it would prove that I have been making a good faith effort in resolving this issue.

This morning I met with Lisa Hanzook, a financial compliance auditor at the Board of Elections, to make sure that I was now in compliance with reporting. She said that I was. I also informed her that I wanted to close my account and submit a final report, but that a discrepancy may exist of less than \$100 that I have been unable to account for after trying my best to reconcile. I have now submitted a final closing report. If necessary, I will provide all bank statements.

Again, I am requesting a waiver of late fees. I no longer have an account and do not have campaign funds to make the payment. I currently have approximately \$12,000 in candidate campaign loans that I am already forfeiting and cannot afford another \$280.

Thank you,
Robert Leonard
Chairperson, Friends of Robert Leonard

Lisa B. Hanzook -SBE- <lisa.hanzook@maryland.gov>
To: Victorica Smith -SBE- <victorica.smith@maryland.gov>
Cc: Mequanenet Abaineh -SBE- <mequanenet.abaineh@maryland.gov>

Mon, Aug 5, 2019 at 9:55 AM

Waiver Request Information Page

General

Account Name	Long, Robert (Bob) Friends of	
CCF ID:	01006170	Status: Active
Date Established	6/30/10	
Date Waiver Requested	8/19/19	
Account Type	Candidate Account	

Officers

Current Treasurer	Lois Temple	Start Date: 6/30/10
Responsible Treasurer		
Current Chairman	Robert Long	6/30/10
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior waiver and fees	Referred to OSP
2018 Annual Audit		7/29/19	\$70	\$70		
			\$	\$		
				Total:\$70		

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

Recent Financial Activity History

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

Reason for Waiver

We did the amendment on July 14 we have never been late and have always filed on time.

Division Comments

Grant

Administrator's Decision

August 14, 2019

State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401-0486
Tel: 410.269.2840

RECEIVED

AUG 19 2019

STATE BOARD OF ELECTIONS

Re: Long, Robert (Bob) Friends of, CCF ID 01006170 – Audit Report 2018 Annual (01/17/2018)

Dear Mr. Demarnis

We were in receipt of your initial notice regarding an audit of 2018 Annual Report (due 01/17/2018) and Pre-Primary report (due 05/22/2018).

Both financial reports were amended on July 14, 2019 and submitted the same time adjusting the bank account balance and cash balance for each subsequent report. Attached please find a Campaign Fund Report Amendment description File (Entry Number 01006170) detailing the amendment for each report on Sunday, July 14th, 2019, which was within the allotted time period.

Please note when the adjustment to the 01/17/2018 (Annual Report) was completed on the MD CRIS, a screen appeared to amend the bank balance and the cash balance for each subsequent report, which was completed and submitted.

We are requesting a waiver of the late fees and for the campaign report to show that we were not late, as the reports were amended and submitted prior to 07/22/2019. We have never been late and have always filed on time.

If you should have any questions or would like to discuss this in further detail, please feel free to contact me.

Thank you and best regards,



Lois L. Temple
Treasurer
Friends of Robert (Bob) Long

Waiver Request Information Page

General

Account Name	Levi, Gerron Committee For	
CCF ID:	01003001	Status: Active
Date Established	10/11/2005	
Date Waiver Requested	8/18/19	
Account Type	Candidate Account	

Officers

Current Treasurer	Deron Roberson	Start Date: 9/15/17
Responsible Treasurer		
Current Chairman	Tony Best	9/15/17
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior waiver and fees	Referred to OSP
Audits						
Annual 2019		8/06/19	\$150	\$150		
Pre-Primary 2		8/06/19	\$150	\$150		
Post-General		8/06/19	\$150	\$150		
Pre-General1		8/06/19	\$150	\$150		
Pre-Primary1		8/06/19	\$150	\$150		
Annual 2018		8/06/19	\$150	\$150		
				Total: \$900.00		

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

Recent Financial Activity History

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

Reason for Waiver

I was unable to get my treasurer to address the amendments that were due.

Division Comments

Reduce the fee to \$300.00

Administrator's Decision



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

Re: Committee for Gerron Levi...the disproportionate and unfair fee

1 message

Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>

Sun, Aug 18, 2019 at 8:32 PM

To

Bcc: victorica.smith@maryland.gov

Dear Ms. Levi:

I will place a request to the Board seeking a waiver of the late fees.

