

**State of Maryland**   
**State Board of Elections – April 27, 2022 Meeting**

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Attendees (via conference call):

William G. Voelp, Chair  
Malcolm L. Funn, Vice Chair  
Severn Miller, Member  
Justin Williams, Member  
T. Sky Woodward, Member  
Linda Lamone, Administrator  
Nikki Charlson, Deputy Administrator  
Adam Snyder, Assistant Attorney General  
Donna Duncan, Assistant Deputy, Election Policy  
Tracey Hartman, Director of Special Projects  
Mary C. Wagner, Director of Voter Registration  
Fred Brechbiel, Chief Information Officer  
Jared DeMarinis, Director, Candidacy and Campaign Finance  
Melissia Dorsey, Director of Election Reform and Management  
Keith Ross, Assistant Deputy, Project Management  
Jennifer McLaughlin, Senior Policy Advisor  
Art, Treichel, Chief Information Security Officer

Also Present: Nicole Hanson-Mundell, Executive Director, Out for Justice

**DECLARATION OF QUORUM PRESENT**

Mr. Voelp called the meeting to order at 2:02 pm and declared that a quorum was present.

**ADDITIONS TO THE AGENDA**

There were no additions to the agenda.

**APPROVAL OF MEETING MINUTES: MARCH 10, 2022**

Mr. Miller made a motion to approve the minutes from the March 10, 2022 open and closed meetings. Mr. Williams seconded the motion. The motion passed unanimously.

**ADMINISTRATOR'S REPORT**

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

**ANNOUNCEMENTS & IMPORTANT MEETINGS**

U.S. Election Assistance Commission's Standards Board Meeting

On April 14, the U.S. Election Assistance Commission's (EAC) Standards Board met virtually for its annual meeting. The Standards Board has two election officials - one State official and one local election official - from each State. Ms. Charlson and Guy Mickley, Election Director for the Howard County Board of Elections, are Maryland's representatives on the Standards Board. During this meeting, the members received an update from the work of the EAC, implementation of the Voluntary Voting System Guidelines 2.0, a discussion about supply chain issues and the impact on election materials (including ballot paper), and Ohio's proposed voter registration certification program.

Election Directors' Meeting

In response to the work required to implement the new Congressional and legislative redistricting plans, we hosted weekly election directors' meetings in March and April. Other

election-related information was shared during these calls, but most of the discussion related to redistricting. Meeting summaries will be distributed via the County Bulletin when finalized.

### Redistricting Updates

Ms. Charlson reported that boundaries for [Congressional districts](#), [legislative districts](#), and county districts are now final, and the local boards of elections are updating the voter registration database to place voters into their new districts. This is a time-consuming and manual process, and while it would normally take several months, the local boards will be performing this process in three weeks.

Ms. Charlson shared that we have on our website a [redistricting landing page](#) and direct people there from information on our homepage. We explain on our [Voter Look-Up](#) what information is shown (*i.e.*, voters' "current" district and polling place information) and ask voters to check back to see their updated district and polling place information. Redistricting information also appears on the candidate list and will be added to sample ballots and mail-in voting instructions.

### Clear Ballot Annual User Conference

On the afternoons of April 29 and 30, Ms. Hartman participated in the Clear Ballot Second Annual User Conference, which was held virtually. Following with the theme of "Charting the Course," the 200-plus attendees participated in panel discussions, breakout sessions, and heard from speakers that highlighted using Clear Ballot's current and upcoming suite of products to navigate successfully through an election cycle. Ms. Hartman gave a short presentation during the second session on April 29, which was dedicated to customer spotlight. She explained how Maryland uses Clear Ballot to conduct a 100% independent automated tabulation audit of all election results statewide to confirm the accuracy of the voting system results.

## **Election Reform and Management**

### Replacement Early Voting Centers and Drop Box Locations

SBE staff are working with the local boards to review proposed replacement locations for early voting centers and resulting ballot drop boxes moves for the July 19 Primary Election. The State Board approves early voting centers, while the State Administrator approves ballot drop box locations.

### Call Center

Since the 2010 elections, we have used a call center to assist us in responding to the voters of Maryland. These services began with assisting SBE and then several of the larger local boards. In 2020, the call center answered over 182,600 inquiries for SBE and about 18 local boards. For the 2022 elections, we are utilizing this service to help our voters get answers to their questions. Currently, the call center is handling calls for SBE and nine local boards, and another two local boards are scheduled to come onto the system. As of April 24, a total of 14,855 inquiries have been handled.

## **Voter Registration**

### MDVOTERS

Several local boards procured high speed envelope sorting solutions. Development to allow MDVOTERS and the sorting solution software to exchange data was in the 8.4 release, which was placed into production on April 22. This release also implements an additional level of security by adding screen lock messaging requiring the user to "log" back in after sitting idle after an allotted time.

To support the redistricting process, MDVOTERS created a “snapshot” of data which will enable the local boards to review prior districts and precincts if need be.

