

Announcements & Important Meetings

National Association of State Election Directors' (NASED) "Managing After 2020" Presentation

On several days, NASED offered state and local election officials around the country a presentation entitled "Coping with Death Threats and Traumatic Events in the Line of Duty." The presentation was initially given at the NASED summer conference and was so well received that NASED asked Dr. Tim Hoyt of the Defense Health Agency's Psychological Health Center of Excellence if he would offer his presentation to a wider audience. The invitation was shared with all SBE and local board staff members, and many attended the presentation.

Department of Legislative Services' Intergovernmental Matters and Public Administration Workgroup

On September 23, the workgroup invited us to attend a meeting to discuss the impact of the redistricting process, implementation of election administration legislation passed during the 2021 Legislative Session, and budget and cost sharing information. The workgroup members seemed appreciative of the information we provided.

Maryland Cybersecurity Council - Quarterly Meeting

On October 13, I attended the quarterly meeting of the Maryland Cybersecurity Council, a legislatively created body led by Attorney General Brian Frosh and of which I am a member. The main presentation was on cybersecurity in the electric utility sector, which was very interesting.

U.S. Election Assistance Commission's (EAC) Technical Guidelines Development Committee (TGDC)

On October 13, the TGDC met virtually to discuss the implementation of the Voluntary Voting System Guidelines (VVSG) 2.0 standard, the proposed lifecycle policy, and the process to evaluate and approve protocols for end-to-end verifiable voting systems, and other non-voting system related topics. The members of the TGDC, created under the federal Help America Vote Act, are election officials (including me representing the EAC's Board of Advisors), technical experts, and individuals representing advocacy organizations and are tasked with developing the VVSG with support from the National Institute of Standards and Technology.

Election Directors' Meeting

On October 21, we held an election directors' meeting. During this meeting, we shared information about USPS' expected postage increases in 2022, "save the date" information for SBE's tabletop exercise for the SBE and the local boards, implementing legislation from the 2021 Legislative Session, and on-going activities related to preparing for the 2022 elections. All local boards were represented on the call. A summary of the meeting will be distributed via the County Bulletin when it is drafted.

Election Reform and Management

2021 Student and Military Voter Empowerment Act

[Chapter 657 \(Senate Bill 283\)](#) and [Chapter 656 \(House Bill 156\)](#) of the 2021 Legislative Session require that the local boards notify certain large residential communities when establishing precinct boundaries and designating polling places. We issued guidance to the local boards regarding these notice requirements and published them in October 8, 2021 County Bulletin.

Mail-In Voting: Usability Review

Work continues with the University of Baltimore and the Center for Civic Design on implementing the usability review required by [Chapter 56 \(Senate Bill 683\)](#) and [Chapter 514 \(House Bill 1048\)](#) of the 2021 Legislative Session.

Mail-In Ballot Request Form Mailer

We are working with incumbent vendor, Runbeck, to prepare for the mailing of mail-in ballot request forms in early February 2022. This mailing is required by [Chapter 56 \(Senate Bill 683\)](#) and [Chapter 514 \(House Bill 1048\)](#) of the 2021 Legislative Session.

Mail-in Voting: Procurement and Vendor Selection

After a competitive procurement and reviewing sample ballots, ballot packets, and technical and financial proposals from six vendors susceptible for award, we selected Taylor Communications to print, insert and mail ballot packets for the 2022 elections. Taylor was ranked first overall and had the top-ranked technical proposal and the second-ranked vendors' financial proposal. They printed and mailed ballot packets over 1.7 million ballot packets to Maryland voters in the 2020 General Election, and we look forward to working with them. We expect that this contract will be on the Board of Public Works' agenda in December.

Voter Registration

MDVOTERS

Development for the December release continued. This release finalizes the requirements to implement the permanent absentee ballot list and MVA's new driver license system configurations.

MDVOTERS Audits

On a monthly basis, audits are performed on 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.

ERIC - Membership

Maine is the latest state to join ERIC. This brings ERIC's total membership to 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. As we approach an election and are prohibited from list maintenance mailings (90 days prior to an election), we will receive the In-State Duplicate and SSA Death files on a monthly basis.

MVA Data Comparison

SBE received from MVA data on individuals who surrendered their Maryland driver's license to another state and address information for voters who are currently in an "inactive" status in Maryland's statewide voter registration database (MDVOTERS) and compared this data against information in MDVOTERS.

Using MVA's data, we identified 4,948 "active" voters who surrendered their Maryland licenses to another state and 1,915 voters in an "inactive" status where the address we have on file is different from the address on file with MVA. We sent letters to these voters' Maryland registration addresses requesting that the voters verify their information. While we cannot provide a definite number of records impacted, about 1,010 records have been cancelled from August 15, 2021 through October 25, 2021, the timeframe when the mailings were sent.

Moving forward, MVA and SBE will continue to do this data comparison on a quarterly basis and mail letters to those identified voters and we will also create a unique identifier within MDVOTERS that will allow the local boards of elections to capture this information for future statistics. The next mailing is expected to occur at the beginning of December.

Motor Vehicle Administration (MVA) Transactions

During July, MVA collected the following voter registration transactions:

New Registration - 10,638	Residential Address Changes - 22,111
Last Name Changes - 2,883	Political Party Changes - 4,640

Non-Citizen Registration and Voting

During September 1, 2021 through October 25, 2021 a total of 37 voters have been cancelled due to non-citizen. One individual has voting credit and will be referred to the Office of the State Prosecutor.

Candidacy and Campaign Finance (CCF) Division

Candidacy

The candidacy filings are currently scheduled by appointment, and as of October 19, 155 candidates have filed at SBE.

Campaign Finance

Upcoming Reports

The next campaign finance report due is the January 2022 Annual Report. However, independent expenditure entities and Super PACs must file disclosure reports within 48 hours after making disbursements or expenditures of \$10,000 or more.

Next month, the semi-annual Contribution Disclosure Statement is due on November 30. This report is due for any person doing business with a governmental entity of \$200,000 or a person who employs a State lobbyist and makes contributions of \$500 or more in a filing period.

State Public Financing Program

One gubernatorial ticket has filed a notice of intent to participate in the program. This is the third consecutive election where a candidate has filed to participate in the public financing. In order to qualify for a public contribution, the candidate must raise \$120,000 from 1,500 Maryland residents. As of September 30, there is \$4,119,374.72 in the Fund. In the next fiscal year, additional \$4,000,000 will be appropriated to the Fund.

County Public Financing Programs

Montgomery County: There are four certified candidates in the program. The program has made a total of \$234,342 in disbursements. One certified candidate can not receive a disbursement because the candidate is currently uncontested in the primary election. Committees may file matching fund requests on the first and third Tuesday of every month. Sixteen other candidates have filed a notice of intent to participate in the program.

Howard County: Four candidates have filed a notice of intent to participate in the program. No candidate has submitted a report for certification.

Website Activity

In September, the MD Campaign Reporting Information System (MD CRIS) website was visited by 221,065 individuals for an average of 7,368 per day. Additionally, it had 1,731,341 hits. Each viewer looked at an

average of approximately 6.5 page views per day. The Business Contribution Disclosure System (BCDS) website had 901,924 hits, with 37,699 visitors with an average of over 23 page views per day.

Enforcement

1. Allegany County Democratic Central Committee paid \$300.00 on September 17, 2021 for failing to record or report expenditures and contributions on a campaign finance report.
2. Friends of William Cole committee paid \$500.00 on September 21, 2021 for failing to record or report expenditures and contributions on a campaign finance report.
3. Friends of Tim Willard committee paid \$600.00 on October 5, 2021 for failing to record or report expenditures and contributions on a campaign finance report and making an unauthorized cash disbursement - cash greater than \$25.00.

Election Observation

Jared DeMarinis served as the Political Finance Expert in the Organization of American States' (OAS) election monitoring mission for the September 16 Parliamentary elections in the Bahamas. The entire Parliament (39 seats) was up for election. The election had many challenges with the pandemic including a nationwide curfew of 9:00pm. All voting is in person. One of the bigger issues was allowing eligible individuals in quarantine to vote. This had an effect on turnout. In comparison to other elections, turnout was low; only in the upper 70. Additionally, this was the first election where the Bahamas instituted a permanent voter registration list. In past elections, the entire population would have to register to vote prior to the election. While a campaign promise from the prior election, campaign finance disclosure never occurred. In the Bahamas, there are no campaign disclosure requirements of any kind nor limits on the amount of money received or the source. Overall, the election went smoothly as well as the mandatory hand recount the following day. Everyone was masked and patient with the process of voting and cleaning.

Voting System

Mock Election

In preparation for the 2022 Gubernatorial Election cycle, SBE, in conjunction with the local boards are conducting a mock election. Although many tasks and activities associated with federal and state elections will be completed, the mock election will primarily focus on assessing the functionality of the new Agency Election Management System (AEMS) and the logic and accuracy (L&A) testing for the voting equipment. The local boards have the materials for L&A testing and are expected to complete the testing phase by the early portion of November. We will use the results from the L&A testing to complete additional testing of AEMS and the activities associated with certifying elections. The mock election is expected to be completed by the middle of December 2021.

Electronic Pollbook Printers

At the Board of Public Works' meeting held on September 15, 2021, SBE's procurement of new electronic pollbooks printers was approved. This solicitation allows the purchase of 7,660 Seiko MP-A40 printers to be used with both the current and new electronic pollbook solution. This specific printer has already been deployed in a number of local boards, and this procurement replaces the existing printers for other local boards. To date, 700 printers have already been delivered to SBE's warehouse with the remaining balance due to arrive between December 2021 and April 2022. SBE will be working with the local boards to arrange delivery of the new printers along with the pickup of the current printers.

Project Management Office (PMO)

New Electronic Pollbook Solution and 2022 Elections

After a competitive procurement, DemTech, a Virginia-based company, was chosen to implement Maryland's new pollbook solution.

SBE will implement the new pollbook solution for the 2024 elections instead of the 2022 elections. The evaluation committee recommended this schedule change, including its technical advisors and the majority of the offerors. The change was due to all of the vendors' solutions requiring significant development to meet Maryland's unique, centralized election administration structure, same-day registration requirements, and identified nonvisual access issues. This decision:

- Reduces the amount of risk for the 2022 Primary and General Elections;
- Allows the selected vendor time to develop and implement Maryland's requirements fully;
- Gives State and local election officials time to thoroughly test and perform a comprehensive, statewide mock election before the solution's use in an election; and
- Allows State and local election officials to devote more resources to the implementation of the results from the current and upcoming redistricting and reapportionment efforts;

The change to a 2024 implementation means that SBE will use the current electronic pollbooks for the 2022 elections. State and local election officials will perform the normal election preparation activities (e.g., charging the units according to the established schedule, performing maintenance and repair, and assessing battery health) for the current pollbooks. SBE will obtain licensing to use the current pollbooks in the 2022 election cycle.

Other

The PMO also completed the procurement submissions for the additional number of equipment items that include voting booths, ADA tables, ballot and precinct carts, and privacy sleeves that will be needed for the 2022 elections. The PMO will be working with other SBE individuals for the planning and preparation related to Personal Protective Equipment (PPE) items for the 2022 election cycle.

Information Security

We continue to implement a risk-based approach to improve on our information security mission to detect and defend against a changing cyber threat landscape. As we prepare for the 2022 election cycle, these efforts include several initiatives:

1. Updating security policies to define requirements specific to SBE operations
2. Detailing technical standards to help to secure IT systems
3. Response training and managed security services that enhance monitoring, alerting and incident response to help protect and defend SBE systems and the election process
4. Auditing and assessment to assure compliance with policies and best practices

We have also increased penetration testing, vulnerability detection, and auditing to continuously improve SBE systems and IT operations and have increased the use of tabletop exercises to train and test operational readiness and response. We continue our efforts in social media defense and vendor supply-chain security. Our partnerships with CISA, DHS, FBI, local boards, and other agencies provide a wide range of resources and services to support the cybersecurity mission.

State of Maryland 

State Board of Elections – September 9, 2021 Meeting

Attendees (via conference call):

William G. Voelp, Chair
Malcolm L. Funn, Member
Severn Miller, Member
Justin Williams, Member
T. Sky Woodward, Member
Linda Lamone, Administrator
Adam Snyder, Assistant Attorney General
Nikki Charlson, Deputy Administrator
Donna Duncan, Assistant Deputy, Election Policy
Jennifer McLaughlin, Senior Policy Advisor
Jared DeMarinis, Director, Candidacy and Campaign Finance
Keith Ross, Assistant Deputy, Project Management

DECLARATION OF QUORUM PRESENT

Mr. Voelp called the meeting to order at 2:03 pm and declared that a quorum was present.

ADDITIONS TO THE AGENDA

There were no additions to the agenda.

APPROVAL OF MEETING MINUTES: JULY 22, 2021

Mr. Funn made a motion to approve the minutes from the July 22, 2021 open and closed meetings. 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

National Association of State Election Directors' (NASSED) Summer Conference

NASSED's summer conference was held virtually on August 8-9 and August 19-20. During the conference, state election officials received presentations from the Director of and other representatives from the Cybersecurity and Infrastructure Security Agency and from representatives of the U.S. Department of Justice and Federal Bureau of Investigations. Election officials shared recent changes to state laws, shared best practices on a variety of topics, including providing technical support to local election officials.

Joint Chairmen's Report - Cost Sharing

Under language in the Joint Chairmen's Report adopted during the 2021 Legislative Session, we were required to submit a report on cost sharing with local jurisdictions. We submitted the requested information, and a copy of the cover letter and report are in the meeting materials. We hope that this report will be useful for the General Assembly as they consider future election administration legislation.

SBE Biennial and MAEO Annual Meetings

Maryland's election officials were offered a week of training and informational seminars beginning August 23, 2021, with SBE's required biennial meeting held on August 25. As required by the Election Law Article, the biennial meeting is for board members, attorneys and various election office staff to meet and receive instruction on the conduct of elections. While this was the first time that many within the election community had in person meetings in quite some time,

SBE's biennial meeting was available virtually for those that pre-registered. The training included many topics about cybersecurity, new and proposed legislation, voter and polling site security, election judges' training, and requirements of the recent NFB litigation. Similar to an election, behind the scenes planning and operations involved countless individuals and we offer sincere thanks and appreciation for all the hard work that resulted in well run and informational meetings.

Ms. Charlson thanked the board members for attending both meetings and thanked Mary Cramer Wagner for leading the planning of the biennial meeting for SBE and coordinating the planning with MAEO. Mr. Voelp also thanked Ms. Wagner, Ruie LaVoie, Election Director for Cecil County, and everyone else involved in planning both meetings.

2020 EAVS Roundtable Discussion

On August 17, Tracey Hartman participated in a virtual roundtable discussion hosted by the U.S. Election Assistance Commission (EAC) regarding the release of the 2020 Election Administration and Voting Survey (EAVS). The 2020 EAVS collected data from all 50 states on ballots cast, voter registration, overseas and military voting, voting technology, and other important issues related to voting and election administration. The roundtable included EAC Commissioners, election experts from the academic and non-profit sectors, as well as election administrators at the local level. A common theme in discussion of the data collected was how COVID affected the election process, including all-time highs for voter turnout and voting by mail. The [livestream of the event](#) is available in its entirety on the [EAC's YouTube page](#), and the [complete 2020 EAVS report](#) is available on [the EAC's webpage](#).