Jared DeMarinis
Director of Candidacy and Campaign Finance
Maryland State Board of Elections

email sent from my phone.

On Wed, Aug 7, 2019, 10:08 PM Gerron Levi <glevi@me.com> wrote:

I really do not know how I can pay you the \$900 fee charges you have accumulated to my account. I simply do not have it. I am alarmed at how much it is. For a variety of reasons, I could not get my treasurer to address its (couldn't reach him, he was out of town, couldn't get him to address it in time). I do not have \$900 and I think that fee is just so over the top, disproportionate and unfair to what essentially is a paperwork violation by a campaign volunteer. I cannot understand why the state is treating us so bad because we sought to serve our state, to be public servant. It is just so ridiculous. Just because you seek to run for office does not mean you are rich. I already have a campaign debt I am trying to pay.

Gerron S. Levi

Waiver Request Information Page

General

Account Name	McCaskill, "Aletheia" for State Senate	
CCF ID:	01011798	Status: Active
Date Established	7/17/17	
Date Waiver Requested	7/29/19	
Account Type	Candidate Account	

Officers

Current Treasurer	Fatima Whitmore	Start Date: 7/17/17
Responsible Treasurer		
Current Chairman	Aletheia Mccaskill	7/17/17
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior waiver and fees	Referred to OSP
2018 Audit			\$70	\$70		
			\$	\$		
				Total:\$70		

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

Recent Financial Activity History

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

Reason for Waiver

We amended 2 other reports but we were unaware that the 2018 should have been done also..

Division Comments

Grant

Administrator's Decision



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

Fwd: (McCaskill, "Aletheia" for State Senate)

1 message

info sbe -SBE- <info.sbe@maryland.gov>

Mon, Jul 29, 2019 at 3:49 PM

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

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

From: **Fatima Whitmore**
Date: Mon, Jul 29, 2019 at 3:37 PM
Subject: (McCaskill, "Aletheia" for State Senate)
To: info.sbe@maryland.gov <info.sbe@maryland.gov>

Greetings,

Maryland State Board of Elections

Attn: Campaign Finance

I am writing to inquire that the penalty of \$70.00 on (McCaskill, "Aletheia" for State Senate) campaign can be waived. It's true that the campaign was audited, and we amended the Pre- Primary, and Post Reports, however, we did not know that the 2018 Annual Report needed to be amended also.

It wasn't until we received an email that we did not submit the 1/17/2018 Annual Report. We contacted the Maryland State Board of Elections and was told that it should have been amended with the other reports. We have promptly amended the report. If possible, please consider reversing the fee considering these unusual, one-time circumstances. Our campaign wishes to remain in good standing with MDCRIS.

Appreciatively,

Fatima Whitmore
Treasurer, (McCaskill, "Aletheia" for State Senate)

Fatima Whitmore

Website

RECEIVED
JUL 29 2019

STATE BOARD OF ELECTIONS

Waiver Request Information Page

General

Account Name	Barclay, Christopher Friends Of	
CCF ID:	01005108	Status: Active
Date Established	11/14/07	
Date Waiver Requested	8/16/19	
Account Type	Candidate Account	

Officers

Current Treasurer	Tanya Holloway	Start Date: 10/24/08
Responsible Treasurer		
Current Chairman	Chris Barclay	11/14/19
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior waiver and fees	Referred to OSP
11/20/18		11/22/18	\$20	\$20		
10/26/18		10/29/18	\$60	\$60		
				Total:\$80		

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

Recent Financial Activity History

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

Reason for Waiver

Per OSP declining to prosecute.

Division Comments

Grant

Administrator's Decision

STATE OF MARYLAND



OFFICE OF
THE STATE PROSECUTOR

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

August 16, 2019

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

RE: *Friends of Christopher Barclay, CCFID: 01005108*

Dear Mr. DeMarinis:

The above-referenced case was referred to our office for election law violations stemming from the failure to file campaign finance reports. We have reviewed the matter, and determined that the reports in question have now been filed. The late fees associated with the violations are less than \$100, and therefore *de minimis*. Accordingly, we are declining to prosecute and are closing our file.

Please feel free to contact me should you have any questions or concerns regarding this matter.

