

**State of Maryland**   
**State Board of Elections – June 2, 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  
Jim Lewis, Assistant Attorney General  
Donna Duncan, Assistant Deputy, Constituent Relations  
Tracey Hartman, Director of Special Projects  
Fred Brechbiel, Chief Information Officer  
Art Treichel, Chief Information Security Officer  
Jared DeMarinis, Director, Candidacy and Campaign Finance  
Melissia Dorsey, Assistant Deputy, Election Policy  
Keith Ross, Assistant Deputy, Project Management  
Jennifer McLaughlin, Senior Policy Advisor  
Shafiq Satterfield, Director of Technical Operations

**DECLARATION OF QUORUM PRESENT**

Mr. Voelp called the meeting to order at 2:07 pm and declared that a quorum was present.

**ADDITIONS TO THE AGENDA**

There were no additions to the agenda.

Ms. Charlson stated that there was old business to discuss at that time in the agenda.

**APPROVAL OF MEETING MINUTES: APRIL 27, 2022, and MAY 20, 2022**

Mr. Williams made a motion to approve the minutes from the April 27, 2022, regular monthly open meeting and the May 20, 2022 emergency meeting. Ms. Woodward 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**

Important Notice Regarding Dominion Voting Systems

Ms. Charlson reported that SBE is aware of the Cybersecurity and Infrastructure Security Agency's (CISA) upcoming advisory identifying certain risks associated with the Dominion Voting System. Maryland does not use the Dominion system. Once the formal advisory is issued, SBE will review the findings with its voting system vendor, Elections Systems and Software (ES&S), as part of an ongoing comprehensive program designed to safeguard the integrity of Maryland's elections. The ES&S voting system was certified by the U.S. Election Assistance Commission (EAC) in 2015 and is used by jurisdictions throughout the country. Each voting unit is tested prior to each election, and election officials perform manual and automated ballot audits after each election designed to verify the accuracy of the voting system's results. The results of these audits are posted on our website.

SBE Employees in New Positions

Ms. Charlson welcomed Mr. Lewis who is our interim Assistant Attorney General after the departure of Andrea Trento. Mr. Lewis was not available for the April 27 meeting but has been busy already in his new role.

Ms. Duncan has moved to a new position at SBE. She is now the Assistant Deputy for Constituent Relations and is responsible for outreach and communications to all of our stakeholders. This change is mostly in name only since Ms. Duncan has been performing these duties for many years, but since it has evolved into a full-time effort, we decided to make it a dedicated position.

Ms. Dorsey is now the Assistant Deputy for Election Policy, the position Donna formerly held. She will continue to oversee the Election Reform and Management Division (where she was previously the Director) and the Voter Registration and Petition Division. The Director of the Election Reform and Management Division is now vacant and we are recruiting to fill that position.

### Election Directors' Meetings

We hosted an Election Director's meeting on May 12, 2022, and on June 2, 2022, we will begin a series of weekly meetings leading up to the election. The topics of discussion cover the current election preparation tasks and any specific topics or questions requested by the Election Directors. As the minutes of the meetings are prepared, they will be included with the County Bulletin.

## **Election Reform and Management**

### Ballots

Ms. Charlson reported that over 5,000 by-precinct ballots were recently created by Natasha Walker and reviewed and proofed by the local boards of elections. Before going to the by-precinct ballot, the usual number of ballot styles was approximately 700 to 800. This is a significant change that was managed within shortened deadlines due to redistricting litigation. The 5,000 ballots are multiplied about four or five times to provide different sources with the exact format needed for different tasks.

### 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 twelve local boards, and another local board is scheduled to join the call center when the ballots are mailed. As of May 27, 2022, a total of 17,292 calls have been handled.

### Mail-in Voting

Ms. McLaughlin reported that another round of mail-in ballot request forms will be mailed next week. This mailing will be sent to three groups of voters (about 600,000 voters) - (1) Democrats and Republicans who registered to vote after our initial data pull in December; (2) Democrats and Republicans who provided a new address after the initial data pull; and (3) unaffiliated voters and voters affiliated with other political parties who have a ballot for the primary election. We post a [report](#) showing the number of processed ballot requests and expect that the number of requests will increase as a result of this mailing.