Election Reform and Management

Mail-In Voting: Usability Review

Chapter 56 (Senate Bill 683) and House Bill 1048 (effective June 1, 2021) require that we have a usability expert review and provide recommendations on mail-in voting information available to voters. Progress on recommendations is ongoing. Ms. McLaughlin stated that a final version of the mail-in ballot request form will be presented for Board consideration later in the meeting. The University of Baltimore and the Center for Civic Design will be holding additional testing sessions specific to Spanish-language forms in Hyattsville later in September. Recommendations on other materials, including mail-in ballot packages, will be forthcoming.

Mail-in Voting: Procurement of Vendor

Earlier this year, we issued a Request for Proposals to solicit bids for a vendor to print, insert and mail ballot packets to requesting voters. We have completed the technical evaluation of the six timely proposals we received and are in the financial evaluation stage of the procurement. We expect to award a contract by the end of this year.

Voter Registration

MDVOTERS

MDVOTERS 8.1 software release will take place on September 13th. This release includes enhancements to accommodate the MVA driver license changes taking place in December. The enhancements include automating the signature cure letter while allowing the user to configure the voter information to display on the letter and candidacy-related changes to support contest configuration and provisional candidate status.

MDVOTERS Audits

On a monthly basis, audits are performed on 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.

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. As we approach an election and are prohibited from list maintenance mailings (90 days prior to an election), we will receive the In-State Duplicate and SSA Death files on a monthly basis.

Motor Vehicle Administration (MVA) Transactions

During July, MVA collected the following voter registration transactions:

New Registration - 12,112	Residential Address Changes - 25,304
Last Name Changes - 3,080	Political Party Changes - 5,377

During August, MVA collected the following voter registration transactions:

New Registration - 12,422	Residential Address Changes - 23,732
Last Name Changes - 3,122	Political Party - 5,268

Non-Citizen Registration and Voting

During August, three individuals' voter records were cancelled. None of these individuals have voting history.

Candidacy and Campaign Finance (CCF) Division

Candidacy

Mr. DeMarinis stated that candidacy filings are ongoing and are currently scheduled by appointment. As of September 2, 2021, 104 candidates have filed at SBE.

Campaign Finance

Mr. DeMarinis stated that the next campaign finance report due is the January 2022 Annual Report. However, independent expenditure entities and Super PACs must file disclosure reports within 48 hours after making disbursements or expenditures of \$10,000 or more.

County Public Financing Programs

Montgomery County: There are 3 certified candidates in the program. The program has made a total of \$200,714 in disbursements. One certified candidate cannot receive a disbursement because the contest in the primary is currently uncontested. Committees may file matching fund requests on the first and third Tuesday of every month. Sixteen candidates in Montgomery County have filed a notice of intent to participate in the program.

Howard County: Three candidates in Howard County have filed a notice of intent to participate in the program.

Website Activity - July and August

In July, the MD Campaign Reporting Information System (MD CRIS) website was visited by 222,897 individuals for an average of 7,190 per day. Additionally, it had 1,668,035 million hits. Each viewer looked at an average of approximately 6.5 page views per day. The Business Contribution Disclosure System (BCDS) website had 837,317 hits, 39,526 visitors with an average of over 20.5 page views per day.

In August, the MD Campaign Reporting Information System (MD CRIS) website was visited by 277,559 individuals for an average of 7,340 per day. Additionally, it had 1,717,943 million hits. Each viewer looked at an average of approximately 6.5 page views per day. The Business Contribution Disclosure System (BCDS) website had 843,804 hits 46,246 visitors with an average of over 17.5 page views per day.

Enforcement

1. Friends of Zeke Berzoff Cohen committee paid \$1,200.00 on July 27, 2021, for failing to record or report expenditures and contributions on a campaign finance report and failing to maintain account books and records.
2. Friends of Vincent Andres committee paid \$250.00 on August 06, 2021, for failure to include an authority line.
3. Friends of Steven Biddle committee paid \$500.00 on August 20, 2021, for failing to record or report expenditures and contributions on a campaign finance report. The committee filed an Affidavit of Limited Contributions and Expenditures (ALCE) instead of Campaign Finance Report.
4. Friends of Harry V. Preston committee paid \$500.00 on September 7, 2021, for unauthorized cash disbursement - cash greater than \$25.00.
5. Committee to Elect Robert S. Wagner paid \$1, 200.00 on September 8, 2021 for failing to record or report expenditures and contributions on a campaign finance report and making an unauthorized cash disbursement - cash greater than \$25.00.

Mr. DeMarinis announced that he has been asked to serve as the Political Finance Expert in the Organization of American States (OAS) election monitoring mission for the September 16 Parliamentary elections in the Bahamas. This will be Mr. DeMarinis' 5th international election mission. He leaves on September 10 and returns on September 18.

Regulations for Petitions

Mr. DeMarinis stated that he, Ms. Wagner, and Andrea Trento have drafted regulations pertaining to electronic signatures on petitions and are currently gathering feedback from petitioners who gathered electronic signatures in 2020. The plan is to present draft regulations on this topic at the October meeting of the State Board.

Project Management Office (PMO)

Inventory Management

The PMO continued to perform reconciliation tasks from the FY21 Annual Inventory Audit and submitted to the Department of General Services the first ("Annual Missing and Stolen Report") of three annual reports. The remaining two reports will be submitted no later than September 15, 2021. The PMO also submitted to the Insurance Division of the State's Treasurer's Office the Annual Insurance Survey of equipment and supplies for SBE.

FY2022 Pollbook Project

Mr. Ross reported that the pollbook project is still in the evaluation phase. The PMO has continued working on tasks related to the project, including:

- The pollbook Request for Proposal (RFP) solicitation is in the financial evaluation phase. The evaluation team is reviewing the vendor's responses to the second "best and final offer" request.
- The project team continues to maintain the project communication with the local boards via monthly project status meetings and the biweekly County Bulletin.
- Continued to update and address questions from the Department of Information Technology (DoIT) and updating the project's Contingency Plan.

Other

The PMO continued to work with the local boards in an effort to identify the additional number of voting booths, ADA tables, ballot and precinct carts that will be needed for the 2022 elections.

ASSISTANT ATTORNEY GENERAL'S REPORT

Mr. Snyder explained that he was filling in for Mr. Trento, who was out of town. Mr. Snyder gave the following updates:

1. *Fusaro v. Davitt et al.*, No. 20-1879 (U.S.C.A. for the 4th Cir.). No change from the last update. 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 parties then conducted discovery and briefed dispositive summary judgment motions. On July 14, 2020, the Court awarded Summary Judgment to the defendants on the issue of whether the "electoral process" requirement was unconstitutionally vague and declined to reach the issue of whether Maryland's registered voter requirement violates the First Amendment. Plaintiff has appealed to the United States Court of Appeals for the Fourth Circuit, and briefing is now complete. Oral argument has been scheduled for September 23, 2021.
2. *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. Plaintiffs 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 20, 2019, plaintiffs filed a motion for a preliminary injunction, seeking relief in time for the November 2020 election. On February 10, 2020, the court denied the defendants' motion to dismiss, and denied the plaintiffs' motion for preliminary injunction, and the parties proceeded to discovery. On October 6, 2020, the parties filed a joint motion to extend the discovery deadline to December 9, 2020, which was granted by the Court. On November 12, 2020, the parties filed a joint motion to stay

the case for 60 days to allow for a focused period of settlement discussions, which was also granted by the Court. On or around July 26, 2021, the parties finalized and executed a settlement agreement resolving the claims in the case, including any claim for attorneys' fees, contingent on approval by the Board of Public Works. On September 1, 2021, the Board of Public Works approved the settlement. Plaintiffs are required to dismiss the case with prejudice shortly after receiving the attorneys' fees payment under the settlement agreement. In the meantime, court extended the stay of proceedings to October 6, 2021.

3. *Chong Su Yi v. Hogan*, Nos. 464985, 466396, 480720, 480721, 480722, 480723 (Cir. Ct. Montgomery Cty.). On September 8, 2019, plaintiff Chong Su Yi filed two complaints in the Circuit Court for Montgomery County challenging the results of Maryland's 2018 elections, and naming Governor Larry Hogan as defendant (Nos. 464985, 466396). Specifically, Mr. Yi argued that the results of that election are invalid because of the use of religious facilities as polling places, that the State's use of "scanners" to tabulate ballots is unconstitutional and/or not permitted by federal law, and that the State's identification of candidates' party affiliations on the general election ballot is not permitted by State law. Mr. Yi amended his complaints, and in January 2019 both of his amended complaints were dismissed by the Circuit Court. On January 21, 2020, Mr. Yi appealed from the dismissal in No. 466396. (Mr. Yi had also previously filed interlocutory appeals from non-final orders, but these were dismissed by the Court of Special Appeals.) On November 4, 2020, the Court of Special Appeals dismissed Mr. Yi's appeal for failure to file a civil information report, but on November 30, 2020 granted Mr. Yi's motion for reconsideration and reinstated the appeal. The appeal is now fully briefed, and on June 21, 2021 the Court of Special Appeals indicated that it would be ruling on the case without oral argument.

Meanwhile, on March 6, 2020, Mr. Yi filed four complaints in the Circuit Court for Montgomery County (Nos. 480720, 480721, 480722, 480723) asserting substantially identical claims to those asserted in his prior two complaints. Beginning on May 15, 2020, Mr. Yi filed amended complaints in these actions, this time adding the State of Maryland as a Defendant in addition to Governor Hogan. Defendants filed motions to dismiss and/or for summary judgment as to these complaints, and on August 25, 2020 those motions were granted. After moving for reconsideration unsuccessfully, on October 9, 2020, plaintiff filed notices of appeal to the Court of Special Appeals in each of these matters. Plaintiff also sought waivers of the filing fees associated these appeals, which were denied. On January 6, 2021, the Court of Special Appeals dismissed the appeals for failure to pay the filing fee. On February 4, 2021, plaintiff filed a petition for writ of certiorari in the Court of Appeals, and also requested waiver of the filing fees. The Court of Appeals granted Mr. Yi's request for waiver of filing fees. On April 23, 2021, the Court denied Mr. Yi's petition for certiorari.

4. *Bravo, et al. v. Pelosi, et al.*, No. 6-21-cv-162 (W.D. Tex.). On February 22, 2021, several individual plaintiffs filed a purported class action complaint on behalf of "all 328 million Americans deprived of an elected form of government" by the conduct of government official and private sector defendants. The named defendants include President Biden and Vice President Harris, all current members of the U.S. Congress, all Governors and Secretaries of State of the 50 states (including Governor Hogan and Secretary Wobensmith), the Democratic and Republican National Committees, the Democratic Congressional and Senate Campaign Committees, Facebook and its CEO (Mark Zuckerberg), Twitter and its CEO (Jack Dorsey), Sapphire Strategies (a Democratic consultancy) and several of its employees, the National Vote at Home Institute and its CEO

(Amber McReynolds), the Center for Tech and Civic Life, Mike Podhorzer and Beto O'Rourke. The theory of the case is that, beginning in 2019, and continuing into and during the election of 2020, the defendants conspired to enact laws (or refuse to enact laws) and promulgate rules that violated HAVA and the Civil Rights Act of 1960, and violated the Plaintiffs' First Amendment Rights. The plaintiffs are pursuing constitutional and RICO conspiracy claims against the defendants and seek a restraining order against the "illegitimate Congress and Executive Branch" and an order that the election be redone. On June 10, 2021, a Second Amended Complaint was filed. On June 24, 2021, Governor Hogan and Secretary Wobensmith were voluntarily dismissed from the case. With their dismissal, Mr. Trento noted that this case will not be listed on his next report as no Maryland officials remain as defendants.

4. *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, 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 16, 2021, each of the State AGs served formal subpoenas seeking the information and documents previously requested by letter from WinRed. On July 27, 2021, WinRed filed a motion for preliminary injunction against enforcement of the subpoenas served by the State AGs. On July 29, 2021, the State AGs moved to dismiss the complaint. Both motions are fully briefed. No argument date has been set.

APPROVAL OF REGULATIONS: COMAR 33.01.01.01 – GENERAL PROVISIONS – DEFINITIONS, 33.05.04.04 – VOTER REGISTRATION – PROCESSING VRAS AND OTHER REQUESTS, AND 33.11.02.03 – ABSENTEE BALLOTS – APPLICATIONS

Ms. Charlson presented for adoption proposed amendments to COMAR 33.11.01.01B, 33.05.04.04B(3) and (5), and 33.11.02.03. The proposed changes related to this implementation are:

1. 33.01.01.01B (General Provisions – Definitions): The proposed changes define the terms "mail-in ballot" and "mail-in voting" as requested at the July 2021 meeting and add reference to "mail-in ballot" in the "absentee ballot" definition. Section 9-301(c) of the Election Law Article requires that the State and local boards of elections use these terms (instead of absentee ballot and absentee voting) when communicating with voters and the general public.
2. 33.05.04.04 (Voter Registration – Processing VRAs and Other Requests): The proposed change to §B(3) reflects current practice. Online voter registration and other electronic transactions require digitized signatures from MVA. This was previously approved at the May 2021 meeting but was withdrawn as explained below.

The proposed change to §B(5) incorporates the new requirement that a Common Access Card (CAC) signature can be used to sign the Federal Post Card Application, a federal form for military and overseas voters to register to vote, update an existing registration, and

request a mail-in ballot. At the May 2021 meeting, the State Board approved a proposed change that authorized the use of a CAC-affixed signature for certain voter transactions (those by already registered voters) but not other transactions (new voter registration applicants).

During the pre-publication review by the General Assembly's Administrative, Legislative and Executive Review Committee, committee counsel stated that the intent of the legislation was to allow a CAC-affixed signature for all voter registration transactions, including new registrations. This was confirmed by staff from the bill sponsor's office, who explained the purpose of an amendment that led us to present the prior version of the proposed change, and further research by SBE's Assistant Attorney General. The proposed changes approved at the May 2021 meeting were withdrawn before publication in the *Maryland Register*, and the change being proposed now complies with the legislative intent of the new law.

3. 33.11.02.03 (Absentee Ballots –Applications): The proposed regulation incorporates the requirement for military and overseas voters who submit a hand-written request for a mail-in ballot and want to receive their ballot electronically. This information is required by Election Law Article, §9-305(b)(2) and should have been incorporated when it was added to Regulation .02 (Formal Request).

Mr. Funn thanked Ms. Charlson and SBE for drafting the regulations to define "mail-in ballot" and "mail-in voting." Ms. Woodward made a motion to approve the proposed amendments as presented by Ms. Charlson, specifically the changes to COMAR 33.01.01.01, 33.05.04.04, and 33.11.02.03. Mr. Miller seconded the motion. It passed unanimously.