### MDVOTERS Audits

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

### Electronic Registration Information Center (ERIC) - Membership

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

### ERIC Files

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

### Motor Vehicle Administration (MVA) Transactions

During March, MVA collected the following voter registration transactions:

New Registration - 11,750	Residential Address Changes - 20,529
Last Name Changes - 2,445	Political Party Changes - 3,545

### Non-Citizen Registration and Voting

From March 1, 2022 to April 19, 2022, a total of 364 voters have been canceled due to these voters not being U.S. citizens. Six voters have voting history. SBE will review these records prior to submitting them to the Office of the State Prosecutor.

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

### Candidacy

The candidacy filing deadline was changed by the Court of Appeals from February 22, 2022, to March 22, 2022, and then to April 15, 2022 at 9 pm. The candidacy filings were scheduled by appointment, and as of April 20, 2022 (after the deadline to withdraw and central committee filling vacancies), 589 candidates have filed at SBE. Mr. DeMarinis thanked the CCF Division for their hard work over may months to successfully file candidates for office.

### Campaign Finance

#### *State Public Financing Program*

In order to qualify for a public contribution, the candidate must raise \$120,000 from 1,500 Maryland residents. One gubernatorial candidate has been certified and qualified for \$722,663.68 in public funds. This marks the third consecutive gubernatorial election with a certified public financed candidate.

### *County Public Financing Programs*

Montgomery County: There are 17 certified candidates in the program. Eight additional candidates have filed a notice of intent to participate. The program has disbursed \$168,873 in March and an aggregate disbursement total of \$1,973,207.

Howard County: There are two certified candidates in the program. Four more candidates have filed a notice of intent to participate in the program. As of April 5, the program has disbursed a total of \$561,284.49.

### Website Activity

In March, the MD Campaign Reporting Information System (MD CRIS) website was visited by 305,773 individuals for an average of 9,863 per day. Additionally, it had 1,953,545 hits. Each viewer looked at an average of approximately five page views per day. The Business Contribution Disclosure System (BCDS) website had 861,441 hits, with 68,306 visitors with an average of nearly twelve page views per day.

### Enforcement

1. Friends of Lauren Lipscomb paid \$350.00 on March 23, 2022, for failure to record all contributions and expenditures and for cash disbursement greater than \$25.00.
2. Danielle Meitiv for Montgomery paid \$2,000.00 on April 8, 2022, for failure to record all contributions and expenditures and failure to maintain bank records.
3. Potomac Edison PAC paid \$1,000.00 on April 11, 2022, for failure to record all contributions and expenditures.
4. Friends of Tom DeGonia paid \$1,000.00 on April 15, 2022, for failure to record all contributions and expenditures.
5. Wes Moore For Maryland paid \$50.00 on April 20, 2022, for the failure to include an authority line.
6. Friends of Daniel Koroma paid \$250.00 on April 20, 2022, for the failure to include an authority line.

### **Voting Systems**

#### New Electronic Pollbook

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

#### Voting System Replacement Project

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

### **Project Management Office (PMO)**

#### Inventory Management

SBE's FY22 Inventory Auditing of equipment and supplies statewide started on February 1. Mr. Ross reported that currently, over 90% of the inventory has been audited, with a completion date of June 30, 2022, for auditing to be completed.

### Document Management

There is currently an active Request for Information (RFI) solicitation requesting information from document management system vendors. The closing date for responses is April 29. SBE will review the responses and move forward with developing the requirements for a Request for Proposals (RFP) that is expected to go out for bids later this year.

### Baltimore City Relocation

The PMO continues to work with the Baltimore City Board of Elections on their office and warehouse relocation plans. Mr. Ross worked with the local board to develop the space calculations worksheets that helped understand the square footage needed. The local board continues to check into possible facilities in the city to relocate.

### Election Operations Support

The PMO is working on the logistics and planning for the upcoming primary election operations support, including using an election helpdesk system and the setup of an election operations center on election day.

### **Information Security**

#### Managed Security Services (MSS)

After a competitive procurement, a new vendor - Digital Lantern LLC of Hanover, Maryland – was selected to monitor, notify and respond to our election systems and data hosted by our data center. The contract was before the Board of Public Works for approval at its April 27 meeting, which Ms. Charlson reported was approved.

#### Disaster Recovery

SBE's *Disaster Recovery Plan* has been updated for 2022, presented and made available to SBE staff. The updated DR plan incorporates staffing and contact changes related to local boards, SBE, and SBE vendors and partners. Updates also include procedural updates for all critical applications and systems and media communications. Additional updates include critical information and procedures related to SBE's security operations center, primary network operations center and continuity of operations center.

#### Election Security

As we prepare for the 2022 midterm elections, SBE continues to mature its information security program to anticipate, detect and respond to an ever-evolving cyber threat landscape.