Under federal law, ballots must be transmitted to requesting military and overseas voters no later than 45 days before an election. June 4 is 45 days before the July 19 election. This week, our mailhouse vendor will mail over 750 ballot packets to requesting military and overseas voters and we will email over 1,650 voters a link to access their ballot via our online ballot delivery system. This schedule means that we will meet the 45-day requirement.

Ballots to all other requesting ballots will be sent next week. Our mailhouse vendor will mail about 350,000 ballot packets on June 9, and we will email about 35,000 voters a link to access their ballot via our online ballot delivery system. After this initial transmission, ballots will be transmitted several times a week until the week before the election.

Each ballot packet will include a list of the ballot drop boxes in that voter's jurisdiction. A statewide list of ballot boxes is available [here](#).

### USPS

Ms. McLaughlin stated that the United States Postal Service (USPS) filed notice with the Postal Regulatory Commission (PRC) of price changes to take effect July 10, 2022. If approved by the PRC, this would include raising First-Class Mail prices approximately 6.5 percent. Beginning January 2023, USPS price adjustments will occur twice a year (January and July) each year.

The Biden administration is looking to give the USPS \$5 billion to support its mail-in voting operations over the next decade. The administration, as part of its fiscal 2023 budget request, expects the money would support vote-by-mail, including making ballots postage-free and reducing the cost of other election-related mail for jurisdictions and voters.

### Voter Education

Ms. Duncan reported that our voter education campaign kicked off on May 23. The initial messages are registering to vote for individuals who are not registered to vote and checking and updating existing information for voters who are already registered. These messages will be delivered via digital channels (e.g., Google, Facebook, etc). Future phases of the campaign will focus on general messaging about the three ways to vote and voting deadlines. We will use traditional media – TV, radio, and print - as the campaign continues. A few images from the campaign are here. We will soon provide a toolkit for use.



### **Voter Registration**

#### Statewide Referendum Petition Effort

The deadline to file a referendum petition effort with the Secretary of State's Office was Tuesday, May 31. This effort is to put a question to the voters on the recently passed legislation, [HB 937/Chapter 56](#) - The Abortion Care Access Act. A total of 69,135 valid signatures is required to

have the question placed on the ballot at the November general election. A minimum one-third of the total signatures is required for the first filing. The sponsor of this petition effort failed to meet the initial threshold of 23,045 signatures.

#### Voter Registration Application Verbiage Change

At the request of the State Board members, SBE staff developed a timeline for the ability to change the verbiage regarding the qualifications of individuals convicted of a felony. These qualifications are found in Election Law Article, §3-102.

The current language is:

*Not have been convicted of a felony, or if you have, you have completed serving a court-ordered sentence of imprisonment.*

The proposed language is:

*Not be currently serving a sentence of imprisonment for a felony conviction.*

The timeline for the proposed change is:

1. Mock-up of the English version of the voter registration application: Complete
2. Notify “automatic registration” agencies about proposed text change: Complete
3. Approval of proposed language by the State Board: June 2 meeting
4. Obtain Spanish translation of the SBE-approved language: Request by June 6
5. Update SBE website and request updates to Attorney General’s website: June 6 (estimate)
6. Update SBE’s online voter registration system (OLVR): June 6, 2022 (estimate)
7. Procure printed voter registration applications: Request for proposals issued on May 26, and bids are due on June 3.
8. “Automatic registration” agencies complete text changes: July 1 (estimate)
9. Receive printed voter registration applications: Minimum 6 weeks for production and delivery. The estimated shipping date is July 18.

#### MDVOTERS

The 8.5 release was implemented on May 20. This release included enhancements to the ballot export file and various helpdesk tickets. During the MDVOTERS downtime for the release server, enhancements were completed to assist with the local boards with processing voter notification cards triggered by the redistricting process. The next release is scheduled for June 10, and the release will address the election judge module and high-speed mail sorter enhancements.

#### 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 (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 on a monthly basis.