APPROVAL OF SBE POLICY DEFINING "LARGE RESIDENTIAL INSTITUTIONS"

Ms. McLaughlin stated that the recently enacted Student and Military Voting Empowerment Act (2021) requires a local board of elections to contact and obtain input from certain large residential institutional communities when establishing precinct boundaries or designating the location of polling places, specifically, higher education residential facilities, senior living facilities, and military facilities. In order to assist the local boards with complying with the statute, SBE has been working on a creating a database of all applicable facilities in Maryland. SBE has also been working to define "large residential communities" as that term is not defined in the Act.

Ms. McLaughlin presented the Board with *SBE Policy 2021-02: Large Residential Institutional Communities*, which defines large residential institutional communities as:

1. Higher education institution in the local board's jurisdiction with on-campus housing for 700 students or more;
2. Continuing care retirement or senior communities in the local board's jurisdiction with a residential population of 250 persons or more; or
3. Military installations in the local board's jurisdiction with on base housing for 500 persons or more.

Ms. McLaughlin explained that the number of 700 students to define a large residential institutional community at a higher education institution stems from a 2006 law and subsequent SBE policy to determine when a polling place should be located or near a higher education institution. That policy required a polling place at or near a higher education institution if the institution has 700 or more students. In response to a question from Mr. Funn, Ms. McLaughlin

explained that in order to reach the 500 student minimum required by the 2006 law, the Board increased the minimum number of students in the SBE policy because approximately 75% of Maryland's voting age population is registered to vote. Therefore, the minimum number of students must be approximately 25% higher than the minimum number required by the law to reach the 500 student minimum. Ms. McLaughlin stated that SBE worked with the Maryland Higher Education Commission, the Maryland Independent Colleges and Universities Association, and the University System of Maryland, to gather the data needed for the database of LRICs.

For continuing care retirement or senior communities, Ms. McLaughlin explained that many of these facilities with less than 250 residents are skilled nursing facilities whose residents would be unlikely to vote in-person. She also noted that SBE already has a policy for on-site assistance for senior or nursing homes with more than 50 residents.

For military installations, Ms. McLaughlin explained that the number 500 was based on the same 2006 law referenced. She explained that for security reasons, the military does not want to share specifics about its members residing at each installation. Therefore and without new information, the number of residents at each military installation used to determine whether the installation is a large residential institutional community is the same as the number used to determine a polling place near a college campus. Ms. McLaughlin stated that there are at least six military installations in Maryland that meet the threshold of 500 residents.

In response to a question from Mr. Voelp, Ms. McLaughlin stated that there are 110 continuing care retirement or senior communities in Maryland with 17 communities having over 250 residents, and 67 higher education institutions in Maryland, with 17 having over 700 residents. There are 16 military installations in Maryland, with six having over 500 residents.

In response to a question from Mr. Voelp, Ms. McLaughlin clarified that the Student and Military Voting Empowerment Act requires that the local boards gather input from the large residential institutional communities when establishing precinct boundaries or designating the location of polling places, but the law does not require a polling place at these locations.

Mr. Funn made a motion to approve *SBE Policy 2021-02: Large Residential Institutional Communities*, as presented by Ms. McLaughlin. Mr. Miller seconded the motion. It passed unanimously.

APPROVAL OF MAIL-IN BALLOT APPLICATION FOR 2022 ELECTIONS

Ms. McLaughlin explained that the Mail-in Ballot Request Form being presented to the Board was the same application approved at the July meeting, but with a few minor changes. Those changes include:

- On page two, the instructions have been amended to include that completed applications can be put in a drop box, when drop boxes are available;
- The address of each local board listed on page two includes a street address;
- On page one, section five, the left side instructions have also been amended to include that completed applications can be put in a drop box, when drop boxes are available; and
- On page one, section three, the left side instructions have been amended to note that in order to vote in a primary election, a voter must choose a political party.

Mr. Funn stated that he appreciated the changes to section three, specifically what happens when a voter prints their own ballot or has their ballot faxed to them. In response to a question from Mr. Voelp, Ms. McLaughlin stated that the usability study found that the word "permanent" has a

negative connotation for many people, and therefore softer language was used to convey the idea of a voter being on a permanent mail-in voting list.

Mr. Snyder suggested that the current wording of the left side instructions in section three could still be ambiguous regarding choosing a political party a voting in the primary election and suggested changing “a political party” to “that political party.” Ms. McLaughlin stated that making the suggested change would not be a problem.

A discussion followed regarding the proposed application, with much focus on section three. Ms. Woodward expressed concern regarding a voter who may select a different political party then they are currently affiliated with in order to vote in that party’s primary election, not realizing that doing so will change the voter’s political party affiliation. However, she also noted that the current application is much improved over previous versions, and her concern would not hold up her support for the application. Mr. Voelp echoed Ms. Woodward’s concern and support, and asked that if, in the future, SBE and local board staff notices complaints arising from the situation Ms. Woodward described, that we bring it to the Board’s attention. Mr. Funn suggested moving forward with the application as presented, with the change from “a political party” to “that political party” in the left side instructions in section three and address any future complaints or concerns if they arise. Mr. Williams noted that there should be a period after “No P.O. Boxes” in the left side instructions for section two.

Mr. Funn made a motion to approve the mail-in ballot application, as presented by Ms. McLaughlin, with the following edits: 1) A period after the word “Boxes” in left side column in section two, and 2) Changing “a political party” to “that political party” in the left side column in section three. Mr. Williams seconded the motion. It passed unanimously.

APPROVAL OF TITLE 13 LATE FEE WAIVERS

Mr. DeMarinis presented requests from two campaign committees to waive late fees incurred by the committee, both of which were denied and were presented to the board for informational purposes. There were no waiver requests that were granted that required approval from the Board.

APPROVAL OF TITLE 14 LATE FEE WAIVERS

Mr. DeMarinis presented requests from five businesses to waive late fees incurred by the committee. Three businesses were denied waivers of late fees and were presented to the board for informational purposes.

The businesses requesting a waiver of late filing fees are Katcef Brothers, Inc. and Maryland Oncology Hematology, P.A.

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

APPROVAL OF CONFIDENTIALITY REQUESTS

Mr. DeMarinis presented requests from three voters (a person being threatened and two sitting judges) to keep their address and phone numbers confidential and stated that the Candidacy and Campaign Finance Division verified that the requesting individuals were eligible to have their residential address and telephone numbers be confidential. Mr. DeMarinis noted that the first request, if approved, should be approved on the condition that the voter presents the required

documentation to SBE within the 45-day window. Mr. DeMarinis stated that the second and third requests for confidentiality have met all conditions.

Mr. Williams made a motion to approve the waiver requests, with the first request being conditional on the grounds of the voter needing to provide required documentation within 45 days. Mr. Miller seconded the motion. The motion passed unanimously.

OLD BUSINESS

Mr. Voelp asked the status of being able to integrate information from the MVA with a national MVA list. Ms. Charlson stated that she would ask Ms. Wagner to follow up with Mr. Voelp.

There was no other old business.

NEW BUSINESS

There was no new business.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

There were no campaign disclosures.

SCHEDULE NEXT MEETING

The next meeting is scheduled for Thursday, October 28, at 2 p.m.

CLOSED SESSION – LEGAL ADVICE & SECURITY

Mr. Voelp requested a motion to close the board meeting under General Provisions Article, §3-305(b) (14), which permits closing a meeting to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal since public discussion or disclosure would adversely impact the ability of a public body to participate in the competitive bidding or proposal.

Ms. Woodward made a motion to convene in closed session under General Provisions Article, §3-305(b)(14), 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)(14) of Section 3-305 of the Open Meetings Act to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal.

The closed session began at 3:05 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, Mr. Snyder, Ms. Duncan, Mr. Ross and Mr. Brechbiel attended the closed meeting.

Ms. Charlson shared information about bids received for a current procurement. 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 3:25 pm.

ADJOURNMENT

The open meeting adjourned at 3:00 pm.

Maryland Association of Election Officials

Personnel Committee

Election Director and Deputy Director Grade Adjustment

October 28, 2021

Introduction

The election series job classifications were thoroughly reviewed and overhauled with input from the Maryland Association of Election Officials (MAEO) Personnel Committee, Department of Budget and Management (DBM), and State Board of Elections Personnel Services Division.

As part of this process, the Director and Deputy Director job specifications and minimum qualifications were updated to include possessing a bachelor's degree, modern technology requirements, additional processes and projects required to successfully conduct an Election, and changes to procedures and regulations mandated by Election law.

Additionally, the time commitment for the positions has increased, such as additional early voting hours and more requirements in order to successfully administer an election. In an emergency, we must remain on-duty as elections are classified as critical infrastructure.

Two Recommendations

- **Adjusting the salary bands for Election Directors and Deputy Directors by two grades per band. (See next slide)**

- **Approving a 2-grade adjustment for current Election Directors and Election Deputy Directors due to:**
 - **Higher job qualifications and requirements;**
 - **New job duties and projects that Directors and Deputy Directors must manage;**
 - **Increasingly sophisticated and multifaceted nature of modern Election Management; and**
 - **Nearly 10 years since previous salary adjustment.**

This request is in line with DBM's recommended 12% salary adjustment for reclassifications in the same classification series, and aligns with the increase approved for Board of Elections staff when being reclassified by 2 grades.

#1: Director and Deputy Director Salary Bands

JOB TITLE	BAND	SALARY RANGE
• Election Director I	21 – 22	\$65,857 – \$112,848
<i>Current</i>	19 - 20	\$57,862 - \$99,103
• Election Director II	23 – 24	\$75,012 – \$128,568
<i>Current</i>	21 - 22	\$65,857 - \$112,848
• Election Director III	25 – 26	\$85,493 – \$146,573
<i>Current</i>	23 - 24	\$75,012 - \$128,568
• Election Deputy Director I	17 – 18	\$50,971 – \$87,106
<i>Current</i>	15 - 16	\$44,989 - \$76,432
• Election Deputy Director II	19 – 20	\$57,862 – 99,103
<i>Current</i>	17 - 18	\$50,971 - 87,106
• Election Deputy Director III	21 – 22	\$65,857 – \$112,848
<i>Current</i>	19-20	\$57,862 - \$99,103

- There are currently staff with higher grade classifications than the Deputy Directors who are their immediate supervisor.
- Completing the grade adjustments is necessary to resolve this issue.

#1: Director and Deputy Director Salary Bands

- **Election Director I**
 - Grade 21 - Registered Voters: Less than 49,999
 - Grade 22 - Registered Voters: 50,000 - 99,999

- **Election Director II and Deputy Director II**
 - Grade 23 - Registered Voters: 100,000 - 199,999
 - Grade 24 - Registered Voters: 200,000 - 299,999

- **Election Director III and Deputy Director III**
 - Grade 25 - Registered Voters: 300,000 - 399,999
 - Grade 26 - Registered Voters: 400,000 and above

NOTE: Salary classification based on the number of active, registered voters in a jurisdiction. Salary classifications do not consider inactive voters or overall eligible voting age population.

#2: Director and Deputy Director Grade Adjustment

- 2 Grade Adjustment for each Director and Deputy Director.
- This request aligns with the increase approved for Board of Elections staff and is in-line with the 12% DBM standard salary adjustment.
- Effective **Retroactive July 1, 2021**
- Each Election Director from a local Board in the State Personnel System provided a letter certifying that funds for the salary adjustments are available in the FY22 Budget for each Local Board.
- The funding certification letters are available for your review.

Reasons for your support

- The demands on Election officials is at an all-time high. Adjusting the grade of these positions to match the increased responsibilities, duties and expectations is critical.
 - As you may be aware, the pay scale for election officials is lower than that of other agency leaders and department heads.
 - Failure to address this issue will result in a brain-drain of talent and leadership in the Maryland election community as Directors retire or take new positions in other fields or with other government agencies.
 - Following the 2020 Elections, we have lost 25% of the Election Directors to retirement, including 3 from the largest jurisdictions in Maryland.
 - As many processes remain “On-the-Job” training, the loss of so much institutional knowledge in key leadership positions at a single time is potentially devastating for future elections statewide.
 - Competitive salaries are essential to retaining experienced election officials and attracting talented newcomers who can assume these positions. The current Deputy Director grades are a demotion for certain staff, limiting the pool of interested applicants.
- There are currently staff with higher grade classifications than Deputy Directors who may be their immediate supervisor.

Reasons for your support

- These proposals are the culmination of a long running project and are an excellent opportunity to demonstrate to the local Election Officials you value and support their hard work and dedication. Elevated potential threats of violence towards election officials and the increase in stress and anxiety have negatively impacted the job satisfaction, positive mental health, and morale of many Directors and Deputy Directors.
- The Maryland Department of Budget and Management (DBM) was instrumental in developing the new Election Director and Election Deputy Director job classifications and approved the qualifications and grade match several years ago. The new job specifications and qualifications for Election Directors and Deputy Directors are active and have been used for hiring since April 2019.
- During the meeting with the State Board Administration and the MAEO Personnel Committee regarding the new election series, we were told that the best way to move forward was to present to the State Board the reclassification and salary adjustment for the staff and then to complete the reclassification process for Directors and Deputy Directors. Accordingly, staff reclassifications have been completed. This request is the culmination of this project.

Reasons for your support

- Funding for the adjustments has been approved by each county and is available in the FY22 budgets.
- **This request is budget neutral.** All budget funding requests have already been included in the LBEs' approved FY22 budget.
- Funding for the adjustments have been approved for each County. We request the adjustment be made retroactive to July 1, 2021.

Timeline

- **2021** - Meeting with Linda Lamone, Nikki Charlson, and Shermaine Malcolm to discuss Election Director and Deputy Director Salary ranges and salary adjustment proposal.
- **2020 - 2021** - Funding Certification for FY22 Grade Adjustments provided by LBEs. Funding included and approved in LBEs' FY22 Budget.
- **2019** - Meeting with Linda Lamone, Nikki Charlson, Shermaine Malcolme, Ruie Lavoie, and Alisha Alexander regarding presenting approval request for Election Director Grade Adjustment separately from staff reclassifications.
- **2018-2019** - DBM Approval of updated Election Director and Election Deputy Director Job Description, effective April of 2019. (*Currently in use.*)
- **2018** - MAEO Personnel Committee, SBE Personnel Division, and DBM update and edit Election Director and Deputy Director Job Specifications and minimum qualifications.
- **2018** - Meeting with Linda Lamone, Nikki Charlson, David Garreis, Armstead Jones, Ruie Lavoie, and Christine Jones. SBE recommends salary adjustments in 2 parts - staff reclassification first and Election Directors and Deputy Directors subsequently.
- **2017 - 2018** - SBE Board approves new Election Program Management job series and reclassification of staff, including a raise for all staff.
- **2015 - 2017** - MAEO Personnel Committee, SBE Personnel Division, and DBM update Election job descriptions and grades after nearly 15 years without any updates.

NOTE: Grade Adjustment Plan for Directors and Deputy Directors has remained consistent since 2017.

Additional Questions...