These efforts include several ongoing initiatives:

- Updating cybersecurity policies to further define requirements specific to SBE IT and operations and development. These policies are compliant with federal NIST 800-53, NIST Cybersecurity Framework, and Department of Information Technology guidelines.
- Defining detailed technical standards based on these policies and industry best practices to help to secure and defend SBE data and systems.
- Implementing training and managed security services to enhance our capabilities to detect and respond to threats to SBE systems and the election process.
- Social Media Defense to help SBE identify and quickly respond to malicious threats via social media such as impersonation of election officials, voting misinformation, registration scams and threats of violence.
- Undergoing cybersecurity audits and assessments to assure compliance with policies and best practices.

- Conducting regular penetration testing and vulnerability detection to test and improve SBE's cybersecurity posture.
- Conducting quarterly tabletop exercises, to practice and improve our incident response for threats of all kinds (including ransomware, malware, misinformation, supply-chain software vulnerabilities, etc.).
- Implementing industry-standard tools which help our teams detect and respond to cyber vulnerabilities and attacks quickly and effectively.

In light of current global events, SBE is working closely with federal and State partners to maintain increased cybersecurity alert and readiness levels. Our close partnerships with federal, State, and local partners including Cybersecurity Infrastructure Security Agency, federal Department of Homeland Security, FBI, and the local boards have provided useful and effective resources and services to support the cybersecurity program.

Ms. Charlson noted that the above election security report is the quarterly report that we provide to the Board.

### **Legislation**

A list of legislation passed in the 2022 Session of the General Assembly was included with the meeting materials. Ms. Duncan noted that of the final list is significantly shorter than the approximately 150 bills we were following. All may not receive the signature of the Governor, but that will be determined over the next several weeks. Ms. Duncan deferred further explanation to Mr. DeMarinis and Ms. Wagner.

Mr. DeMarinis stated that both departmental bills passed and are just waiting on the Governor's signature. He also stated that both initiatives of the Maryland Association of Election Officials (MAEO) passed – one bill allowing local boards to open mail-in ballots prior to election day, and another repealing the prohibition of having a polling place or early voting center at a location that also has a liquor license. Mr. DeMarinis stated that the latter bill requires regulations which he will present to the Board at its next meeting. Ms. Wagner thanked the SBE legislative team and Katie Berry, Election Director for Carroll County and MAEO's Legislative Committee Chair, for their hard work during the legislative session.

Ms. Lamone also thanked everyone at SBE and the local boards involved with the legislative session and candidate filings.

### **ASSISTANT ATTORNEY GENERAL'S REPORT**

Mr. Snyder stated that he was filling in for Andrea Trento, who recently departed the Office of the Attorney General. He thanked Mr. Trento for his thorough and excellent work before his departure. Mr. Snyder provided the following updates but noted that all cases have concluded except for *In the Matter of Seth Wilson*:

1. *WinRed, Inc. v. Ellison, et al.*, No. 21-cv-1575 (D. Minn.). On July 7, 2021, WinRed, Inc. – a federal PAC created to assist Republican Party candidates – filed a lawsuit against the Attorneys General of Connecticut, New York, Maryland, and Minnesota (the "State AGs"), seeking a declaration that State consumer protection statutes and regulations are preempted by federal law, to the extent that these State laws are being enforced to regulate the use of pre-checked recurring contribution boxes for solicitations for federal offices. WinRed had received letters from the defendants requesting information and documents regarding its use of pre-checked boxes in that context. (It is now public that

ActBlue – the PAC formed to assist Democratic Party candidates – has received a similar request from the same State AGs but has not joined this lawsuit.) On July 27, 2021, WinRed filed a motion for preliminary injunction against enforcement of subpoenas served by the State AGs. On July 29, 2021, the State AGs moved to dismiss the complaint. Oral argument on both motions took place on November 2, 2021. On January 26, 2022, the Court issued an order denying Plaintiff’s motion for preliminary injunction and granting the defendants’ motion to dismiss and dismissed the Complaint. WinRed has appealed the dismissal to the U.S. Court of Appeals for the Eighth Circuit. On March 25, 2022, WinRed filed its opening brief, in which it made clear that it is not challenging the district court’s ruling dismissing WinRed’s claims against Maryland, Connecticut, and New York. Maryland then joined in submitting a letter with the appellate court clarifying that we will not be participating in the appeal unless otherwise instructed by the court. Minnesota’s brief is due April 28, 2022.

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

Meanwhile, on November 8, 2021, the Defendants filed a motion to dismiss the Complaint. On November 23, 2021, Plaintiff filed an opposition to the motion to dismiss. The motion to dismiss was heard on February 14, 2022. On March 10, 2022, the Circuit Court issued an opinion and order dismissing the Complaint. There is no indication that Plaintiff appealed that decision by the April 12 deadline for doing so.