Sincerely,

Lindsay Bird

Lindsay Bird
Assistant State Prosecutor

Waiver Request Information Page

General

Account Name	Smigiel, Mike Friends Of	
CCF ID:	01002770	Status: Active
Date Established	4/27/04	
Date Waiver Requested	8/16/19	
Account Type	Candidate Account	

Officers

Current Treasurer	Charles Jagoe	Start Date: 4/27/04
Responsible Treasurer		
Current Chairman	Mike Smigiel	4/27/04
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior waiver and fees	Referred to OSP
11/20/18		11/29/18	\$90	\$90		
			\$	\$		
				Total:\$90		

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

Recent Financial Activity History

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

Reason for Waiver

Per OSP declining to prosecute.

Division Comments

Grant

Administrator's Decision

STATE OF MARYLAND



OFFICE OF
THE STATE PROSECUTOR

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

August 16, 2019

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

RE: ***Friends of Mike Smigiel, CCFID: 01002770***

Dear Mr. DeMarinis:

The above-referenced case was referred to our office for election law violations stemming from the failure to file campaign finance reports. We have reviewed the matter, and determined that the reports in question have now been filed. The late fees associated with the violations are less than \$100, and therefore *de minimis*. Accordingly, we are declining to prosecute and are closing our file.

Please feel free to contact me should you have any questions or concerns regarding this matter.

Sincerely,

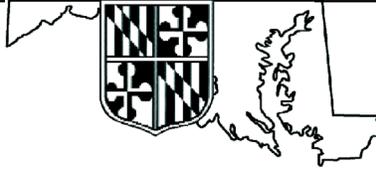
Lindsay Bird

Lindsay Bird
Assistant State Prosecutor

STATE BOARD OF ELECTIONS

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

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



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

To: State Board Members
From: Erin Perrone
Date: September 12, 2019
Re: Proposed Regulations – Subtitle 10 – EVS Voting System

At the next board meeting, I will propose changes to Subtitle 10 – EVS Voting System. These proposed changes are in response to local boards' preference whether to have ballots stubs. The proposed changes to 33.10 are attached, and this memo summarizes the proposed changes and deletions. New language is in italics, and deleted language is between brackets.

Ballots – In General (33.10.01.17F)

Instead of calling this regulation Ballot Stub, it was changed to Ballot Packaging. It will be required for each local board to notify the State Administrator no later than five months prior to the beginning of early voting for a primary election which ballot packaging method is preferred.

Ballots – In General (33.10.01.17F(1))

This section addresses local boards who prefer to have ballot stubs. This language did not change from the original regulation, but the language is in italics since the lettering and numbering of the regulation had to be reorganized.

Ballots – In General (33.10.01.17F(2))

This section addresses local boards who prefer to have ballot packs without stubs. Some of the language is new, and some of the language is being deleted since the lettering and numbering of the regulation had to be reorganized. This section also addresses the requirement that a local board must repackage a ballot pack if it is opened at the local board. This repackaging preserves the integrity of the ballot pack until the election judges open the ballot pack at an early voting center or polling place.

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

Enclosures: Proposed Regulations

Title 33
STATE BOARD OF ELECTIONS
Subtitle 10 VOTING SYSTEMS — SYSTEM REQUIREMENTS AND
PROCEDURES
Chapter 01 EVS Voting Solution

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-102, 9-105, and 11-201, and Title 9 Subtitle 2, Annotated Code of Maryland

.17 Ballots — In General.

A. – E. (text unchanged)

F. Ballot [Stub] *Packaging.* Each local board shall notify the State Administrator no later than five months prior to the start of early voting for a primary election and no later than four months prior to a general election whether it wishes to receive pre-printed ballots packaged in accordance with subsection (1) or subsection (2) of this section.