David Garreis, President

- 410-222-0405
- david.garreis@maryland.gov

Ruie Lavoie, Vice President

- 410-996-5310
- ruie.lavoie@maryland.gov

ASSISTANT ATTORNEY GENERAL'S REPORT

October 28, 2021

1. *Fusaro v. Davitt et al.*, No. 20-1879 (U.S.C.A. for the 4th Cir.). No change from the last update. 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 parties then conducted discovery and briefed dispositive summary judgment motions. On July 14, 2020, the Court awarded Summary Judgment to the defendants on the issue of whether the "electoral process" requirement was unconstitutionally vague, and declined to reach the issue of whether Maryland's registered voter requirement violates the First Amendment. Plaintiff appealed to the United States Court of Appeals for the Fourth Circuit. The appeal is fully briefed and oral argument took place on September 23, 2021. The Court has not yet issued its ruling.

2. *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. Plaintiffs 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 20, 2019, plaintiffs filed a motion for a preliminary injunction, seeking relief in time for the November 2020 election. On February 10, 2020, the court denied the defendants' motion to dismiss, and denied the plaintiffs' motion for preliminary injunction, and the parties proceeded to discovery. On October 6, 2020, the parties filed a joint motion to extend the discovery deadline to December 9, 2020, which was granted by the Court. On November 12, 2020, the parties filed a joint motion to stay the case for 60 days to allow for a focused period of settlement discussions, which was also granted by the Court. On or around July 26, 2021, the parties finalized and executed a settlement agreement resolving the claims in the case,

including any claim for attorneys' fees, contingent on approval by the Board of Public Works. On September 1, 2021, the Board of Public Works approved the settlement, and on September 24, 2021, the parties filed a joint stipulation dismissing the case.

3. *Chong Su Yi v. Hogan*, Nos. 464985, 466396, 480720, 480721, 480722, 480723 (Cir. Ct. Montgomery Cty.). No change from the last update. On September 8, 2019, plaintiff Chong Su Yi filed two complaints in the Circuit Court for Montgomery County challenging the results of Maryland's 2018 elections, and naming Governor Larry Hogan as defendant (Nos. 464985, 466396). Specifically, Mr. Yi argued that the results of that election are invalid because of the use of religious facilities as polling places, that the State's use of "scanners" to tabulate ballots is unconstitutional and/or not permitted by federal law, and that the State's identification of candidates' party affiliations on the general election ballot is not permitted by State law. Mr. Yi amended his complaints, and in January 2019 both of his amended complaints were dismissed by the Circuit Court. On January 21, 2020, Mr. Yi appealed from the dismissal in No. 466396. (Mr. Yi had also previously filed interlocutory appeals from non-final orders, but these were dismissed by the Court of Special Appeals.) On November 4, 2020, the Court of Special Appeals dismissed Mr. Yi's appeal for failure to file a civil information report, but on November 30, 2020 granted Mr. Yi's motion for reconsideration and reinstated the appeal. After briefing, the Court of Special Appeals indicated that it would be ruling on the case without oral argument. On October 5, 2021, the Court issued a *per curiam* opinion affirming the dismissal of the case.

4. *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 16, 2021, each of the State AGs served formal subpoenas seeking the information and documents previously requested by letter from WinRed.

On July 27, 2021, WinRed filed a motion for preliminary injunction against enforcement of the subpoenas served by the State AGs. On July 29, 2021, the State AGs

moved to dismiss the complaint. Both motions are fully briefed, and oral argument has been scheduled for November 2, 2021.

5. *Conners 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. The Defendants' response to the Complaint is due November 8, 2021.

STATE BOARD OF ELECTIONS

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

William G. Voelp, Chairman
Malcolm L. Funn, Vice Chairman
Severn E. S. Miller
Justin Williams
T. Sky Woodward



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

TO: State Board Members

FROM: Jared DeMarinis, Director
Division Candidacy and Campaign Finance

SUBJECT: Administrative Closure of Campaign Accounts

DATE: October 28, 2021

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

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

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

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

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

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

REQUEST TO ADMINISTRATIVELY CLOSE CAMPAIGN ACCOUNT

Account Name	Take Back Maryland PAC
CCF ID Number	03009230
Account Established Date	04/26/2013
Outstanding Debts/Loans	\$0.00
Cash Balance	\$3,519.71 (Bank balance 4,191.73)
Last Filed Campaign Finance Report (CFR)	2015 Annual (ALCE filed after this report, 7 reports)
Outstanding Late Fees *	\$625.00
Office of the State Prosecutor (OSP) Action/s Taken:	
On 01/15/2019, the OSP sent a letter stating they have filed charges against the Treasurer for the amount of \$1,500.00 .	
List name and address of last known officers:	
Candidate	Chairman
N/A	Russell G. Gunter P.O. Box 42562 Towson MD 21284
Treasurer	
David Milton Ridgway 11890-B Old Baltimore Pike Beltsville MD 20705	
Briefly describe why this committee should be closed:	
<p>This committee should be closed due to the following:</p> <ol style="list-style-type: none"> 1. The OSP charged the treasurer, and they recommend closing the account without further civil penalty. 2. As per OSP's letter dated 01/15/2019, the treasurer charged a violation fee of \$1,500.00. <p>All documentation is attached for reference.</p> <p>Election Law Article § 13-313 (a) (3) requires the termination of campaign finance entity by the State Board when other extenuating circumstances exist to justify terminating the campaign finance entity.</p>	

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

**CANDIDACY AND CAMPAIGN FINANCE DIVISION
 AUDIT AND ENFORCEMENT UNIT
 ADMIN CLOSURE OF CAMPAIGN FINANCE ENTITY**

**COMMITTEE NAME: Take Back Maryland PAC
 CCF ID 3009230**

ESTABLISHED DATE: 4/26/2013

COMMITTEE STATUS AS OF REVIEW DATE: Inactive

FILING INFORMATION:

Last Report Filed	2015 Annual (Since then they filed ALCE)	Marked Final	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Bank Balance	<u>4,191.73</u>	Remarks:		
Cash Balance	<u>\$3,519.71</u>	Remarks:		
Surplus Funds	<u>\$4,191.73</u>	Remarks:		
Outstanding Loan Balance	<u>\$0.00</u>	Remarks:		
Outstanding Bills Due	<u>\$0.00</u>	Remarks:		
		Remarks:		
Outstanding Balance-Unpaid Fees	<u>\$625.00</u>	Remarks:		
Referred to OSP	Yes <input checked="" type="checkbox"/>	NO <input type="checkbox"/>		

OSP'S DETERMINATION

<input checked="" type="checkbox"/> Pay Fees	\$1,500.00
<input checked="" type="checkbox"/> OSP will not prosecute	\$625.00

AUDIT'S RECOMMENDATIONS:

Administrative Closure

- Statue of limitation exist
- Extenuating circumstances exist
- Committee officers cannot be located
- CCF Director's Recommendation
- Others

Remain Active/Inactive

- Officers are other committees' officers

Remarks:

Due to the above two reasons stated above, we recommend closing the account AS-IS. Letter from the OSP attached for reference.

Committee Verified by: **Meku Tafeswerq**
 Auditor

Approved by:
 Audit Manager/CCF Director

Processed by / Date: _____
 Auditor

STATE OF MARYLAND



Emmet C. Davitt
STATE PROSECUTOR

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

OFFICE OF
THE STATE PROSECUTOR

January 15, 2019

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

Re: Take Back Maryland PAC
CCF ID: 03009230

Dear Mr. DeMarinis:

The above-referenced campaign finance committee was referred to the Office of the State Prosecutor for the failure to timely and accurately file campaign finance reports and pay the associated late fees as well as for the failure to file an amended report. After conducting an investigation and based on this Office filing charges against the Chairperson, Mr. David Ridgway, for the late filing of the 2016 Annual, 2015 Annual Audit, and 2014 Annual Audit resulting in a violation of \$1,500.00, we decline to prosecute any future violations against this committee. Therefore, this Office recommends that this committee be moved to inactive status and then at your discretion closed.

Please feel free to contact me with any questions.

Sincerely,

Stephannie Krulevitz

Stephannie Krulevitz
Assistant State Prosecutor



VIEW / EDIT PAC Registration



Print Screen

Expand

Political Action Committee Information

Committee Name* (Must include affiliate or sponsor, if one is specified) Sponsoring Organization Name CCF ID: 03009230
 Purpose* Purpose Description
 Status: Inactive Established Date: 04/26/2013 End Date:

Election Participation

Election Type* Election Year* Participation Frequency*

Save Election Cancel

Election Type	Election Year	Participation Frequency	Start Date	End Date	Action
Gubernatorial	2014	Recurring	04/26/2013		

Committee Name Amended Information

Committee Name	Updated By	Updated Date
		04/26/2013

Chairperson Information

Add New Chairperson

Name	Date of Birth	Email	Mailing Address	Public Phone	Start Date	End Date	Actions
RUSSELL G GUNTER	03/27/1956	russellgunter@outlook.com	P.O. Box 42562, Towson, MD, 21284	443-845-7885	04/26/2013	01/31/2018	

Treasurer Information

Name	Date of Birth	Email	Mailing Address	Public Phone	Start Date	End Date	Actions
DAVID MILTON RIDGWAY	01/13/1962	mcsdave@aol.com	11890-B Old Baltimore Pike, Beltsville, MD, 20705	301-931-8678	04/26/2013		

Additional Contacts (Optional)

Add New Contact

Role	Name	Mailing Address	Public Phone	Contact Phone	Email	Start Date	End Date	Receive Notices	For Public	Actions
No records to view.										

Depository Information

Add New Depository

























Name of Financial Institution	Address	Account Type	Account Number	Start Date	End Date	Actions
BB&T	2713 forest hills rd, wilson, NC, 27893	Checking	0005162306288	02/06/2014		

Documents / Correspondence

Add Correspondence Add Document

Document Date	Document Type	Document Description	Added By	Actions
08/04/2021	Email sent	Email sent requesting all campaign bank statements and documents	Hanzook Lisa	

Document Date	Document Type	Document Description	Added By	Actions
11/05/2019	<u>Take Back Maryland PAC</u>	email correspondence.	Tafesewerq Meku	 
12/31/2018	<u>Pre Report Notice(2019 ANNUAL)</u>	Pre Report Notice(2019 ANNUAL)	Molina Vicki	 
12/12/2018	<u>Late Fee Bill(2018 POST-GENERAL GUBERNATORIAL)</u>	Late Fee Bill(2018 POST-GENERAL GUBERNATORIAL)	Molina Vicki	 
10/31/2018	<u>Pre Report Notice(2018 POST-GENERAL GUBERNATORIAL)</u>	Pre Report Notice(2018 POST-GENERAL GUBERNATORIAL)	Molina Vicki	 
10/09/2018	<u>Pre-Report Notice – (2018 PRE-GENERAL2 REPORT GUBERNATORIAL)</u>	Pre-Report Notice – (2018 PRE-GENERAL2 REPORT GUBERNATORIAL)	Molina Vicki	 
08/14/2018	<u>return mail</u>	return mail 05/22 notice to show cause for chairperson	Dyson Talaya	 
08/08/2018	<u>Pre-Report Notice – (2018 PRE-GENERAL1 REPORT GUBERNATORIAL)</u>	Pre-Report Notice – (2018 PRE-GENERAL1 REPORT GUBERNATORIAL)	Molina Vicki	 
07/30/2018	<u>Show Cause Letter_1(2018 PRE-PRIMARY1 GUBERNATORIAL)</u>	Show Cause Letter_1	Molina Vicki	 
06/27/2018	<u>Return Mail</u>	return mail 05/22/18 PRN late fee bill for chairperson	Dyson Talaya	 
06/21/2018	<u>Late Fee Bill - (2018 PRE-PRIMARY1 GUBERNATORIAL)</u>	Late Fee Bill - (2018 PRE-PRIMARY1 GUBERNATORIAL)	Molina Vicki	 
05/30/2018	<u>Pre-Report Notice – (2018 PRE-PRIMARY2 GUBERNATORIAL)</u>	Pre-Report Notice – (2018 PRE-PRIMARY2 GUBERNATORIAL)	Molina Vicki	 
05/23/2018	<u>Affidavit in Support of Civil Citation</u>		Dewit Alex	 
05/02/2018	<u>Pre-Report Notice – (2018 PRE-PRIMARY1 GUBERNATORIAL)</u>	Pre-Report Notice – (2018 PRE-PRIMARY1 GUBERNATORIAL)	Molina Vicki	 
02/09/2018	<u>ReferralInfo_03009230(2015 Annual)</u>	ReferralInfo_03009230(2015 Annual)	Molina Vicki	 
01/31/2018	<u>Statement of Organization</u>		GUNTER RUSSELL	 
01/29/2018	<u>Returned Mail</u>	Returned 9/22/217 NTSC for Chairperson	Perkins Jessica	 
01/10/2018	<u>Audit Show Cause Letter_2 – (2015 ANNUAL)</u>	Audit Show Cause Letter_2 – (2015 ANNUAL)	Molina Vicki	 
01/02/2018	<u>Pre-Report Notice – (2018 ANNUAL)</u>	Pre-Report Notice – (2018 ANNUAL)	Molina Vicki	 
09/29/2017	<u>Audit Fee Running Notice Letter – (2015 ANNUAL)</u>	Audit Fee Running Notice Letter – (2015 ANNUAL)	Molina Vicki	 
09/21/2017	<u>Email communication</u>		Sullivan Patricia	 
08/22/2017	<u>Deficiency Report - 01/21/2015 Annual</u>	Deficiency Report - 01/21/2015 Annual	Sullivan Patricia	 
01/03/2017	<u>Pre-Report Notice – (2017 ANNUAL)</u>	Pre-Report Notice – (2017 ANNUAL)	Molina Vicki	 
06/23/2016	<u>ReferralInfo_03009230(2016 Annual)</u>	ReferralInfo_03009230(2016 Annual)	Smith Victorica	 
05/03/2016	<u>Audit Show Cause Letter_2 – (2014 ANNUAL)</u>	Audit Show Cause Letter_2 – (2014 ANNUAL)	Molina Vicki	 
04/14/2016	<u>Show Cause Letter_2 - (2016 ANNUAL)</u>	Show Cause Letter_2 - (2016 ANNUAL)	Molina Vicki	 
01/27/2016	<u>Fee Running Notice – (2016 ANNUAL)</u>	Fee Running Notice – (2016 ANNUAL)	Molina Vicki	 
01/04/2016	<u>Pre-Report Notice – (2016 ANNUAL)</u>	Pre-Report Notice – (2016 ANNUAL)	Molina Vicki	 
11/12/2015	<u>Deficiency Report - 01/15/2014 Annual</u>	Deficiency Report - 01/15/2014 Annual	Ramalloso Patricia	 
05/14/2015	<u>ReferralInfo_03009230(2014 Post-General Gubernator</u>	ReferralInfo_03009230(2014 Post-General Gubernatorial)	Smith Victorica	 
05/14/2015	<u>ReferralInfo_03009230(2014 Pre-General2 Report Gub</u>	ReferralInfo_03009230(2014 Pre-General2 Report Gubernatorial)	Smith Victorica	 
05/12/2015	<u>Show Cause Letter_1 - (2014 POST-GENERAL GUBERNATO</u>	Show Cause Letter_1 - (2014 POST-GENERAL GUBERNATORIAL)	Molina Vicki	 
04/28/2015	<u>ReferralInfo_03009230(2014 Pre-General1 Report Gub</u>	ReferralInfo_03009230(2014 Pre-General1 Report Gubernatorial)	Smith Victorica	 
04/16/2015	<u>Show Cause Letter_1 - (2014 PRE-GENERAL2 REPORT GU</u>	Show Cause Letter_1 - (2014 PRE-GENERAL2 REPORT GUBERNATORIAL)	Molina Vicki	 
02/23/2015	<u>Late Fee Bill - (2014 POST-GENERAL GUBERNATORIAL)</u>	Late Fee Bill - (2014 POST-GENERAL GUBERNATORIAL)	Molina Vicki	 
02/11/2015	<u>Late Fee Bill - (2014 PRE-GENERAL2 REPORT GUBERNAT</u>	Late Fee Bill - (2014 PRE-GENERAL2 REPORT GUBERNATORIAL)	Molina Vicki	 
01/06/2015	<u>Pre-Report Notice – (2015 ANNUAL)</u>	Pre-Report Notice – (2015 ANNUAL)	Molina Vicki	 
11/03/2014	<u>Fee Running Notice – (2014 PRE-GENERAL2 REPORT GUB</u>	Fee Running Notice – (2014 PRE-GENERAL2 REPORT GUBERNATORIAL)	Molina Vicki	 
10/30/2014	<u>Pre-Report Notice – (2014 POST-GENERAL GUBERNATORI</u>	Pre-Report Notice – (2014 POST-GENERAL GUBERNATORIAL)	Molina Vicki	 
10/07/2014	<u>Pre-Report Notice – (2014 PRE-GENERAL2 REPORT GUBE</u>	Pre-Report Notice – (2014 PRE-GENERAL2 REPORT GUBERNATORIAL)	Molina Vicki	 