### Motor Vehicle Administration (MVA) Transactions

During April, MVA collected the following voter registration transactions:

New Registration - 10,522	Residential Address Changes - 15,611
Last Name Changes - 2,254	Political Party Changes - 2,970

During May, MVA collected the following voter registration transactions:

New Registration - 11,349	Residential Address Changes - 18,510
Last Name Changes - 2,810	Political Party - 3,646

### Non-Citizen Registration and Voting

From April 20, 2022 to May 30, 2022, 15 voter records were canceled due to these voters not being U.S. citizens. 5 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 deadline for Petition and non-principal political party candidates to file a Declaration of Intent for candidacy is July 5, 2022 at 5 pm. Filings are still by appointment.

#### 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. The certified gubernatorial ticket has qualified for a total of \$798,527.68 in public funds and received \$78,672 in public funds in May. One gubernatorial ticket filed a notice of intent but failed to qualify by the deadline.

##### *County Public Financing Programs*

Montgomery County: There are 19 certified candidates in the program. Eight additional candidates have filed a notice of intent to participate. The certificate deadline to qualify for a public contribution is June 4. The program has disbursed \$175,475 in April and \$147,881 in May with an aggregate disbursement total of \$2,256,071.

Howard County: There are three certified candidates in the program. Three more candidates filed a notice of intent to participate in the program. The deadline to qualify for a public contribution is June 4. As of May 17, the program has disbursed a total of \$561,553.49.

#### Website Activity

In April, the MD Campaign Reporting Information System (MD CRIS) website was visited by 339,042 individuals for an average of 11,301 per day. Additionally, it had 2,247,288 hits. Each viewer looked at an average of approximately 5.17 page views per day. The Business Contribution Disclosure System (BCDS) website had 830,584 hits, with 58,420 visitors with an average of nearly 13.6 page views per day.

### Enforcement

1. Friends of David Ellin paid \$600.00 on April 26, 2022, for failure to record all contributions and expenditures.
2. Kullen, (Sue) For Calvert paid \$500.00 on April 27, 2022, for failure to record all contributions and expenditures.
3. Montgomery County Republican Central Committee paid \$1,000.00 on May 12, 2022, for failure to record all contributions and expenditures.
4. Citizens to Elect Stephanie A. Boston paid \$600.00 on May 18, 2022, for failure to record all contributions and expenditures.
5. Melanie Harris for MD 12 paid \$100.00 on May 19, 2022, for cash disbursement greater than \$25.00.

### **Voting Systems**

#### New Electronic Pollbook

Work on implementing the new electronic pollbooks continues. 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

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.

#### Ballot Drop Box Delivery

The delivery of 280 state-owned ballot drop boxes for the upcoming 2022 Gubernatorial Primary election have been scheduled to begin on Monday, June 6, 2022. Six days have been allotted to complete the delivery of the ballot drop boxes and all units are expected to be in place by Monday, June 13, 2022.

#### Logic and Accuracy Testing (L&A)

Logic and Accuracy testing of the voting equipment for the upcoming Gubernatorial Primary election has begun. All equipment to be deployed for Early Voting, Election Day or for the Canvassing of mail-in ballots will be tested by the local boards of elections. L&A testing on voting equipment to be deployed for Early Voting must be completed by July 5, 2022. The L&A testing of voting equipment to be deployed for Election Day will be completed statewide by July 9, 2022.

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

#### Inventory Management

The SBE FY22 Inventory Auditing of equipment and supplies statewide started on February

1. Currently, between SBE and the local boards, 94.92% of the inventory has been audited, with an end date for all the inventory auditing on June 31, 2022.

### Central Warehouse

The Central Warehouse team is busy working on a number of tasks related to the upcoming election with the receiving and shipping out of equipment and supplies.

### Document Management

We issued a Request for Information (RFI) for responses from document management system vendors. The closing date for the responses was April 29. We received 17 responses to the RFI and are completing the review process. One of the next steps will be to generate the requirements for the document management system Request for Proposals (RFP).

Working on the agency's records retention requirements with a focus on the submission of documents to the State Archives for permanent storage.

### Baltimore City Relocation

Continued to work with the Baltimore City Board of Elections on their relocation plans.