(1) [Each pre-printed ballot shall have an attached, single-perforated stub.] *Ballot Stub.* Pre-printed ballots packaged in this manner shall have an attached, single-perforated stub. Each ballot stub shall include:

(a) *The same information that Election Law Article, Annotated Code of Maryland, requires for the ballot heading; and*

(b) *Serially numbered to facilitate ballot accounting.*

(2) [Each ballot stub shall include:] *Ballot Pack.* Pre-printed ballots packaged in this manner shall not have an attached, single-perforated stub, but instead will be packaged together as an unbound pack. Each ballot pack shall include:

(a) *A batch header sheet with [T]the same information that Election Law Article, Annotated Code of Maryland, requires for the ballot heading; and*

(b) *A range of sequential numbering [Serially numbered] to facilitate ballot accounting.*

(c) *If a local board opens a ballot pack prior to delivery to an early voting center or polling place, the local board shall repackage the opened ballot pack for delivery to the early voting center or polling place in a manner that preserves the integrity of the contents of the ballot pack.*

Title 33 STATE BOARD OF ELECTIONS

Subtitle 01 DEFINITIONS; GENERAL PROVISIONS

Chapter 01 Definitions

Authority: Election Law Article, §§1-101, 2-102(b)(4), 3-101, and 3-305(e); [42 U.S.C. 15483(a)(5)(A)—(B)] 52 U.S.C. 21083(a)(5)(A) – (B)

.01 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1) – (24) (text unchanged)
 - (25) “Pre-qualified voter” means an individual who is not registered to vote but whom *the* State Board determines to be eligible to register and vote during early voting *or election day*.
 - (26) – (38) (text unchanged)

Subtitle 19 SAME DAY REGISTRATION AND ADDRESS CHANGES

Chapter 02 Public Notice

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

.01 Minimum Requirements.

- A. State Board. Before the close of registration for each election, the State Administrator shall send a pre-election mailing to each pre-qualified voter[.], *which shall either*:
 - (1) *Include the correct polling place for the pre-qualified voter’s address; or*
 - (2) *Instruct the pre-qualified voter how to find the individual’s correct polling place.*
- B. (text unchanged)

Chapter 04 Processing New Registrants and Address Changes

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

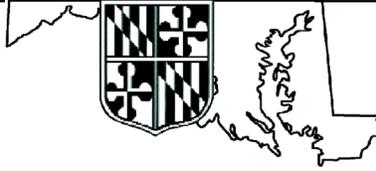
.02 Same Day Address Changes.

- A. Issuance of Regular Ballot. During early voting, an election judge shall issue a voter a regular ballot if the [voter provides proof of residency] *election judge determines that the voter lives* in the county where the voter is attempting to vote.
- B. [Issuance of Provisional Ballot. During early voting, an election judge shall issue a voter a provisional ballot if the voter cannot provide proof of residency in the county where the voter is attempting to register and vote.
- C.] (text unchanged)

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
Malcolm L. Funn
Kellew Howells



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

To: State Board Members
From: Tracey Hartman
Date: September 13, 2019
Re: Proposed Regulations – Subtitles 1 and 19

At the next board meeting, I will propose changes to Subtitle 1– Definitions; General Provisions- and Subtitle 19 – Same Day Registration and Address Changes. At the July meeting of the State Board, you approved changes to Subtitle 19 that reflected the changes made to Election Law Article §3-306 in the 2019 Laws of Maryland. In the time that these changes were approved and subsequently submitted to the Division of State Documents (DSD) for publication in the Maryland Register, further amendments have been suggested by SBE staff and analysts in the General Assembly and are reflected in the attached text. This memo summarizes the proposed changes, additions, and deletions.

Definitions; General Provisions – Definitions (33.01.01.01(B)(25))

This proposed amendment adds “election day” to the definition of “Pre-qualified voter,” so that the final definition reads “an individual who is not registered to vote but whom State Board determines to be eligible to register and vote during early voting *or election day.*”

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

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

At the July State Board meeting, you approved language that amended this regulation to include the requirement for the pre-election mailing to include the correct polling place for the pre-qualified voter’s address. However, after further discussion, SBE felt that this language was limiting, and therefore the previously approved language for this regulation was not submitted to DSD. In the current revision, the previously-approved language has not changed, however, the option to instruct the pre-qualified voter how to find the individual’s correct polling place has been added.

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

Memo to State Board members

Page 2 of 2

September 13, 2019

House Bill 1626 of 2017 removed the requirement for a voter changing their address during early voting to show proof of residency. To that end, in Section A (33.19.04.02(A)) the words “voter provides proof of residency” have been removed, and have been replaced with “election judge determines that the voter,” which is in line with the language used in the Election Law Article. Section B has been removed completely, as Section B depends on a voter not being able to show proof of residency. The text in Section C, which specifies that address changes are not permitted on election day, has not changed, but Section C has now become Section B.

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

Enclosures: Proposed Regulations