3. *Baltimore Cnty. Branch of the NAACP, et al. v. Baltimore Cnty., Md., et al.*, No. 1:21-cv-03232 (D. Md.). On December 21, 2021, the Baltimore County Branch of the NAACP, the League of Women Voters, Common Cause of Maryland, and several individual plaintiffs filed a lawsuit challenging the Baltimore County redistricting map for county council districts, on the ground that it violated section 2 of the Voting Rights Act. Baltimore County, the individual members of the Baltimore County Council, and the Baltimore County Board of Elections were named as defendants. (The individual County Council members have since been dismissed from the case.) On January 19, 2022, the plaintiffs filed a motion for preliminary injunction, and the court entered an order setting a hearing for February 15, 2022 on the plaintiffs’ motion. On February 22, 2022, the court ruled in favor of the plaintiffs, and ordered Baltimore County to produce a compliant map by March 9, 2022. On March 9, 2022, Baltimore County filed its proposed remedial map. The Court has asked the plaintiffs to respond to the filing by 5 pm on March 10, 2022, and held a conference

with the parties on March 11, 2022 to discuss further proceedings. On March 25, 2022, the Court approved the remedial map proposed by Baltimore County. By April 29, 2022, the parties must file a joint status report setting forth their respective views on whether the Court should dismiss this matter, or, if warranted, proposing a schedule for further proceedings.

4. *Parrott, et al. v. Lamone, et al.*, No. C-02-CV-21-001773 (Cir. Ct. A.A. Cnty.); *Szeliga, et al. v. Lamone, et al.*, No. C-02-CV-21-001816 (Cir. Ct. A.A. Cnty.). On December 21 and 23, 2021, respectively, two groups of individual plaintiffs filed lawsuits challenging the State's Congressional redistricting map under various provisions of the Maryland Constitution. Collectively, plaintiffs allege that the map is an unlawful partisan gerrymander under Articles 7, 24 and 40 of the Declaration of Rights, and Articles I, § 7 and III, § 4 of the Maryland Constitution. The defendants named in the lawsuits are Ms. Lamone, Mr. Voelp, and the State of Maryland. On January 21, 2022, the Democratic Congressional Campaign Committee filed motions to intervene in both cases. These motions were rejected by the Court.

On February 7, 2022, the defendants moved to dismiss the Complaint in the *Szeliga* matter. The Court ordered an expedited response to that motion, and scheduled argument for February 16, 2022. On February 11, 2022, the *Parrott* plaintiffs moved to intervene in the *Szeliga* matter for the purpose of participating in the briefing and argument on the motion to dismiss. Argument took place on February 16, 2022. The parties made further submissions to the Court on February 18, 2022, and the Court ordered further argument on February 23, 2022. Following argument, on February 23, 2022, the Court denied the defendants' motion to dismiss as to all but one of the plaintiffs' claims and set a schedule for further proceedings in the case.

A four-day trial took place beginning March 15, 2022. On March 25, 2022, the Court issued its memorandum opinion and order, concluding that the congressional redistricting map violated the Maryland Constitution, and ordering the General Assembly to produce a new map for the Court's review by March 30, 2022. On March 30, 2022, the State filed notices of appeal to both the Court of Appeals and the Court of Special Appeals, and the *Szeliga* plaintiffs' filed notices of cross-appeal to both courts. On that same day, the State submitted to the Court the new map passed by the General Assembly (SB 1012), which was contingent on the Court of Appeals upholding the Circuit Court's ruling or the appeal otherwise being dismissed. On April 1, 2022, the Court held a hearing on the sufficiency of the new map but concluded that it could not approve or deny the new map on the merits due to the fact that the enactment was not yet final (as it lacked Governor Hogan's signature or had not otherwise become law in the absence of such signature or as a result of a veto override). On April 4, 2022, Governor Hogan signed SB 1012 and both sets of appeals were dismissed.

5. *In the Matter of Seth Wilson*, No. C-02-CV-22-000078 (Cir. Ct. A.A. Cnty.). On January 14, 2022, Seth Wilson, the Chairman of the Washington County Republican Party Central Committee, filed a petition for judicial review of the determination and approval, respectively, by the Washington County Board of Elections and SBE, of the locations for early voting centers in Washington County for the 2022 elections. On January 19, 2022, the agencies were provided notice of the petition for judicial review by the Clerk of the court. On March 22, 2022, the agencies filed administrative records. The petitioner filed

his memorandum of law on April 21, 2022. A hearing on the petition has been scheduled for August 15, 2022.

6. *In the Matter of 2022 State Legislative Redistricting*, Misc. Nos. 21, 24, 25, 26, 27 (Md.). On January 28, 2022, the Court of Appeals promulgated procedures for challenging the State legislative district map promulgated by the General Assembly. The Court established a deadline of February 10, 2022, for the filing of challenges, and ordered the Attorney General's Office to respond to any such challenges by February 15, 2022. The Court appointed Retired Judge Alan Wilner to serve as Special Magistrate to preside over these proceedings.