### Election Operations Support

The PMO continues its work on the logistics and planning for the primary election operations support that includes the use of an election helpdesk system and the setup of an election operations center on election day.

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

Mr. Lewis gave the following updates:

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. The Appellees’ response was filed in late April. WinRed filed its reply brief on May 23, 2022. The Court is in the process of being scheduled for oral argument.
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.

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. Ms. Connors did not appeal.

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 today and will hold 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. On May 9, 2022, after reviewing status reports from the parties, the Court dismissed the matter without prejudice, to allow the plaintiffs to bring a challenge to the county map after the July 19, 2022 election if they determine that a challenge is warranted, and to file a motion to attorneys' fees by June 6, 2022.
4. *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. Mr. Wilson has filed his memorandum of law in support of his petition. The State and Local Boards have filed answering memoranda. Mr. Wilson will likely be filing a reply memorandum within the next two weeks. A hearing on the petition has been scheduled for August 15, 2022.
5. *Brian Marron v. Linda Lamone*, No. C-02-CV-22-000795 (Cir. Ct. A.A. Cnty.). On May 9, 2020, Brian Marron, a registered voter, filed a lawsuit against Linda Lamone and Daniel Cox. Mr. Marron claimed that Mr. Cox was ineligible to run for Governor because of his alleged



involvement in the events at the Capitol on January 6, 2021. Ms. Lamone filed a motion to dismiss or for summary judgment and requested an expedited hearing. After briefing the motion and argument on May 20, 2022, the Court granted the motion to dismiss because it was untimely and barred by laches. Mr. Marron did not appeal.

6. *Paul Corderman v. Shawn Perry*, No. C-21-CV-22-000226 (Cir. Ct. Wash. Cnty.). On March 16, 2022, Senator Paul Corderman sued Shawn Perry, the Maryland State Board of Elections, and the Washington County Board of Elections. Senator Corderman was challenging Mr. Perry's residency and alleged that his name should not appear on the ballot. After a hearing on May 26, 2022, the Court concluded that Mr. Perry established his residency before the deadline to run for office and his name did not need to be removed from the ballot.

**APPROVAL OF PROPOSED REGULATIONS TO COMAR 33.15.03.03, 33.15.03.04, and 33.15.03.07 (ABSENTEE BALLOTS- POLLING PLACES)**

Ms. Charlson stated that she had previously included proposed amendments to COMAR 33.11.03.06 in the meeting materials to the Board. However, in light of the Governor's veto of SB 163, there is no longer a requirement for the proposed amendments, and therefore Ms. Charlson withdrew the proposed amendments to COMAR 33.11.03.06.

Ms. Charlson presented proposed amendments to COMAR 33.15.03.03 and 33.15.03.04. The proposed new regulations are:

1. 33.15.03.03 (Polling Places – Reassignments — Spouse or Helper of Elderly Voter or Voter with a Disability): The proposed amendment to Section B of this regulation allows a voter's spouse to be reassigned to the voter's polling place if the spouse or helper is registered to vote in the same county. The amendment adds the requirement that the polling place have a ballot with the same content as the spouse's or helper's ballot. The proposed amendment to Section D changes the requirement of the issuance of the ballot to be a ballot that has the same content as the ballot used in the polling place originally assigned to the spouse or helper.
2. 33.15.03.04 (Polling Places – Reassignments — Religious Objections): The proposed amendments to Section C of this regulation require that when making this accommodation, the new polling place must have the same ballot content as the ballot for the polling place originally assigned to the voter. The proposed amendment to Section D requires that any ballot issued to a voter under this regulation have the same content as the ballot for the polling place originally assigned to the voter.

Mr. DeMarinis proposed the deletion of Regulation .07 under COMAR 33.15.03 and proposed a new Regulation .07- Polling Place – Alcoholic Beverage License. He explained that the current text in Regulation .07 is a duplicate of Regulation .04 and can therefore be repealed. The new Regulation .07 is required by Chapters 191 and 192 (2022) (SB 907 & HB 328). He stated that the proposed deletion and new amendments would both simultaneously be filed as emergency regulations, and normal regulations. The proposed new regulations are:

3. 33.15.03.07 (*Polling Place – Alcoholic Beverage License*): This regulation allows a local board to use a building or part of a building that is owned, occupied, or partially occupied by an establishment that holds an alcoholic beverages license as a polling place. The regulation also sets forth the selection factors and requirement for using a polling place eligible under Section .07 of this regulation,

In response to a question from Mr. Williams, Ms. Charlson explained the differences in the normal versus emergency promulgation of the regulations.