Document Date	Document Type	Document Description	Added By	Actions
09/11/2014	Fee Running Notice – (2014 PRE-GENERAL1 REPORT GUB	Fee Running Notice – (2014 PRE-GENERAL1 REPORT GUBERNATORIAL)	Molina Vicki	 
08/11/2014	Pre-Report Notice – (2014 PRE-GENERAL1 REPORT GUBE	Pre-Report Notice – (2014 PRE-GENERAL1 REPORT GUBERNATORIAL)	Molina Vicki	 
08/06/2014	ReferralInfo_03009230(2014 Annual)	ReferralInfo_03009230(2014 Annual)	Smith Victorica	 
07/08/2014	Show Cause Letter_1 - (2014 ANNUAL)	Show Cause Letter_1 - (2014 ANNUAL)	Molina Vicki	 
05/07/2014	Pre-Report Notice – (2014 PRE-PRIMARY1 GUBERNATORI	Pre-Report Notice – (2014 PRE-PRIMARY1 GUBERNATORIAL)	Molina Vicki	 
05/04/2014	Statement of Organization		GUNTER RUSSELL	 
05/01/2014	Late Fee Bill - (2014 ANNUAL)	Late Fee Bill - (2014 ANNUAL)	Molina Vicki	 
02/06/2014	Fee Running Notice – (2014 ANNUAL)	Fee Running Notice – (2014 ANNUAL)	Molina Vicki	 
01/02/2014	Pre-Report Notice – (2014 ANNUAL)	Pre-Report Notice – (2014 ANNUAL)	Molina Vicki	 
09/25/2013	Candidacy and Campaign Finance Legislative Update	Candidacy and Campaign Finance Legislative Update	Admin User	 
09/25/2013	Reporting Schedule	2014 Reporting Schedule	Admin User	 
04/26/2013	Statement of Organization (Original)			 

Filing Information

Election Cycle	Filing Period Name	Filing Method	Report Due Date	Original Filed Date	Amendment Filed Date	UploadedBy
2015-2018	2018 Gubernatorial Post-General	Affidavit (ALCE)	11/20/2018	11/21/2018		DAVID RIDGWAY
2015-2018	2018 Gubernatorial Pre-General2 Report	Affidavit (ALCE)	10/26/2018	10/25/2018		DAVID RIDGWAY
2015-2018	2018 Gubernatorial Pre-General1 Report	Affidavit (ALCE)	08/28/2018	08/27/2018		DAVID RIDGWAY
2015-2018	2018 Gubernatorial Pre-Primary2	Affidavit (ALCE)	06/15/2018	06/12/2018		DAVID RIDGWAY
2015-2018	2018 Gubernatorial Pre-Primary1	Affidavit (ALCE)	05/22/2018	05/23/2018		DAVID RIDGWAY
2015-2018	2018 Annual	Affidavit (ALCE)	01/17/2018	01/17/2018		DAVID RIDGWAY
2015-2018	2017 Annual	Affidavit (ALCE)	01/18/2017	01/18/2017		DAVID RIDGWAY
2015-2018	2015 Annual	Amended Campaign Statement	01/21/2015	01/20/2015	11/02/2016	DAVID RIDGWAY
2011-2014	2014 Gubernatorial Post-General	Amended Campaign Statement	11/18/2014	11/24/2014	11/02/2016	DAVID RIDGWAY
2011-2014	2014 Gubernatorial Pre-General2 Report	Amended Campaign Statement	10/24/2014	11/03/2014	11/02/2016	DAVID RIDGWAY
2011-2014	2014 Gubernatorial Pre-General1 Report	Original Campaign Statement	08/26/2014	11/02/2016		DAVID RIDGWAY
2011-2014	2014 Gubernatorial Pre-Primary2	Amended Campaign Statement	06/13/2014	05/27/2014	11/02/2016	DAVID RIDGWAY
2011-2014	2014 Gubernatorial Pre-Primary1	Amended Campaign Statement	05/27/2014	05/27/2014	11/02/2016	DAVID RIDGWAY
2011-2014	2014 Annual	Amended Campaign Statement	01/15/2014	02/06/2014	11/02/2016	DAVID RIDGWAY

SBE Audit Filing Information

Election Cycle	Filing Period Name	Filing Method	Audit Report Due Date	Amended Filed Reports	Audit Status	UploadedBy
2015-2018	2015 Annual	Deficiency Report - 01/21/2015 Annual	09/22/2017		Audit Requested	Patricia Sullivan
2011-2014	2014 Annual	Deficiency Report - 01/15/2014 Annual	12/18/2015	11/02/2016	Amendment filed	Patricia Ramallosa

Citation Violation Information

Violation Status	Violation Date	Violation Amount	Waived Amount	Outstanding Balance	Violation
No records to view.					

Violations

Filing Period Name	Report Due Date	Filed Date	Violation Status	Violation Date	Violation Amount	Waived Amount	Outstanding Balance	Violation
2018 Gubernatorial Post-General	11/20/2018	11/21/2018	Closed	11/21/2018	\$10.00	\$0.00	\$0.00	Failure to file
2018 Gubernatorial Pre-Primary1	05/22/2018	05/23/2018	Closed	05/23/2018	\$20.00	\$0.00	\$0.00	Failure to file
2016 Annual	01/20/2016		Referred to OSP	01/21/2016	\$500.00	\$0.00	\$0.00	Failure to file
2015 Annual Audit	09/22/2017		Closed/Referred to OSP	09/23/2017	\$500.00	\$0.00	\$0.00	Failure to file Amendment
2014 Gubernatorial Post-General	11/18/2014	11/24/2014	Closed/Referred to OSP	11/19/2014	\$40.00	\$20.00	\$0.00	Failure to file
2014 Gubernatorial Pre-General2 Report	10/24/2014	11/03/2014	Closed/Referred to OSP	10/27/2014	\$120.00	\$60.00	\$0.00	Failure to file
2014 Gubernatorial Pre-General1 Report	08/26/2014	11/02/2016	Referred to OSP	08/27/2014	\$250.00	\$125.00	\$125.00	Failure to file
2014 Annual Audit	12/18/2015	11/02/2016	Referred to OSP	12/19/2015	\$500.00	\$0.00	\$500.00	Failure to file Amendment
2014 Annual	01/15/2014	02/06/2014	Closed/Referred to OSP	01/16/2014	\$150.00	\$0.00	\$0.00	Failure to file

Violation Outstanding Balance: \$625.00

Total Committee Citations/Violations Outstanding Balance: \$625.00

Complaints

Complaint Received Date	Review Started Date	Civil Penalty Assessed	Status
No records to view.			

Civil Penalty Total: \$0.00

Comments / Problem Tracking

Date/Time	Contact Name	Correspondence Type	Priority	SBE User	Status	Comment
2/16/2016 9:21:23 AM	GUNTER,RUSSELL	Violation Issue	High	DeMarinis,Jared	Open	Spoke with Chair to resolve an outstanding issue for failure to file. The treasurer is non-responsive to SBE or Chair's calls. The chair wants to close the committee and resolve all outstanding fines. The chair will attempt again to go to BBT for the records- SBE has request 2 years worth of Bank records.
2/16/2016 9:23:56 AM	GUNTER,RUSSELL	Violation Issue	High	DeMarinis,Jared	Open	Kurt has attempted in November and December to contact the Treasurer on filing an amendment. Kurt spoke with this chairperson a month ago. From our conversation, he doesn't have the correct information to actually make the amendments. Treasurer stopped responding to our inquiries.
8/4/2016 1:32:37 PM	GUNTER,RUSSELL	Other	High	Sullivan,Patricia	Open	Spoke with Chair. He recommended that I contact the Treasurer. The Chair stated that he did not handle the books and records and doesn't have access to them. I then spoke w/Treasurer. He stated that the bank account has been closed and there is no money left in the committee account. He also said that he sent Daniel an email about 2 weeks ago with bank statements and records. I requested to have the email forwarded to me since Dan has not received his email. The Treasurer emailed his bank statements from 2015 forward. He will look for the 2014 bank statements. I told him that I would review everything and call him back either tomorrow or Monday.
10/28/2016 9:45:59 AM	RIDGWAY,DAVID	Filing Issue	High	Sullivan,Patricia	Open	Spoke w/Treasurer this morning. He is going to remove the duplicate contributions and expenditures and call back on Monday to get assistance with filing the amendments. We also discussed that the 3 reports that need to be filed.
11/1/2016 2:56:34 PM	RIDGWAY,DAVID	Filing Issue	High	Sullivan,Patricia	Open	Spoke w/Treasurer. He will try to call back early tomorrow morning to file the amendment.
11/3/2016 3:28:45 PM	RIDGWAY,DAVID	Filing Issue	Low	Sullivan,Patricia	Open	On 11/2/16, treasurer filed the 8/26/2014 report. MDCRIS showed multiple transactions entered, but the committee never filed the report. The treasurer also amended the 2014 annual report. This report had multiple duplicate contributions and expenditures that needed to be removed. He is going to review the remaining bank statements and record all expenditures and contributions on the 2016 and then file the final report on the 2017 annual.
9/6/2017 12:08:52 PM	RIDGWAY,DAVID	Filing Issue	High	Sullivan,Patricia	Open	Treasurer called after receiving def letter for 2015 annual. He stated the committee was closed long ago. I explained that the 2016 annual report was never filed and he needs to show how the remaining funds were spent in the CFR's and file the next report as Final. I told him that I would review the notes he sent me and call him back later today or tomorrow.
9/21/2017 9:20:21 AM	RIDGWAY,DAVID	Filing Issue	Low	Sullivan,Patricia	Open	Sent email on 9/7/2017 (copy of email under documents). The bank statements that were provided and additional notes are in the committee file. As of today, I have not heard back from the Treasurer.

Date/Time	Contact Name	Correspondence Type	Priority	SBE User	Status	Comment
1/29/2018 9:25:05 AM	GUNTER,RUSSELL	Other	Low	Perkins,Jessica	Closed	Returned 9/22/17 NTCS updated address to residential address
1/30/2018 8:38:09 AM	GUNTER,RUSSELL	Other	Low	Marano,Megan	Closed	Returned 01/17/2018 PRN. Updated MD CRIS mailing address with the same as residential address.
6/27/2018 1:46:52 PM	GUNTER,RUSSELL	Other	Low	Dyson,Talaya	Closed	return mail 05/22/18 PRN late fee bill couldn't edit information due to resign of office
8/14/2018 3:04:39 PM	GUNTER,RUSSELL	Other	Low	Dyson,Talaya	Closed	return mail 05/22 PRN notice to show cause updated address from MD Voters

Submit MaintainFlags Enter Comments / Problem Tracking Cancel

151 West Street, Suite 200, Annapolis MD, 21401

Phone: 410-269-2880

Fax: 410-974-2019

Email: ccf.sbe@maryland.gov

REQUEST TO ADMINISTRATIVELY CLOSE CAMPAIGN ACCOUNT

Account Name	Thames, Jeffrey Friends of	
CCF ID Number	01009769	
Account Established Date	01/23/2014	
Outstanding Debts/Loans	\$0.00	
Cash Balance	\$(306.33) 2017 Annual Report	
Last Filed Campaign Finance Report (CFR)	2018 Annual (ALCE)	
Outstanding Late Fees *	\$5,000.00 Missing reports below: 2021 Annual 2020 Annual 2019 Annual 2018 Gubernatorial Post-General 2018 Gubernatorial Pre-General ² Report 2018 Gubernatorial Pre-General ¹ Report 2018 Gubernatorial Pre-Primary ² 2018 Gubernatorial Pre-Primary ¹	
Office of the State Prosecutor (OSP) Action/s Taken:		
The OSP tried numerous attempts to serve citations for enforcement and action.		
List name and address of last known officers:		
Candidate	Chairman	
Jeffrey Odell Thames 11235 Oak Leaf Drive, Apt. 1510, Silver Spring, MD, 20901	Same as Candidate	
Treasurer		
Lakita Baines Marshall 1709 Mount Pisgah Lane, #23, Silver Spring, MD, 20903		

**CANDIDACY AND CAMPAIGN FINANCE DIVISION
AUDIT AND ENFORCEMENT UNIT
ADMIN CLOSURE OF CAMPAIGN FINANCE ENTITY**

**COMMITTEE NAME: Thames, Jeffrey, Friends of
CCF ID 01009769**

ESTABLISHED DATE: 1/23/2014

COMMITTEE STATUS AS OF REVIEW DATE: Active

FILING INFORMATION:

Last Report Filed	2018 Annual (ALCE)	Marked Final	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Bank Balance	-	Remarks:		
Cash Balance	-\$306.33	Remarks:	As per 2017 Annual Report	
Surplus Funds	-\$306.33	Remarks:	As per 2017 Annual Report	
Outstanding Loan Balance	\$0.00	Remarks:		
Outstanding Bills Due	\$0.00	Remarks:		
Outstanding Balance-Unpaid Fees	\$5,000.00	Remarks:	\$1,000.00 each for 2021 Annual and 2020 Annual, and \$ 500.00 each for the following reports 2019 Annual, 2018 Gubernatorial Post-General, 2018 Gubernatorial Pre-General2 Report, 2018 Gubernatorial Pre-General1 Report, 2018 Gubernatorial Pre-Primary2, 2018 Gubernatorial Pre-Primary1.	

Referred to OSP Yes NO

All reports (8) were referred to the OSP.