On February 10, 2022, four separate petitions were filed challenging various aspects of the State legislative district map. On February 15, 2022, the State filed motions to dismiss each petition. On February 18, 2022, Judge Wilner entered a scheduling order requiring that the parties exchange discovery by March 11, 2022 and submit proposed findings of fact by March 22, 2022. A two-day hearing took place beginning March 23, 2022. On April 4, 2022, Judge Wilner issued his recommendation to the Court of Appeals, recommending that all four of the petitions be denied. On that same day, the Court of Appeals issued a scheduling order directing the parties to file any exceptions to Judge Wilner's recommendation no later than April 8, 2022, at 4:30 pm, and any responses to those exceptions no later than April 11, 2022, at 4:30 pm, and scheduled a hearing on the petitions on April 13, 2022. The Court also directed the State to file a memorandum regarding the State's ability to conduct the primary election on July 19, 2022 and including any recommendations for alternative election dates.

On April 13, the Court of Appeals issued an order denying the petitioners' exceptions to Judge Wilner's recommendation and upholding the Legislative Redistricting Plan of 2022 enacted as Senate Joint Resolution 2 on January 27, 2022. In addition to denying exceptions, the Court ordered that the primary election shall continue to be scheduled for July 19, 2022, and confirmed certain other deadlines set forth in its March 15 Order. The deadlines were initially reduced from what the corresponding statutory provisions required, but on April 25 the Court—in response to Petitioners' unopposed motion—extended those deadlines somewhat to more closely match the statutory deadlines. Accordingly, the deadline for filing certificates of candidacy was (and remains) April 15; the deadline to withdraw candidacy was adjusted to April 25 (i.e., the full ten days that Elec. § 5-502(a) allows); and the deadline for filling vacancies resulting from the withdrawal of candidates is now April 27 (this date was moved back from April 20 to match the extension of the withdrawal deadline, but it still represents a truncated deadline, as Elec. § 5-901 would ordinarily allow four days after the withdrawal deadline to fill vacancies).

7. *In re Petition for Declaratory Ruling by Del. Mary Ann Lisanti* (State Bd. of Elec.). On March 7, 2022, Delegate Mary Ann Lisanti filed a petition for Declaratory Ruling asking the State Board of Elections to rule on the propriety of the Harford County Board of Elections' implementation of the new councilmanic district map. The petition notes that the textual provisions of the bill that was passed by the County Council implementing the map are inconsistent with the map that was included with the bill. The local Board of Elections opted to effectuate the map version of the bill, as opposed to the textual version of the bill. The State Board must rule within 60 days or notify the petitioner within that period of time of any reasons for which it will not issue such a ruling.

## **APPROVAL OF PROPOSED REGULATIONS TO COMAR 33.14 (ADMINISTRATION OF PUBLIC FINANCING ACT)**

Mr. DeMarinis presented proposed new and amended regulations to COMAR 33.14. He explained that the 2021 Legislative Session of the General Assembly completely overhauled the public financing program for Governor ([Chapter 733, SB 415](#)) The new law modeled after the successful County program features a robust tiered fund matching for small dollar contributions and the elimination of an expenditure limit. Additionally, the program has for the first time in its existence a secured source of funds to maintain its viability as a program in future years. The program no longer distinguishes between the primary and general election. Once a candidate intends to participate in the program, the candidate must participate for all elections that candidate is eligible to appear on the ballot. The regulations proposed reflect the changes in the law.

The proposed new and amended regulations are:

### **Chapter .01: Definitions, General Provisions**

**.02 Definitions:** The proposed regulation eliminates terms no longer applicable and replaces outdated terms with new definitions.

**.03 Agency Responsibilities- Comptroller:** The proposed regulation and the new law require that the Comptroller provide monthly statements of the Fair Campaign Financing Fund. The regulation replaces an outdated term and repeals an obsolete requirement.

**.04 Agency Responsibilities- State Board:** The proposed regulation repeals outdated requirements.

### **Chapter .02: Eligibility Requirements and Procedures**

**.01 In General:** The proposed regulation clarifies the process to establish a public financing committee and states the threshold requirements to be certified to receive public funds.

**.02 Special Circumstances:** The proposed regulation conforms an uncontested gubernatorial election and unaffiliated and write-in candidates to the current requirements of the program.

**.03 Deadline for Notice and Certification- Primary Election:** The proposed regulation codifies the deadlines for submission of a certification request for a candidate in the Primary Election.

**.04 Deadline for Notice and Certification- General Election:** The proposed regulation codifies the deadlines for submission of a certification request for a candidate only appearing in the General Election.

**.05 Requests for Public Contribution:** The proposed regulation establishes the filing periods for submission of a request to receive a public contribution. Additionally, the proposed regulation set forth the necessary information and supporting documents to be included with the filed campaign finance report.

**.06 Withdrawal from Public Financing:** The proposed regulation repeals outdated requirements. The proposed regulation is updated with the process for withdrawal from the program.

**.07 [Request for Contributions- General Election] Candidate Contributions or Loans:** The proposed regulation repeals outdated requirements. The proposed regulation is updated with

the process for the attribution of a candidate loan or contributions toward the contribution and monetary qualifying thresholds.