Mr. Funn made a motion to approve the proposed amendments to COMAR 33.15.03.03, 33.15.03.04, and 33.15.03.07 in the normal promulgation process. Mr. Miller seconded the motion. It passed unanimously.

Mr. Miller made a motion to adopt the proposed deletion of the current COMAR 33.15.03.07, and the proposed new amendments to COMAR 33.15.03.07 in the ~~normal~~emergency promulgation process. Ms. Woodward seconded the motion. It passed unanimously.

**APPROVAL OF FINAL REGULATIONS- COMAR 33.13.07.02 (CAMPAIGN FINANCING – AUTHORITY LINE REQUIREMENTS, ELECTRONIC MEDIA); 33.13.14.07- 33.13.14.09 (CAMPAIGN FINANCING– PUBLIC FINANCING); 33.18.02.01- 33.18.02.02 (VIOLATIONS – PROHIBITED ACTS); 33.20.08.01 (DISCLOSRE OF PERSON DOING PUBLIC BUSINESS – SANCTIONS)**

Mr. DeMarinis presented proposed amendments to COMAR 33.13.07.02, 33.13.14.07, 33.13.14.08, 33.13.14.09, 33.18.02.01, 33.18.02.02, and 33.20.08.01 for final adoption. These proposed regulations were approved by the Board at the December 16, 2021 meeting. The proposed changes and new amendments were published in the March 25, 2022, edition of the *Maryland Register* (Vol. 49, Issue 7). The public comment period closed on April 25, 2022. No comments were received.

The proposed changes and new regulations presented for final adoption were:

1. 33.13.07.02 (Campaign Financing - Authority Line Requirements – Electronic Media): The proposed amendment to the regulation modifies the authority line requirements for the use of deep fake videos and audio recordings and the sending of text messages by a political committee. The proposed regulations define what constitutes a deep fake audio and video recording. Moreover, it modifies the authority line requirements to include an additional disclaimer at the beginning and end of the recording that the audio or video recording did not occur in reality. Additionally, the proposed regulation requires a political committee that disseminates text messages to individuals, but the text message service limits the number of characters in the text to immediately follow the text message with a text message including the authority line.
2. 33.13.14.07 (Campaign Financing – Public Financing – Coordinated In-Kind Contributions): The proposed new regulations allow for central committees to make coordinated in-kind contributions to county publicly financed candidates. The proposed regulations set limits and resists the source of the funding consistent with the enabling legislation and county programs.
3. 33.13.14.08 (Campaign Financing – Public Financing – Electronic Signatures): The proposed new regulation defines, sets the process, and places restrictions on the use of electronic signatures in relation to use on a contribution card.
4. 33.14.14.09 (Campaign Financing – Public Financing – Electronic Signatures): The proposed new regulation prohibits transfers from a publicly financed candidate

committee to any other political committee and allows for the transfer of the voter access file from the State Central Committee.

5. 33.18.02.01 and 33.18.02.02 (Violations – Prohibited Acts): The proposed amendments and new regulations require a person to place the same disclaimer requirements on a deep fake recording attempting to influence a voter’s decision going to the polls or casting a vote within 90 days of the election.
6. 33.20.08.01 (Disclosure of Person Doing Public Business – Sanctions): The proposed amendments update the late fee penalties to match the late fee fine structure for political committees. In 2019, the General Assembly changed the penalties for political committee to a maximum penalty of \$1,000. The law governing the contribution disclosure statement for persons doing public business requires that penalties for late filings are identical to political committees.

Mr. Funn made a motion to adopt the proposed amendments and new regulations to COMAR 33.13.07.02, 33.13.14.07, 33.13.14.08, 33.13.14.09, 33.18.02.01, 33.18.02.02, and 33.20.08.01 as presented by Mr. DeMarinis. Mr. Williams seconded the motion. It passed unanimously.