OSP'S DETERMINATION

- Pay Fees
- OSP will not prosecute

AUDIT'S RECOMMENDATIONS:

Administrative Closure

- Statue of limitation exist
- Extenuating circumstances exist
- Committee officers cannot be located
- CCF Director's Recommendation
- Others OSP cannot locate officers

Remain Active/Inactive

- Officers are other committees' officers

Remarks: Per OSP

CHARLTON T. HOWARD, III
State Prosecutor

SARAH R. DAVID
Deputy State Prosecutor

CHARLES M. BLOMQUIST
Deputy State Prosecutor

LINDSAY E. BIRD
Senior Assistant State Prosecutor

STATE OF MARYLAND



OFFICE OF
THE STATE PROSECUTOR

Hampton Plaza
Suite 410
300 East Joppa Road
Towson, MD 21286-3152
Telephone (410) 321-4067
1 (800) 695-4058
Fax (410) 321-3851

May 24, 2021

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 Jeffrey Thames, 21-0005-P*

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. As a result of our investigation, we issued civil citations for the following violations: (1) 2020 Annual, (2) 2019 Annual, (3) 2018 Gubernatorial Post-General, (4) 2018 Gubernatorial Pre-General 2, (5) 2018 Gubernatorial Pre-General 1, (6) 2018 Gubernatorial Pre-Primary 2, (7) 2018 Gubernatorial Pre-Primary 1.

Despite numerous attempts and the expenditure of considerable time and resources, we have been unable to properly serve the citations on either the Chairperson, Jeffrey Thames or the Treasurer, Lakita Marshall. Our investigation has revealed that it is likely that Mr. Thames has moved out of state. At this point we are discontinuing attempts to serve the citations and are closing these matters.

Please feel free to contact me with any questions.

Sincerely,

Lindsay Bird

Lindsay Bird
Assistant State Prosecutor



Maryland Campaign Reporting Information System



MENU REMINDERS LOGOUT

(Meku Tafesewerq) ?

Print Screen

View / Edit Candidate Committee Registration

Expand

Committee Information

Authority Name* (Must include candidate's last name) CCF ID: 01009769

ELECTTrack C#: _____ Status: Active Established Date: 01/23/2014 End Date: _____

Election Participation

Election Type* Election Year* Participation Frequency*

Office Sought Information (Optional)

Office Type Office Sought Jurisdiction

Party Affiliation

Save Election Cancel

Election Type	Office Type	Office Sought	Jurisdiction	Party Affiliation	Election Year	Participation Frequency	Start Date	End Date	Action
Gubernatorial	County Office	County Council	Montgomery	Democratic	2014	Recurring	02/06/2014		
Gubernatorial					2014	Recurring	01/23/2014		

Committee Name Amended Information

Committee Name	Updated By	Updated Date
		02/04/2014

Displaying page 1 of 1, records 1 to 1 of 1

Candidate Information

Name	Date of Birth	Email	Mailing Address	Public Phone	Edit
JEFFREY ODELL THAMES	09/01/1978	jothames@gmail.com	11235 Oak Leaf Drive, Apt. 1510, Silver Spring, MD, 20901	301-385-6343	

Chairperson Information Same as Candidate

Name	Date of Birth	Email	Mailing Address	Public Phone	Start Date	End Date	Actions
JEFFREY ODELL THAMES	09/01/1978	jothames@gmail.com	11235 Oak Leaf Drive, Apt. 1510, Silver Spring, MD, 20901	301-385-6343	01/23/2014		

Displaying page 1 of 1, records 1 to 1 of 1

Treasurer Information

Name	Date of Birth	Email	Mailing Address	Public Phone	Start Date	End Date	Actions
LAKITA BAINES MARSHALL	12/01/1977	lakita_marshall@yahoo.com	1709 Mount Pisgah Lane, #23, Silver Spring, MD, 20903	000-000-0000	01/23/2014		

Displaying page 1 of 1, records 1 to 1 of 1

Additional Contacts (Optional)

Add New Contact

Role	Name	Mailing Address	Public Phone	Contact Phone	Email	Start Date	End Date	Receive Notices	For Public	Actions
------	------	-----------------	--------------	---------------	-------	------------	----------	-----------------	------------	---------



Role	Name	Mailing Address	Public Phone	Contact Phone	Email	Start Date	End Date	Receive Notices	For Public	Actions
No records to view.										

Slate Information

Slate Name	Slate Chairperson	Submitted Date	Candidate Verified	End Date	Delete
No records to view.					

Depository Information































Add New Depository

Name of Financial Institution	Address	Account Type	Account Number	Start Date	End Date	Actions
PNC Bank	8661 Colesville Rd Ste B157, Silver Spring, MD, 20910	Checking	5329352186	05/21/2014		 

Displaying page 1 of 1, records 1 to 1 of 1

Documents / Correspondence

Add Correspondence Add Document

Document Date	Document Type	Document Description	Added By	Actions
07/29/2021	Letter Received-OSP	OSP letter stating unable to locate	Hanzook Lisa	 
05/25/2021	ReferralInfo_01009769(2021 Annual)	ReferralInfo_01009769(2021 Annual)	Smith Victorica	 
02/02/2021	Fee Running Notice - (2021 ANNUAL)	Fee Running Notice - (2021 ANNUAL)	Smith Victorica	 
01/22/2021	Email Notification	Fee Running email	Smith Victorica	 
12/29/2020	Email Notification	Pre Report Notice(2021 ANNUAL)	Parran Ebony	 
12/29/2020	Email Notification	2022 Reporting Schedule (1)	Parran Ebony	 
08/28/2020	ReferralInfo_01009769(2020 Annual)	ReferralInfo_01009769(2020 Annual)	Smith Victorica	 
04/21/2020	Show Cause Letter_2(2020 ANNUAL)	Show Cause Letter_2(2020 ANNUAL)	Molina Vicki	 
02/24/2020	Civil Citation		Perkins Jessica	 
02/10/2020	Statement of Organization		Perkins Jessica	 
01/22/2020	Fee Report Notice(2020 ANNUAL)	Fee Report Notice(2020 ANNUAL)	Molina Vicki	 
12/30/2019	Email Notification	Pre Report Notice for the 1/15/20 Annual Report - Transactions through 1/08/2020	Molina Vicki	 
12/30/2019	Important Information	Pre Report Notice(2020 ANNUAL)	Molina Vicki	 
12/30/2019	Important Information	2020 Reporting Schedule	Molina Vicki	 
12/30/2019	Important Information	Official MDCRIS User Manual 2019	Molina Vicki	 

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Filing Information

Election Cycle	Filing Period Name	Filing Method	Report Due Date	Original Filed Date	Amendment Filed Date	UploadedBy
2015-2018	2018 Annual	Affidavit (ALCE)	01/17/2018	01/17/2018		JEFFREY THAMES
2015-2018	2017 Annual	Original Campaign Statement	01/18/2017	01/27/2017		LAKITA MARSHALL
2015-2018	2016 Annual	Original Campaign Statement	01/20/2016	07/20/2015		LAKITA MARSHALL
2015-2018	2015 Annual	Original Campaign Statement	01/21/2015	07/20/2015		LAKITA MARSHALL
2011-2014	2014 Gubernatorial Post-General	Original Campaign Statement	11/18/2014	07/20/2015		LAKITA MARSHALL
2011-2014	2014 Gubernatorial Pre-General2 Report	Original Campaign Statement	10/24/2014	11/04/2014		LAKITA MARSHALL
2011-2014	2014 Gubernatorial Pre-General1 Report	Original Campaign Statement	08/26/2014	08/26/2014		LAKITA MARSHALL

Candidate Committee Registration

Election Cycle	Filing Period Name	Filing Method	Report Due Date	Original Filed Date	Amendment Filed Date	UploadedBy
2011-2014	2014 Gubernatorial Pre-Primary2	Original Campaign Statement	06/13/2014	06/23/2014		LAKITA MARSHALL
2011-2014	2014 Gubernatorial Pre-Primary1	Original Campaign Statement	05/27/2014	05/27/2014		LAKITA MARSHALL
2011-2014	2014 Gubernatorial Spring Report	Original Campaign Statement	04/15/2014	05/21/2014		LAKITA MARSHALL

Displaying page 1 of 1, records 1 to 10 of 10

SBE Audit Filing Information

Election Cycle	Filing Period Name	Filing Method	Audit Report Due Date	Amended Filed Reports	Audit Status	UploadedBy
No records to view.						

Citation Violation Information

Violation Status	Violation Date	Violation Amount	Waived Amount	Outstanding Balance	Violation
No records to view.					

Citation Outstanding Balance: \$0.00

Violations

Filing Period Name	Report Due Date	Filed Date	Violation Status	Violation Date	Violation Amount	Waived Amount	Outstanding Balance	Violation
2021 Annual	01/20/2021		Referred to OSP	01/21/2021	\$1,000.00	\$0.00	\$1,000.00	Failure to file
2020 Annual	01/15/2020		Referred to OSP	01/16/2020	\$1,000.00	\$0.00	\$1,000.00	Failure to file
2019 Annual	01/16/2019		Referred to OSP	01/17/2019	\$500.00	\$0.00	\$500.00	Failure to file
2018 Gubernatorial Post-General	11/20/2018		Referred to OSP	11/21/2018	\$500.00	\$0.00	\$500.00	Failure to file
2018 Gubernatorial Pre-General2 Report	10/26/2018		Referred to OSP	10/27/2018	\$500.00	\$0.00	\$500.00	Failure to file
2018 Gubernatorial Pre-General1 Report	08/28/2018		Referred to OSP	08/29/2018	\$500.00	\$0.00	\$500.00	Failure to file
2018 Gubernatorial Pre-Primary2	06/15/2018		Referred to OSP	06/16/2018	\$500.00	\$0.00	\$500.00	Failure to file
2018 Gubernatorial Pre-Primary1	05/22/2018		Referred to OSP	05/23/2018	\$500.00	\$0.00	\$500.00	Failure to file
2017 Annual	01/18/2017	01/27/2017	Closed/Referred to OSP	01/19/2017	\$90.00	\$90.00	\$0.00	Failure to file
2015 Annual	01/21/2015	07/20/2015	Closed/Referred to OSP	01/22/2015	\$500.00	\$0.00	\$0.00	Failure to file
2014 Gubernatorial Post-General	11/18/2014	07/20/2015	Closed/Referred to OSP	11/19/2014	\$250.00	\$0.00	\$0.00	Failure to file
2014 Gubernatorial Pre-General2 Report	10/24/2014	11/04/2014	Closed/Referred to OSP	10/27/2014	\$120.00	\$60.00	\$0.00	Failure to file
2014 Gubernatorial Pre-Primary2	06/13/2014	06/23/2014	Closed/Referred to OSP	06/16/2014	\$120.00	\$60.00	\$0.00	Failure to file
2014 Gubernatorial Spring Report	04/15/2014	05/21/2014	Closed/Referred to OSP	04/16/2014	\$250.00	\$125.00	\$0.00	Failure to file

Displaying page 1 of 1, records 1 to 14 of 14

Violation Outstanding Balance: \$5,000.00

Total Committee Citations/Violations Outstanding Balance: \$5,000.00

Complaints

Complaint Received Date	Review Started Date	Civil Penalty Assessed	Status
No records to view.			
			Civil Penalty Total: \$0.00

[Submit](#) [MaintainFlags](#) [Enter Comments / Problem Tracking](#) [Cancel](#)

State of Maryland

Confidentiality Request Form

Purpose: To request that a voter's contact information (residential address, email address and phone number) be designated confidential and protected from public disclosure. Please note that this designation will limit your access to specific information available to other voters. For example, a voter whose information is confidential will not be able confirm their voter registration or ballot status on the State's website and will not receive a pre-election mailing of the mail-in ballot application or sample ballot.

Directions: Complete and sign the form, attach supporting documents and return them to the election office in the county where you reside or to the State or county board of elections where you filed Candidacy or a Statement of Organization.

I, (print full name) _____ born (insert month/day of birth) _____, request that my contact information as contained in my Voter Registration Record, Candidacy Record, and any Campaign Records be designated as confidential and protected from disclosure under State Government Article, Title 10, Subtitle 6, Part III, *Annotated Code of Maryland*. I request confidentiality for the reason indicated below.

Please check the applicable category and attach relevant information to this confidentiality request.

<input type="checkbox"/> Law Enforcement Personnel	Subject to proof of employment (for example, a letter from your employer), you may be entitled to confidentiality if you are a current or former: <ul style="list-style-type: none"> • Police officer; • Correctional employee with frequent inmate contact; or • Prosecutor or an investigator employed by a prosecutor.
<input type="checkbox"/> Person Being Threatened	Subject to proof of a threat to your personal safety (for example, a restraining order, a police report, a statement from a social service agency, or other documents satisfactory to the election board), you may be entitled to confidentiality if you are: <ul style="list-style-type: none"> • An abused spouse or other domestic partner; • A "stalked" individual; • An individual whose safety has been threatened by an unidentified person; or • An individual for whom disclosure of your residential address or telephone number poses a threat to the individual's safety or is likely to lead to an unwarranted and serious invasion of privacy.
<input type="checkbox"/> Member of State or Federal Judiciary	Subject to appropriate documentation satisfactory to the election board, you may be entitled to confidentiality if you are a judge or an officer of the court.
<input type="checkbox"/> Victim of or Witness to Felony	Subject to appropriate documentation satisfactory to the election board, you may be entitled to confidentiality if you are a victim of or a witness to a felony or a delinquent act that would be a felony if committed by an adult.
<input type="checkbox"/> Immediate Family Member	Subject to appropriate documentation satisfactory to the election board, you may be entitled to confidentiality if you are the spouse or immediate family member of an individual who is eligible for confidential status.

Relevant information to my request: _____

I acknowledge that, notwithstanding approval of the request for confidentiality, information will be made available to the Jury Commissioner, public officials as required by law, and as otherwise required by subpoena or other court order. Further, I waive any right of action against the State, the county, the State Board of Elections, the local board of elections, or their employees for failing to keep the information confidential. I affirm, under penalty of perjury, that the above information and any supporting documentation are true and correct.

Signature: _____ Date: _____

For Board Use only: VR Division: Voter ID #: _____ Date Processed: _____
 CCF Division: Candidate: Yes No Responsible Officer: Yes No Date Processed: _____

STATE BOARD OF ELECTIONS

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

William G. Voelp, Chairman
Malcolm L. Funn, Vice Chairman
Severn E. S. Miller
Justin Williams
T. Sky Woodward



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

October 14, 2021

Everyone Votes Maryland Coalition
c/o Joanne Antoine
Executive Director
Common Cause Maryland
121 Cathedral St., Ste 2A, 3-4
Annapolis MD 21401

Re: Executive Order 14019 - Promoting Access to Voting

Dear Ms. Antoine and Members of the Everyone Votes Maryland Coalition:

Thank you for your 9/27/2021 letter concerning the President's Executive Order 14019 - Promoting Access to Voting. This Executive Order definitely opens the door for communication with the federal agencies you listed.