**.08 Determination of Eligibility:** The proposed regulation repeals outdated requirements. The proposed regulation is updated that the State Board shall determine certification within 10 business days of the initial request.

**.09 Distributions:** The proposed regulation codifies that the first disbursement may not occur other than in the year of the election. Additionally, the State Board shall process supplemental requests for public contribution within 5 business days.

**.10 Post Election [Returns]:** The proposed regulation repeals outdated requirements. The proposed regulation is updated that the certified gubernatorial ticket committee shall file a final report 90 days after last appearing on the ballot. The committee shall return any unspent portion of the public contribution to the Fair Campaign Financing Fund.

**.11 [Seed Money] In-Kind Contributions and Candidate Contributions:** The proposed regulation repeals outdated requirements. The proposed regulation is updated that the certified gubernatorial ticket committee may receive an in-kind contribution but will not be eligible for a public contribution match. Additionally, the proposed regulation makes a candidate contribution not eligible for a public contribution match.

**.12 Eligible Private Contributions:** The proposed regulation repeals outdated requirements. The proposed regulation conforms to the new statutory requirements for an eligible private contribution. The proposed regulation codifies those past contributions to a candidate would count towards the aggregate the candidate is eligible to receive. If a contributor is over the limit, the prior campaign finance entity of the candidate may return the past contributions received.

**.13 Electronic Signatures:** The proposed new regulation sets forth the requirements to accept an electronic signature on a contribution card. Mr. DeMarinis noted that these new requirements to accept an electronic signature are not required by the new law but rather are best practices learned from the program at the county level.

### **Chapter .03: [Limitations on] Campaign Expenditures**

**.01 In General:** The proposed regulation repeals outdated requirements for an expenditure limit. The proposed regulation is updated with the requirements for submission of an expenditure. The proposed regulation requires every expenditure made on behalf of the gubernatorial ticket committee be supported with a receipt.

**.02 Central Committee:** The proposed regulation allows for central committees to make coordinated in-kind contributions to county publicly financed candidates. The proposed regulation set limits and the source of the funding consistent with the enabling legislation

**.03 [Political Committee]:** The proposed regulation repeals outdated regulation and keeps the numbering in reserve.

**.06 In-Kind Contributions:** The proposed regulation changes terms to be consistent with the other provisions in COMAR and Title 15 of the Election Law Article.

**.07 Prior Expenditures:** The proposed regulation repeals the outdated regulation. The proposed regulation requires all campaign finance activity must cease unless conducted through the public financing committee once a notice of intent has been filed. The proposed regulation permits certain enumerated prior expenditures to be assumed by the public financing committee without penalty or payment.

#### **Chapter .04: Disbursement and Expenditure of Public Contribution**

**.03 [Supplemental Public Contribution]:** The proposed regulation repeals outdated regulation and keeps the numbering in reserve.

**.04 Single Campaign Fund Required:** The proposed regulation requires a gubernatorial ticket committee to maintain one bank account consistent with the rules and regulations for a political committee.

**.05 Prohibited Uses of Public Contribution:** The proposed regulation updates terms to be consistent with the current law and changes the deadlines to 45 days for the final payment for services rendered to the gubernatorial ticket committee instead of 30 days.

**.06 [Reports]:** The proposed regulation repeals the outdated regulation and keeps the numbering in reserve.

#### **Chapter .05: Outstanding Obligations**

**.01 Outstanding Obligations:** The proposed regulation repeals the outdated regulation and requires the payment of all outstanding obligations prior to the filing of the final report.

**.02 [Post-Primary Election] Fundraising:** The proposed regulation repeals the outdated regulation. The proposed regulation allows for a gubernatorial ticket committee to continue to fundraise in a new election cycle to satisfy any outstanding obligation it incurred during the election.

In response to questions from Mr. Voelp, Mr. DeMarinis gave the following responses:

1. He noted that the schedule of matching fund filing request deadlines as presented in the amended COMAR 33.14.02.05 is not explicitly stated in the new law but stems from current the current deadlines for county level offices.
2. He noted that the proposed amended COMAR 33.14.03.07 requires that all campaign finance activity must cease unless conducted through the public financing committee once a notice of intent has been filed.
3. He clarified that the electronic signatures allowed under the proposed new COMAR 33.14.02.13 are in line with electronic signatures allowed under Title 13 and allow for the administrative convenience of a candidate being able to receive a credit card donation online and collect the required signature at the same time. Requiring a wet signature for an online donation is highly inefficient. In response to a comment from Mr. Funn, Mr. DeMarinis clarified that other types of digital donations (e.g., Venmo, Zelle, etc.) are allowed for public campaign financing candidates, but the donor would still be required to complete the donor card and sign electronically.

Mr. Funn made a motion to approve the proposed amendments to COMAR 33.14, as presented by Mr. DeMarinis. Mr. Miller seconded the motion. The motion passed unanimously.