### **APPROVAL OF EMERGENCY CHANGE TO POLLING PLACES FOR BALTIMORE AND PRINCE GEORGE’S COUNTIES**

Ms. Duncan presented one request each from the Baltimore and Prince George’s County Boards of Elections for an emergency change in polling place. Those changes are:

1. Baltimore County- Ms. Duncan presented a request from the Baltimore County Board of Elections to replace the Gunpowder VFD to the Vincent Farm Elementary School cafeteria, for precinct 15-25. This relocation is necessary because the facility is no longer available for use as a polling place. SBE recommended approving this request.

Mr. Williams made a motion to approve the emergency polling place change to Vincent Farm Elementary School. Mr. Funn seconded the motion. It passed unanimously.

2. Prince George’s County- Ms. Duncan presented a request from the Prince George’s County Board of Elections to replace the Adelphi Elementary School to Mary Harris Jones Elementary School, for the consolidated precinct 17-012 and 17-018. This relocation is necessary because the Adelphi Elementary School is under construction and therefore is no longer available for use as a polling place for the primary election. SBE recommended approving this request.

Mr. Williams made a motion to approve the emergency polling place change to Vincent Farm Elementary School. Ms. Woodward seconded the motion. It passed unanimously.

### **APPROVAL OF TITLE 13 LATE FEE WAIVER REQUESTS**

Mr. DeMarinis presented requests from 28 campaigns to waive or reduce late fees incurred by the committee. Three campaigns were denied waivers of late fees and was presented to the board for informational purposes.

The campaigns requesting a waiver or reduction of late filing fees are:

1. Addis, Richard The People for
2. Bickford, Pieter Citizens for

3. Bostick, Christina J. Committee to Elect
4. Buhrt, Jeffrey C. for Sheriff
5. Burley, Katina Citizens for
6. Committee to Elect Robert A. Silkworth
7. Crum, Gary Friends for
8. Harris, Neil Friends of
9. Hutchins, Thomas E. "Tim" Friends of
10. Jennifer, Sheila Vote
11. Johnson, Sue Friends of
12. Lee, Kenneth Citizens for
13. Lowery, Eric, Friends of
14. Maryland Neurosurgical Society  
Political Action Committee
15. Mcleod, Junior for the People
16. Mirabile, Russ NO TAX Friends of
17. Nolet, Michael Citizens to Elect for  
Baltimore
18. Opportunity Maryland PAC
19. Peroutka, Michael Anthony Patriots for
20. Puca, Anthony for County Council
21. Remondini, Rayna Citizens for
22. Rice, Craig Citizens For
23. Savoy, Brenda Hatcher Citizens for
24. Shakur, Malik Friends of for Judge
25. Sims, Brian Friends of
26. Stafford, (Theresa) for Board of  
Education
27. Thomas, Bob Committee To Elect
28. Tichy, Christa Friends of

Mr. Funn made a motion to approve the Title 13 late fee waiver requests as presented, and Mr. Miller seconded the motion. The motion passed unanimously.

#### **APPROVAL OF TITLE 14 LATE FEE WAIVER REQUESTS**

Mr. DeMarinis presented requests from one business, Maryland Works, to waive late fees incurred by the entity. One business was denied a waiver of late fees.

Ms. Woodward made a motion to approve the Title 14 late fee reduction request as presented, and Mr. Funn seconded the motion. The motion passed unanimously.

#### **APPROVAL OF SBE BYLAWS AND DELEGATION OF DUTIES**

Ms. Charlson presented the current bylaws with proposed edits, a summary of proposed changes, and proposed changes to *Duties of the State Board and State Administrator* table. Per conversation with Mr. Voelp and Mr. Funn, Ms. Charlson explained that today she will only present for approval the administrative changes to the *Duties of the State Board and State Administrator*. Using the summary as a guide, Ms. Charlson presented all changes labeled as either "corrective," "correction," "repeal," or "correct citation." The summary with the administrative edits proposed at the meeting can be viewed in the [meeting materials](#). Ms. Charlson explained that if the Board approved the proposed administrative changes, then she will present the new duties at the next meeting.