We are looking forward to working with federal agencies to expand voter registration in Maryland. While Maryland's election laws allow the State Board of Elections (SBE) to designate federal agencies as Voter Registration Agencies, we do not have the authority to mandate specific actions by federal agencies. As a result, SBE has engaged with the National Association of State Election Directors (NASED) and the National Association of Secretaries of State (NASS), who are coordinating with the White House in an effort to arrive at new best-practices that the federal agencies will agree to and that can be strongly implemented.

Sincerely,

A handwritten signature in cursive script that reads "Linda H. Lamone".

Linda H. Lamone



September 27, 2021

Linda H. Lamone, State Administrator
151 West Street, Suite 200
Annapolis, MD 21401
cc: Members, Maryland State Board of Elections
Governor Larry Hogan
Senate President Bill Ferguson
Speaker Adrienne A. Jones

RE: Federal Agency Voter Registration in Maryland

According to the U.S. Census, as of November 2020 nearly a million Marylanders are eligible to vote but aren't registered. On March 7, 2021, President Biden issued an [Executive Order](#) aimed at expanding access to voting across the United States: "The right to vote is the foundation of American democracy.... But many Americans, especially people of color, confront significant obstacles to exercising that fundamental right." To address this, Section 4(b) of the Executive Order empowers states to designate federal agencies as voter registration agencies, and encourages those agencies to agree to such designation "to the greatest extent practicable."

Although the State Board of Elections has long had the authority to designate federal agencies in Maryland as voter registration agencies ([Md. Election Law Code Ann. § 3-204](#)), the current list is sparse. The Everyone Votes Maryland Coalition urges the State Board of Elections to exercise its authority to designate additional voter registration agencies in our state as soon as possible.

Federal agencies operating in Maryland have an important role to play in reaching eligible voters - specifically those who are registered at [lower rates](#) including Black and Brown, low-income, and young people. Designated agencies would use voter registration procedures similar to those employed by the Motor Vehicle Administration and the Department of Social Services. Ideally, this would also include offering nonpartisan education on the voting process itself, because lack of information is also a barrier.

By increasing the opportunities to register to vote when they interact with public agencies, the President's recent Executive Order should help motivate increased participation among Marylanders. Specifically, we recommend prioritizing the following agencies and programs:

- Social Security Administration (SSA), particularly through its administration of the SSI and SSDI programs
- U.S. Citizenship and Immigration Services (USCIS), part of the U.S. Department of Homeland Security, at naturalization ceremonies
- U.S. Department of Education, particularly through its administration of the Free Application for Federal Student Aid (FAFSA) form
- U.S. Department of Health and Human Services (HHS), particularly through its administration of healthcare.gov, navigator assistance programs, and Head Start

programs; as well as through any programs serving Native Americans in Maryland (such as Tribal TANF, Tribal TANF Child Welfare program, and Native Employment Works)

- **U.S. Department of Housing and Urban Development (HUD)**, particularly through the Public Housing Operating Fund, through service coordinator programs like multifamily housing service coordinators and housing counselors, and through any other applicable housing programs for low-income communities
- U.S. Department of Veterans Affairs (VA), particularly through its medical, homelessness, and vocational rehabilitation and employment services for veterans with disabilities—including the Veteran Readiness and Employment Program, the Transition Assistance Program and Chapter 36 - Personalized Career Planning and Guidance program—and through the GI Bill online application and the disability online application for compensation (form 526ez)
- U.S. Department of Labor (DOL), particularly through JobCorps, Transition Assistance Program, and Reentry Employment Opportunities programs like Pathways Home
- U.S. Department of the Treasury, particularly through its Volunteer Income Tax Assistance (VITA) program, Low-Income Taxpayer Clinics (LITC), and Tax Counseling for the Elderly
- U.S. Department of State, through online applications for passport renewals
- U.S. Department of the Interior (DOI), through the National Park Service and any programs serving Native Americans in Maryland
- U.S. Department of Agriculture (USDA), particularly through its food commodity programs and housing assistance programs like the Section 502 Mortgage Loan program, Section 515 Rental Loan Program, and Rural Rental Housing Assistance
- United States Postal Service, through post offices in our communities

There are likely additional programs within these agencies, and possibly additional agencies, that are good candidates for voter registration. We encourage you to consider this list a starting place rather than an exhaustive list of places to offer voter registration to eligible Marylanders.

Like the State Board of Elections, the Everyone Votes Coalition is committed to advancing civic engagement and fairness by ensuring that every eligible Marylander can easily register to vote. When more citizens are registered, more citizens will vote, and our democracy and our state will be stronger.

Thank you for your consideration.

Joanne Antoine, **Common Cause Maryland**
Nancy Soreng, **League of Women Voters of Maryland**
Kim Coble, **Maryland League of Conservation Voters**
Emily Scarr, **Maryland PIRG**
Caylin Allen Young, **ACLU of Maryland**
Todd Reynolds, **American Federation of Teachers - Maryland**
Larry Ottinger, **Our Maryland**
Rich Norling, **Sierra Club Maryland**
Christine Lemyze, **Indivisible Howard County**
Laura Williamson, **Demos**
Andy Ellis, **Baltimore City Green Party**
Charly Carter, **Democracy Initiative**



September 13, 2021

The Honorable Larry Hogan
Governor, State of Maryland
Statehouse
Annapolis, MD 21401

The Honorable Peter Franchot
Comptroller, State of Maryland
Goldstein Treasury Building,
Room 121
Annapolis, MD 21401

The Honorable Nancy Kopp
Treasurer, State of Maryland
Goldstein Treasury Building,
Room 109
Annapolis, MD 21401

Dear Members of the Board of Public Works:

The Maryland Association of Counties (MACo) respectfully requests that you carefully consider pending requests related to the procurement of new electronic pollbooks and ancillary equipment. While MACo recognizes the urgent need to implement a new pollbook system – an essential element of the statewide voting system, county governments join the Maryland Association of Election Officials in urging the State to honor the same 50/50 funding split as other comparable equipment that has been in place since 2001.

The State Board of Elections (SBE) plans to replace its electronic pollbooks — which verify and check in voters at polling places across the state — in time for the 2022 election cycle. While the State is responsible for 50 percent of the costs for “acquiring and operating the statewide voting system,” SBE does not consider pollbooks as part of the statewide voting system, and therefore plans to invoice county governments for 100 percent of the costs to acquire the necessary equipment and software — more than \$26 million over the next three years.

In 2006, Maryland passed legislation requiring all polling places be equipped with electronic pollbooks to verify the names and addresses of eligible voters. Chapter 61 of 2006 required the Governor to include in future years’ budgets sufficient State general funds to cover 100 percent of the costs to provide each polling place with electronic pollbooks.

According to the Department of Legislative Services:

The Governor’s Fiscal 2021 Budget Books anticipated that the project to be mostly borne by local governments but that the State would contribute approximately 31% (\$9.3 million) toward the project’s total cost. However, the Governor’s Fiscal 2022 Budget Books have reduced the State share of the cost to approximately 11% (\$3.3 million).

SBE did not provide an explanation for why more costs were shifted to local governments but indicated that the State will equally share personnel and project management costs, while local funds will cover the entirety of equipment and software. In addition to the higher share of costs, the revised funding stream

also frontloads more costs. In fiscal 2022, local contributions will be nearly double the amount projected during the 2020 session.

In 2001, on the heels of the well-documented national election and passage of the federal Help America Vote Act, Maryland passed legislation establishing a statewide uniform voting system, to be certified by the State Board of Elections (HB 1457 of 2001). This move, ultimately to touch-screen systems, proved very costly to both state and county taxpayers – with ultimate costs exceeding original estimates by tens of millions of dollars.

The General Assembly later enacted legislation to move toward the paper ballot-based systems being unveiled for 2016. In HB 1457, the State clearly created an even split of funding responsibility for voting machines and related systems – from Section 4 of that bill:

[E]ach county shall pay its share of one-half of the State's cost of acquiring and operating the uniform statewide voting systems for voting in polling places and for absentee voting provided for under this Act, including the cost of maintenance, storage, printing of ballots, technical support and programming, related supplies and materials, and software licensing fees.

In the years since its passage, the one-half funding split has been honored for a wide range of equipment purchases, with state budgets including equal amounts of state general funds and special funds (reimbursable by county invoicing). MACo believes that the equipment request before the State clearly merits the same consideration.

MACo as an organization stands ready to work with the Board of Public Works, the State Board of Elections, and the Administration to bring about a mutually beneficial solution that reaches the needed level of service and respects county budgets and processes. Maryland Counties urge your support in continuing the longstanding split of funding responsibility for elections, and your support for the pending request including appropriate state general funds.

Respectfully,



Kevin Kinnally
Legislative Director, MACo

CC: The Honorable Wilbur Levensgood, President, MACo; Commissioner, Caroline County

CC: David Garreis, President, Maryland Association of Election Officials; Deputy Director, Anne Arundel County Board of Elections

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

William G. Voelp, Chairman
Malcolm L. Funn, Vice Chairman
Severn Miller
Justin Williams
T. Sky Woodward



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

To: Members of the State Board of Elections
From: Nikki Charlson
Date: September 17, 2021
Re: Final Adoption of Regulations for October 28 Meeting

At the October 28 meeting, I will present for final adoption changes approved for publication at the May 27 and June 22 meetings. The proposed changes were published in the August 13, 2021, edition of the *Maryland Register* (Vol. 48, Issue 17). The public comment period closed on September 13, 2021. No comments were received.

The proposed changes being considered for final adoption are:

1. 33.05.01.02 (Voter Registration) and 33.11.01.01 (Absentee Ballots): Adding definitions for “Common Access Card” and “Federal Post Card Application” and renumbering of subsequently defined terms. This proposed change was approved at the May 27 meeting.
2. 33.11.02.03 (Absentee Ballot – Informal, Written Request): Incorporating requirements from Chapter 524 of the 2018 Laws of Maryland (House Bill 1331) into the “informal” process to request a mail-in ballot and renumbering to corrects an incorrect outline structure. This proposed change was approved at the June 22 meeting.
3. 33.11.02.05 (Absentee Ballots – Processing Applications): Incorporating requirements from Chapter 656 and 657 of the 2021 Laws of Maryland (Senate Bill 283 and House Bill 156) authorizing certain voters to sign a federal form using the Common Access Card and correcting a drafting error. This proposed change was approved at the May 27 meeting.
4. 33.11.03.06C (Absentee Ballots – Return of Ballot): Codifying the 2020 requirement to notify voters who returned a voted ballot without signing the return envelope. This proposed change was approved at the June 22 meeting.
5. 33.11.05.07 (Absentee Ballots – Rejecting Federal Write-in Ballots): Incorporating requirements Chapter 463 of the 2015 Laws of Maryland (House Bill 884) to repeal the requirement to reject an absentee ballot if the voter died before election day. This proposed change was approved at the June 22 meeting.
6. 33.17.04.03 and .06 (Early Voting – Equipment and Materials): Aligning regulations with State Board policy requiring the local boards to deploy ballots and other contingency supplies in case a court ordered extended voting hours during early voting and aligning this regulation with 33.11.03.06E, which authorizes the collection of voted absentee

ballots at early voting centers and polling places. This proposed change was approved at the June 22 meeting.

For more information on these proposed changes, please refer to my memos dated May 13, 2021, and June 9, 2021, and the accompanying text of the proposed changes. Please let me know if you would like me to resend these memos or text of the proposed changes.

At the meeting, I will recommend final approval of these regulations. If you have any questions about these regulations before the meeting, please do not hesitate to contact me. I will also be at next meeting to answer any questions.

Nahid Khozeimeh
President
Diane Nash Dillon
Vice President
David A. Naimon
Secretary
Alexander C. Vincent
Member
Elisse W. Bames
Member
Amoretta M. Hoerber
Substitute Member
Alan Banov
Substitute Member



**Montgomery County
Board of Elections**
Post Office Box 4333
Rockville, Maryland 20849-4333

Margaret A. Jurgensen
Election Director
Alysoun McLaughlin
Deputy Election Director
Janet A. Ross
*Information Technology
Manager*
Boris Brajkovic
Voter Services Manager
Christine Rzeszut
Operations Manager
Kevin Karpinski
Counsel

September 24, 2021

via email donna.duncan@maryland.gov only

Chairman William G. Voelp
Vice Chairman Malcolm L. Funn
Boardmember Severn Miller
Boardmember Justin Williams
Boardmember T. Sky Woodward

via email linda.lamone@maryland.gov only

Linda H. Lamone
Administrator

via email nikki.charlson@maryland.gov only

Nikki Charlson
Deputy State Administrator
State Board of Elections
151 West Street, Suite 200
Annapolis, Maryland 21401

RE: Use of Ballot Marking Devices at early voting locations

Dear President Voelp, Vice President Funn, Boardmembers Miller, William and Woodward, Ms. Lamone & Ms. Charlson:

The Montgomery County Board of Elections (hereinafter "MCBOE") is currently reviewing early voting locations. As part of that process, MCBOE is writing to ascertain whether the State Board of Elections will allow MCBOE to use only ballot marking devices (hereinafter "BMDs") at one or more of our early voting sites.

Some of the locations under review have limited space. With precinct-

18753 North Frederick Avenue, Suite 210 • Gaithersburg, Maryland 20879
240-777-8500 • MD Relay 1-800-735-2258 • FAX 240-777-8505
elections@montgomerycountymd.gov • www.777vote.org

montgomerycountymd.gov/311



Maryland Relay 711

Maryland State Board of Elections
September 24, 2021
Page 2

based voting results, it is expected that Montgomery County may have as many as seven hundred (700) ballot styles. The sheer volume of ballot styles will require more space than in previous elections. Therefore, using only BMDs at some of the locations will allow MCBOE to set up the early voting room to permit more voters to vote at one time.

Thank you for your time and consideration.

Sincerely yours,

 bmv

Nahid Khozeimeh
President, on behalf of the members of the
Montgomery County Board of Elections

NK:bjap

STATE BOARD OF ELECTIONS

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

William G. Voelp, Chairman
Malcolm L. Funn, Vice Chairman
Severn Miller
Justin Williams
T. Sky Woodward



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

To: Members of the State Board of Elections
From: Tracey Hartman & Nikki Charlson
Date: October 14, 2021
Re: Proposed Regulations for October 28 Meeting

At the October 28 meeting, we will present proposed changes to existing regulations and propose two new regulations. This memo summarizes the requirements of the proposed changes, and the text of the proposed changes accompanies this memo.