## **APPROVAL OF REPLACEMENT EARLY VOTING CENTERS**

Ms. Dorsey presented requests for approval of replacement early voting centers from the Anne Arundel, Baltimore, Caroline, Cecil, Charles, Frederick, Harford, Howard, Prince George's, and Worcester County Boards of Elections. The presentation can be viewed in full at:

[https://elections.maryland.gov/about/documents/Replacement\\_EVC\\_April2022.pdf](https://elections.maryland.gov/about/documents/Replacement_EVC_April2022.pdf).

1. Anne Arundel- Ms. Dorsey presented a request from the Anne Arundel County Board of Elections to replace five early voting centers for the primary election only. SBE recommended approving this request.
2. Caroline County- Ms. Dorsey presented a request from the Caroline County Board of Elections to replace one early voting center – the James F. Fettered Community Center with the Caroline County Health and Public Services Building – for both elections. SBE recommended approving the request.
3. Cecil County- Ms. Dorsey presented a request from the Cecil County Board of Elections to replace one early voting center –the Cecil Arena with Calvert Elementary School – for the primary election only. SBE recommended approving the request.

Ms. Woodward made a motion to approve the requests for replacement early voting centers, as presented by Ms. Dorsey, in Anne Arundel, Caroline, and Cecil Counties. Mr. Funn seconded the motion. The motion passed unanimously.

4. Charles County- Ms. Dorsey presented a request from the Charles County Board of Elections to replace one early voting center –St. Joseph's Hall with St. Joseph's Activity Center – for the primary election only. SBE recommended approving the request.
5. Frederick County- Ms. Dorsey presented a request from the Frederick County Board of Elections to replace one early voting center – the Frederick Senior Center with Trinity Recreation Center – for both elections. SBE recommended approving the request.
6. Harford County- Ms. Dorsey presented a request from the Harford County Board of Elections to replace one early voting center – Jarrettsville Fire Hall with Jarrettsville Elementary School – for the primary election only. SBE recommended approving this request.
7. Worcester County- Ms. Dorsey presented a request from the Worcester County Board of Elections to replace one early voting center – Roland Powell Convention Center with Worcester Preparatory School – for the primary election only. SBE recommended approving this request.

Mr. Funn made a motion to approve the requests for replacement early voting centers, as presented by Ms. Dorsey, in Charles, Frederick, Harford, and Worcester Counties. Mr. Miller seconded the motion. The motion passed unanimously.

8. Baltimore County- Ms. Dorsey presented a request from the Baltimore County Board of Elections to replace six early voting centers –five centers for the primary election only and one center for both elections. SBE recommended approving these requests.

9. Howard County- Ms. Dorsey presented a request from the Howard County Board of Elections to replace all five of its early voting centers. SBE recommended approving these requests.
10. Prince George's County- Ms. Dorsey presented a request from the Prince George's County Board of Elections for one replacement early voting center –Accokeek VFW with the Accokeek Academy – for the primary election only. SBE recommended conditionally approving this request pending approval by the Prince George's County Board of Elections.

Mr. Funn made a motion to approve the requests for replacement early voting centers, as presented by Ms. Dorsey, in Baltimore and Howard Counties. Mr. Miller seconded the motion. The motion passed unanimously.

Mr. Funn made a motion to conditionally approve the request for the replacement early voting center, as presented by Ms. Dorsey, in Prince George's County. Mr. Miller seconded the motion. The motion passed unanimously.

### **APPROVAL OF DECLARATORY RULINGS**

Mr. DeMarinis presented requests from two individuals requesting declaratory rulings. According to COMAR 33.01.02.01, Mr. DeMarinis explained that the purpose of a declaratory ruling is for a petitioner to know how the State Board would apply a regulation, order or a statute to any person or entity.

#### Petition #1- George Gluck

On February 22, 2002, we received a petition for a declaratory ruling (“the Petition”) pursuant to COMAR 33.01.02 from Mr. Gluck (“Petitioner #1”). Petitioner #1 seeks to file a declaration of intent for multiple public offices simultaneously. The issue presented is whether an individual may seek the nomination of a non-principal political party for multiple public offices simultaneously.

Based upon the facts and issues presented, we recommend that the State Board should 1) issue a declaratory ruling, and 2) should decide that Petitioner #1 cannot file declarations of intent for multiple public offices.

In response to a question from Mr. Voelp, Mr. DeMarinis confirmed that Mr. Trento reviewed the petition prior to his departure and agreed that a person can not file declarations of intent for multiple public offices.

Mr. Voelp confirmed, to which Mr. DeMarinis agreed, that the options the Board could take are to approve the petition, to deny the petition, or determine that the Board does not have jurisdiction over the question presented in the petition.

Mr. Funn made a motion to issue a declaratory ruling stating that a person can only declare an intent to run for one public office at a time. Mr. Miller seconded the motion. The motion passed unanimously.