Mr. Funn made a motion to approve the administrative changes to the Bylaws, and Mr. Miller seconded the motion. The motion passed unanimously.

#### **OLD BUSINESS**

##### Voter Registration Application Verbiage Change

Ms. Dorsey presented the Board with proposed changes to the verbiage regarding the qualifications of individuals convicted of a felony on the Voter Registration Application.

The current language is:

*Not have been convicted of a felony, or if you have, you have completed serving a court-ordered sentence of imprisonment.*

The proposed language is:

*Not be currently serving a sentence of imprisonment for a felony conviction.*

Ms. Woodward made a motion to approve the administrative changes to the Bylaws, and Mr. Funn seconded the motion. The motion passed unanimously.

#### Legislation Update

Mr. DeMarinis stated that Senate Bills 15 and 101 both passed and went into effect without the Governor's signature.

#### **NEW BUSINESS**

##### Governor's Veto of HB 862

Mr. Williams requested to discuss the implications of Governor Hogan's veto of HB 862, and any actions that the Board should take in response. Mr. Voelp explained that the three areas of the election with possible implication from the veto are curing a return envelope sent without the voter's signature, which ballot to accept when a voter returns a mail-in ballot and votes provisionally, and the start date of the canvass. A discussion followed among the members. No actions were taken by the Board. but they agreed to set a tentative board meeting for approximately two weeks from now if the Board decides to present emergency regulations.

#### **DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

There were no contributions to report.

#### **SCHEDULE NEXT MEETING**

At 3:20 pm, while the Board was discussing the date of the next meeting, the livestream feed stopped due to a power outage at the SBE office. Ms. Duncan informed the Board, who paused any discussions of Board matters while the meeting was not being livestreamed. The livestream feed was resumed at 3:41 pm, and the Board continued the meeting.

The next meeting is scheduled for Tuesday, June 28, 2022 at 2 p.m. A tentative meeting is scheduled for Thursday, June 16, 2022.

#### **CLOSED SESSION – PERSONNEL & LEGAL ADVICE**

Mr. Voelp requested a motion to close the board meeting under several provisions of §3-305(b) of the General Provisions Article. The stated provisions were: (b)(1) which permits closing a meeting to discuss compensation of officials over whom the State Board has discussion; (b)(7) and (8), which permit closing a meeting to receive advice from counsel and consult with staff about pending or potential litigation, respectively; and (b)(10) and (15), which permit closing a meeting to share and discuss physical and information security of IT systems.

Ms. Woodward made a motion to convene in closed session under General Provisions Article, §3-305(b)(1), (7), (8), (10), and (15), and Mr. Miller seconded the motion. The motion passed unanimously.

The motion having passed, the Board met in closed session in accordance with exemptions defined in (b)(1), (7), (8), (10), and (15) of Section 3-305 of the Open Meetings Act to discuss compensation of officials over whom the State Board has jurisdiction, receive advice from

counsel, consult with staff about pending or potential litigation, and physical and information security measures.

The closed session began at 4:00 pm. Mr. Voelp, Mr. Funn, Mr. Miller, Ms. Woodward, and Mr. Williams attended the closed meeting. In addition to the board members, Ms. Lamone, Ms. Charlson, and Ms. Duncan attended the meeting. Ms. Malcolm attended part of the closed meeting.

During the closed session, Ms. Malcolm presented a salary request for a candidate for a vacant position at a local board of elections and Ms. Lamone's recommendation on the local board's request. Mr. Williams made a motion to approve requested salary for a vacant position, and Ms. Woodward seconded the motion. The motion passed unanimously. Ms. Malcolm left the meeting.

Ms. Charlson shared information about physical and information security of an information system. Mr. Lewis provided legal advice and staff provided information about potential or pending litigation. No actions were taken.

Ms. Woodward made a motion to adjourn the closed meeting, and Mr. Williams seconded the motion. The motion passed unanimously.

The closed meeting adjourned at 4:45 pm.

#### **ADJOURNMENT**

The open meeting adjourned at 3:45 pm.