The proposed changes are:

1. 33.01.01.01B(22)(b) (General Provisions – Definitions): The proposed change corrects an error which should reference Subsection (22) but incorrectly references Subsection (19). In September 2011, the Board approved amendments that added defined terms, which added subsections to Section (B) of this regulation. At that time, only the subsections were renumbered, and the reference in 33.01.01.01B(22)(b) was inadvertently not updated.
2. 33.01.01.01B(26)(a)(ix) (General Provisions – Definitions): This proposed change updates the acceptable documents to prove proof of residency, specifically for students at independent Maryland institutions of higher education who reside on that institution’s campus. Students who attend a public college or university (as defined by Education Article, § 10-101(m), Annotated Code of Maryland) are currently able to show documentation from their school which counts as “another current government document” (an allowed form of proof of residency under COMAR 33.01.01.01B(26)(a)(viii)), while students from an independent college or university are not currently permitted to show such documentation.
3. 33.08.04.04 (Canvassing – Central Count Procedures): This new regulation allows a local board to instruct a canvassing team to darken an oval that is too light to be read by a scanner and defines the process for darkening the lightly filled in oval. This formalizes an established process and would only occur during a public canvass.
4. 33.17.02.02 (Early Voting – Early Voting Centers)
 - a. §A – Considerations for Early Voting Centers incorporates the content of [HB 745](#) of the 2021 Legislative Session (Chapter 43), which lists factors for the local boards to consider when determining where to locate early voting centers. The first five

October 14, 2021

considerations are from HB 745, and the other two considerations – (6) and (7) – are currently in COMAR 33.17.02.02B.

The language in §A(2)(a) – (b) is currently Regulation .02B(4) with two substantive changes. These subsections were written when no county had two early voting centers and the most centers in a county was five. Since there are now counties with two early voting centers and counties with more than five centers, we need to define the population requirement for counties with two early voting centers and those with more than five. With these proposed changes, a county with: (1) two early voting centers will need to have 50% of the registered voters in the county living within 10 miles of one proposed early voting center; and (2) more than five early voting centers will need to have 80 percent of the registered voters live within 5 miles of one of the early voting centers.

- b. The text in new §B – Requirements for Early Voting Centers is currently §B(1) – (3), (5), (8), and (10) (Contents of the Form, which will be a new §D). By creating this new section, they become requirements for the early voting center locations, rather than requirements for the form.
- c. By creating a new §A and §B, we can remove the same language from the “Contents of the Form” section (currently §B and new §D). The opening sentence in the new §D is amended to reflect that the form will include questions about how the proposed early voting center meets the considerations and requirements defined in this regulation.

The other changes renumber the remainder of the regulation.

5. [33.11.01.04](#) (Absentee Ballots – Ballot Drop Boxes): This new text incorporates the requirements of [SB 683](#) (Chapter 56) and [HB 1048](#) (Chapter 514) of the 2021 Legislative Session. These bills list factors for the local boards to consider when determining where to locate ballot drop boxes and security requirements, and the requirements are included in §A and §B. The new text in §C defines the process for approving proposed locations for ballot drop boxes. It mirrors the process established for early voting centers and includes the requirements of SB 683 and HB 1048.

If you have any questions before the meeting, please do not hesitate to ask. Otherwise, we are happy to answer your questions at the meeting.

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); State Government Article, §15-715(g);
Annotated Code of Maryland; 52 U.S.C. 21083(a)(5)(A)—(B)

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) – (22) (text unchanged)

(22) Personal Identification Information.

(a) (text unchanged)

(b) For the purposes of §B[(19)](22)(a)(ii) of this regulation, "current" means within the last 3 months.

(23) – (25) (text unchanged)

(26) Proof of Residency.

(a) "Proof of residency" means one of the following documents:

(i) – (vi) (text unchanged)

(vii) A current paycheck; [or]

(viii) Another current government document[.]; or

(ix) *A current document from an independent institution of higher education, as defined by Education Article, § 10-101(g), Annotated Code of Maryland, for an individual who resides on the campus of the institution.*

(b) – (c) (text unchanged)

(d) For the purposes of §B(26)(a)(iv)—[(viii)] (ix), "current" means within the last 3 months.

(27) – (38) (text unchanged)

Title 33 State Board of Elections
Subtitle 08 Canvassing
Chapter 04 Central Count Procedures

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

.04 Ballot Inspection.

A. *A local board may authorize a ballot inspection team to darken an oval that is too light to be read by the scanner.*

B. *If a local board authorizes a team to darken an oval:*

(1) The ballot inspection team shall notify the election director or designee of the oval that the team has identified an oval that is too light to be read by the scanner; and

(2) If the election director or designee and ballot inspection team can determine that the voter's unambiguous intent was to fill in the oval that is too light to be read by the scanner, the ballot inspection team shall darken that oval.

Title 33 State Board of Elections
Subtitle 17 Early Voting
Chapter 02 Early Voting Centers

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), and 10-301.1, Annotated Code of Maryland

.02 Selecting Early Voting Centers.

- A. *Considerations for Early Voting Centers. A local board shall consider the following factors when determining the location of an early voting center:*
- (1) *Accessibility of the early voting center to historically disenfranchised communities, including cultural groups, ethnic groups, and minority groups;*
 - (2) *Proximity of the early voting center to dense concentrations of voters such that:*
 - (a) *If a county has one or two early voting centers, 50 percent of the registered voters in the county live within 10 miles of one of the proposed early voting center; or*
 - (b) *If a county has three or more early voting centers, 80 percent of the registered voters live within 5 miles of one of the early voting centers;*
 - (3) *Accessibility of the early voting center by public transportation;*
 - (4) *Ensuring equitable distribution of early voting centers throughout the county;*
 - (5) *Maximizing voter participation, including through the use of community centers and public gathering places as locations for early voting centers;*
 - (6) *Accommodate long lines of voters, including how voters waiting in line are protected against inclement weather; and*
 - (7) *Has parking facilities sufficient for early voting taking into consideration the normal business activities of the proposed early voting center*
- B. *Requirements for Early Voting Centers. A local board shall propose early voting center locations that:*
- (1) *Allow a local board to install the required telecommunication needs;*
 - (2) *Are of sufficient size and layout to conduct early voting, including adequate access to electricity;*
 - (3) *Are accessible or can be made accessible for voters with disabilities;*
 - (4) *Can store voting equipment and supplies in a secure location during non-early voting hours;*
 - (5) *Have sufficient and reliable heating and air-conditioning capabilities; and*
 - (6) *Can accommodate a no electioneering zone as required by Election Law Article, §16-206, Annotated Code of Maryland, exit polling as required by COMAR 33.07.08, and electioneering outside of the no electioneering zone.*

[A.] C. (text unchanged)

[B.] D. Contents of Form. The form shall include *questions related to whether the proposed early voting center meets the considerations and requirements defined in §§A and B of this Regulation*[:

- (1) Will allow a local board to install the required telecommunication needs;
- (2) Is of sufficient size and layout to conduct early voting, including adequate access to electricity;
- (3) Is accessible or can be made accessible for voters with disabilities;
- (4) Is located in the county such that:

(a) In the case of a county that is assigned one early voting center, 50 percent of the registered voters in the county live within 10 miles of the proposed early voting center; or

(b) In the case of a county that is assigned three or five early voting centers, along with the other early voting centers in the county, 80 percent of the registered voters live within 5 miles of one of the early voting centers;

(5) Has the ability to store voting equipment and supplies in a secure location during non-early voting hours;

(6) Can accommodate long lines of voters, including how voters waiting in line are protected against inclement weather;

(7) Is served by public transportation and roads;

(8) Has sufficient and reliable heating and air-conditioning capabilities;

(9) Has parking facilities sufficient for early voting taking into consideration the normal business activities of the proposed early voting center; and

(10) Can accommodate a no electioneering zone as required by Election Law Article, §16-206, Annotated Code of Maryland, exit polling as required by COMAR 33.07.08, and electioneering outside of the no electioneering zone].

[C.] E. - [G] I. (text unchanged)

Title 33 STATE BOARD OF ELECTIONS
Subtitle 11 ABSENTEE BALLOTS
Chapter 01 Definitions; General Provisions

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 2-304, 2-305, 9-303, 9-305, 9-306, 11-301, 11-302, and 11-304, Annotated Code of Maryland

.04 Ballot Drop Boxes.

A. *Considerations for Ballot Drop Box Locations. A local board shall consider the following factors when determining the location of a ballot drop box:*

- (1) Accessibility of the ballot drop box to historically disenfranchised communities, including voters with disabilities, cultural groups, ethnic groups, and minority groups;*
- (2) Proximity of the ballot drop box to dense concentrations of voters;*
- (3) Accessibility of the ballot drop box by public transportation;*
- (4) Ensuring equitable distribution of ballot drop box throughout the county; and*
- (5) Maximizing voter participation, including through the use of community centers and public gathering places.*

B. *Requirements for Ballot Drop Boxes Locations.*

- (1) Each ballot drop box location shall have security cameras to monitor the box at all times.*
- (2) The images from each security camera shall be made available to the local board immediately or within a reasonable amount of time of a request from the State Administrator or local board.*

C. Approval Process for Ballot Drop Box Locations.

(1) The State Administrator shall:

(a) Prescribe a form for a local board to use to provide information about a proposed ballot drop box; and

(b) Provide each local board with the form at least 7 months before a primary election.

(2) The form shall:

(a) Include questions related to whether the proposed ballot drop box meets the considerations and requirements defined in §§A and B of this Regulation; and

(b) If a proposed ballot drop box does not satisfy all of the considerations defined in §A of this Regulation, allow the local board to list other locations that were considered and why they were not proposed and describe the factors that mitigate the fact that the proposed ballot drop box location does not meet the considerations defined in §A of this Regulation.

(3) At least 6 months before a primary election, the local board shall submit to the State Administrator:

(a) A form for each proposed ballot drop box; and

(b) Forms for all proposed ballot drop boxes at the same time.

(4) The State Administrator shall approve a proposed location that meets the considerations defined in §A of this Regulation.

(5) If the State Administrator determines that a proposed ballot drop box location does not meet the considerations defined in §A of this Regulation:

(a) Within 2 days of making the determination, the State Administrator shall provide the local board with a detailed explanation of why the proposed location does not meet the factors;

(b) The State Administrator shall require that the local board reconsider the proposed location for one or more ballot drop boxes and propose one or more other locations that meet the considerations defined in §A of this Regulation; and

(c) Within 7 days of receiving the State Administrator's detailed explanation, the local board shall:

(i) Propose one or more locations that meet the considerations defined in §A of this Regulation; or

(ii) Explain why a location that meets the considerations defined in §A of this Regulation cannot be proposed and propose the location of an additional ballot drop box.

(6) The State Administrator may add additional ballot drop box locations if the State Administrator determines that the proposed ballot box location does not meet the considerations defined in §A of this Regulation.

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

William G. Voelp, Chairman
Malcolm L. Funn, Vice Chairman
Severn E. S. Miller
Justin Williams
T. Sky Woodward



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

TO: State Board Members
FROM: Jared DeMarinis, Director
Division of Candidacy and Campaign Finance
DATE: October 28, 2021
SUBJECT: Waiver of late filing fees – Persons Doing Public Business, Title 14 of the Election Law Article

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

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

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

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

§ 14-107(c) Late Filing Fees

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

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

Late fees collected year to date for Title 14 Late Fee Waivers are \$25,132.00

Title 14 Waiver request

Granted

1. Vistra Energy Corp

Denied

1. M&E Sales

Business Contribution Disclosure System

Waiver Request Information Page-Late Fees

General

Account Name	Vistra Energy Corp.
BID ID:	14001139
Date Established	5/29/20
Date Waiver Requested	7/12/21
Account Type	Title 14-Person Doing Public Business

Officers

Current Filer	Rebekah Kay	Start Date: 5/29/21
Principal Officer	Same	Start Date:

Waiver Request Dates

Late Report	Date Received	Fees	Total Fees
11/30/20	N/A	\$1000	\$1000
		\$	\$
			Total: \$1000.00

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

Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
6/01/21	\$385	Paid	N/A

Reason for Waiver

This is a duplicate account.

Agency Comments

Grant

A R I S T O T L E

NOW YOU KNOW™

205 Pennsylvania Avenue, S.E.
Washington, D.C. 20003

July 12, 2021

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

To Whom It May Concern:

On behalf of Vistra Corp, I respectfully request the Maryland State Board of Elections to waive the June 30, 2021, fine of \$385 assessed due to late filing of the Spring 2021 Report for Vistra Energy Corp (BID #14001139).

Vistra initially registered with the State of Maryland in advance of the Spring 2020 report. Inadvertently two separate accounts were registered: Vistra Energy Corp (BID #14001139), and Vistra Corp (BID #14001135, now registered as Vistra Corporate Services Company). These two accounts were for the same filing activity, which was triggered by the employment of a lobbyist.

Since the creation of these accounts, we have filed timely reports on #14001135. Specifically, for the Spring 2020, Fall 2020, and Spring 2021 reports.

On June 7, 2021, we received notification that the Vistra Energy Corp (BID #14001139), was overdue for filing for the Spring 2021 report. Upon receiving this information, we immediately contacted the Maryland State Board of Elections via phone to inquire how to best terminate the duplicative registration, and to inquire if the fees would still apply since we did file the required activity on the main registration BID #14001135. We were directed to contact Jared DeMarinis, Director of the Division of Candidacy and Campaign Finance, with the Maryland State Board of Elections.

Upon receiving instruction, we immediately filed a No Activity termination report for the duplicative account (BID #14001139).

We request a waiver of the penalty for the late filing of the Spring 2021 report for the Vistra Energy Corp. (BID #14001139) for the following reasons:

- The failure to file was due to a duplicative registration rather than a lateness to report with the Maryland State Board of Elections the required activity.
- The required reportable activity was filed under the Vistra Corporate Services Company in a timely fashion and has been available to the public for inspection

- Upon being alerted of the late fee for the duplicative account we immediately contacted the Maryland State Board of Elections on the matter and terminated the account once we received direction to do so.

Respectfully,

A handwritten signature in black ink, appearing to read "David M. Mason". The signature is written in a cursive style with a large initial "D".

David Mason,
Senior Vice President, Compliance Services
Aristotle International

On Behalf of
Rebekay Kay
Vistra Corp.

Business Contribution Disclosure System

Waiver Request Information Page-Late Fees

General

Account Name	M&E Sales, Inc.
BID ID:	14001127
Date Established	05/01/2020
Date Waiver Requested	08/31/21
Account Type	Title 14-Person Doing Public Business

Officers

Current Filer	James Mabe	Start Date: 05/01/20
Principal Officer	James Mabe	Start Date: 05/01/20

Waiver Request Dates

Late Report	Date Received	Fees	Total Fees
06/01/21	08/03/21	\$1000	\$1000
		\$	\$
			Total: \$1000.00

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

Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
11/30/20	\$1000	paid	N/A

Reason for Waiver

M&E Sales, Inc. has not made a political contribution since we have been in business. M&E Sales, Inc. was sold on May 17, 2021, is no longer in business

Agency Comments

Denied, business has been referred to OSP.

WAVIER REQUEST

August 31, 2021

State Board of Elections
P.O. Box 6486
Annapolis, Marland

Attn: Jared DeMarinis
Division of Candidacy and Campaign Finance

Re: M&E Sales, Inc.
Contribution Disclosure Reports

M&E Sales, Inc. is request a waiver for the Delinquent Reports and Fee Dated, 06/01/2021, M&E Sales, Inc. has not made an political contribution in the since we have been in business.

M&E Sales, Inc. was sold on May 17, 2021 is no longer in business

We hope this proposal meets with your approval, however, if you have any question I may be contacted at (443) 829-5848.

Respectfully Submitted

James C. Mabe

James C. Mabe President