#### Petition #2- Delegate Mary Ann Lisanti

On March 7, 2022, the State Board received a petition for declaratory ruling regarding the discrepancies on election boundaries under Election Law Article §4-103(a) (the “Petition #2”) from Delegate Mary Ann Lisanti (the “Petitioner #2”). The issue presented is whether an approved redistricting map supersedes the text of the redistricting legislation if a discrepancy is

discovered. Based upon the facts and issues presented, we recommend that the State Board not issue a declaratory ruling on the matter because the declaratory ruling process is an incorrect venue for the action sought by the Petitioner #2.

In response to a question from Mr. Williams, Mr. DeMarinis stated that the correct venue to clarify the discrepancy between the redistricting map and legislation text would be the Harford County Council or through the judicial system.

Mr. Funn made a motion to decline to issue a declaratory ruling stating because the State Board of Election is the incorrect venue to respond to make the determination requested in Petition #2. Ms. Woodward seconded the motion. The motion passed unanimously.

### **APPROVAL OF AMENDED BYLAWS FOR BALITMORE COUNTY**

Ms. Hartman presented amended bylaws for the Baltimore County Board of Elections, which were approved unanimously by the local board at its February 2022 meeting. The amendment includes the addition of text to the Special Meetings subsection to require notification of special meetings by text message and email to board members duties with confirmation required. New text is italicized. Specifically, the amendment is as follows in italicized text:

#### Article 3- Meetings

##### Section 3.1- Time and Locations

E. Special Meetings. The president or a majority of the Board making application to the President may call a special meeting. However, no votes may be taken at a special meeting unless three days prior notice has been given to all members, staff and the public. *There shall be notification by cellphone text messaging and email to all Board members when calling any meetings not regularly scheduled. Acknowledgment must be received to ensure all members have been adequately notified.*

In reviewing the amended Bylaws, Ms. Woodward, Mr. Williams, and Mr. Snyder made additional typographical suggestions for the document, which Ms. Hartman stated she would relay to the local board.

In response to a question from Mr. Funn regarding if a Board member does not have both a cell phone to receive a text message and a computer to receive email, Ms. Charlson clarified that the bylaws are applicable to current board members only. Because this amendment was approved by the local board of elections, the members have already agreed to the proposed terms.

There was no further discussion on the approval of the proposed amended bylaws. Ms. Woodward made a motion to adopt the amended bylaws for the Baltimore County Board of Elections. Mr. Miller seconded the motion. The motion passed unanimously.

In response to a question from Mr. Williams regarding if the State Board needed to update its bylaws, Ms. Charlson stated that we have updated the Delegation of Duties document which accompanies the bylaws. That document and the bylaws are currently under review, and we plan to present those documents at the next meeting for adoption.

### **OLD BUSINESS**

There was no old business.

## **NEW BUSINESS**

### **Speaker**

*Nicole Hanson-Mundell- Executive Director, Out for Justice*

Ms. Hanson-Mundell, on behalf of the of Out for Justice and other voting advocacy organizations, proposed changes to the voter registration application oath describing eligibility of persons with convictions. Specifically, on the paper version of the application, she proposed changing the wording from “Not have been convicted of a felony, or if you have, you have completed serving a court-ordered sentence of imprisonment.” to *“Not be currently serving a sentence of imprisonment for a felony conviction.”*

Similarly, in the online voter registration system, Ms. Hanson-Mundell proposed changing the fifth required affirmation before signing the application from: “One of the following is true:

- I have not been convicted of a felony.
- I have been convicted of a felony, but I have completed serving a court-ordered sentence of imprisonment.” to *“I am not currently serving a sentence of imprisonment for a felony conviction.”*

Ms. Hanson-Mundell explained that, while individuals who have completed incarceration for a felony or are awaiting trial and have not yet been convicted are eligible to vote, many of those eligible voters are not aware that they are eligible.

In response to a question from Ms. Woodward regarding the need for this change at this time, Ms. Hanson-Mundell stated that despite the law being in existence since 2015, most of the eligible voters who were previously incarcerated for a felony, or who are awaiting trial and have not yet been convicted, do not know that they have the right vote. She states that simplifying the language on the application removes another barrier to voting.

Ms. Woodward stated that she is sympathetic to the issue presented but stated her reservations that the State Board does have the authority to make the changes requested and that the revised language is the correct language to use. She noted how the revised versions of the mail-in ballot application went through a rigorous review by linguists from the University of Baltimore and would want a similar review for any other changes made to public-facing documents.

After much discussion, Mr. Voelp proposed that for the next meeting, the staff prepare a timeline for implementing a change such as the one proposed by the speaker. No members objected.

Ms. Hanson-Mundell thanked the Board for their time. There was no further discussion.

## **DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

There were no contributions to report.

## **SCHEDULE NEXT MEETING**

The next meeting is scheduled for Thursday, June 2, 2022 at 2 p.m.

## **ADJOURNMENT**

Mr. Funn made a motion to adjourn the meeting. Mr. Miller seconded the motion, and it passed unanimously. The open meeting adjourned at 3:51 pm.